

Otago Regional Council

Section 42A Updated Staff Recommending Report

Application RM23.819
Hawkeswood Mining Limited

The recommendation in the staff report represents the opinion of the writers and it is not binding on the Hearing Commissioners. The report is evidence and will be considered along with any other evidence that the Hearing Commissioners will hear.

Danielle Ter Huurne
Senior Consents Planner

17/07/2024

Executive Summary

Hawkeswood Mining Limited has applied for resource consent for various consents associated with alluvial gold mining activities as follows:

- A water permit to take and use groundwater;
- Land use consent to construct a bore (mine pit pond);
- Discharge permit to discharge water containing sediment to water and to land in a manner that may enter water;
- Discharge permit to discharge contaminants to air; and
- Retrospective consents for a groundwater take for constructing a bore (mine pit pond), trial pit dewatering, and associated discharges to land.

A consent duration of ten years is sought, to reflect the expected life of the mine and provide for contingencies. The Applicant seeks a six-year consent term for the proposed water take, and proposes to renew the consent before its expiry.

The overall activity of the application is **discretionary**.

The application was publicly notified at the Applicant's request on January 20th in the Otago Daily Times, and the Central Otago News. In total, ten submissions have been received (four in support, one neutral, and five in opposition). One submission in support was withdrawn on 26 February 2024, and one submission in opposition was withdrawn on 10 May 2024.

This report has been prepared to address supplementary information provided at, and following, the hearing and details any changes in conclusions reached.

I have assessed the actual and potential effects of the applications, considered submissions, evidence and supplementary information, and considered matters in section 104 of the Resource Management Act 1991 ("RMA"). This assessment is summarised below.

In summary, I am satisfied that adverse effects of the proposal can be appropriately managed and mitigated, so to be acceptable.

The proposal is considered to be generally consistent with the relevant statutory documents, including the National Policy Statement for Freshwater Management, the operative Regional Policy Statement, proposed Regional Policy Statement (non-freshwater and freshwater instrument components), the Regional Plan: Water for Otago and Regional Plan: Air for Otago.

The proposal is not considered to be inconsistent with the objectives and policies of The Kai Tahu ki Otago Natural Resource Management Plan 2005 and Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999.

In respect of Part 2 of the Act, the proposal is considered to achieve the sustainable management purpose of Section 5, will not adversely affect any matters of national importance or “other matters,” and is not inconsistent with Section 8.

Overall, I consider that adverse effects of the proposal can be appropriately managed and mitigated, and that the proposal is generally consistent with the relevant statutory documents, and accordingly recommend that consents can be granted.

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Abbreviations

AEE	Assessment of environmental effects
ORC	Otago Regional Council
CODC	Central Otago District Council
NES-FW	National Environmental Standards for Freshwater
NPS-FM	National Policy Statement for Freshwater Management
P-RPS	Proposed Regional Policy Statement 2021
RPS	Operative Regional Policy Statement 2019
RMA	Resource Management Act 1991
RPW	Regional Plan: Water for Otago
TRONT	Te Rūnanga o Ngai Tahu

**OTAGO REGIONAL COUNCIL
SECTION 42A REPORT**

ID Ref: 1249070055-42374
Application No: RM23.819
Prepared For: Hearings Panel
Prepared By: Danielle Ter Huurne, Senior Consents Planner
Date: 17 July 2024
Subject: Section 42A Recommending Report – Application RM23.819 by Hawkeswood Mining Limited to construct a bore (mine pit), take and use groundwater from an unnamed aquifer, to discharge water to water and to land, and to discharge to air, for the purpose of operating an alluvial gold mine, at 1346 – 1536 Teviot Road, Roxburgh

1. Purpose

This report has been prepared under Section 42A of the Resource Management Act 1991 (RMA) to assist in the hearing of the applications for resource consent made by Hawkeswood Mining Limited. Section 42A enables local authorities to require the preparation of a report on an application for resource consent and allows the consent authority to consider the report at any hearing. The purpose of the report is to assist the Hearing Panel in making a decision on the applications and has been updated to address supplementary information provided following the hearing. Descriptions of the proposal, the site and surrounding environment, and Application documents are detailed in the original s42a report and are not repeated here.

The report assesses the application in accordance with Sections 104 and 104B of the Resource Management Act 1991 and makes a recommendation as to whether the application should be granted.

This report contains the recommendations of the Consent Planner and is not a decision on the application. The recommendations of the report are not binding on the Hearing Commissioners. The report is evidence and will be considered along with any other evidence provided.

This application was heard in conjunction on May 14th and 15th with an application to Central Otago District Council (CODC). Ms Olivia Stirling is the consultant processing planner for the CODC application.

2. Section 104 Evaluation

2.1 S104(1)(a) – Actual and potential effects on the environment of allowing the activity

Section 104(1)(a) of the RMA requires the council to have regard to any actual and potential effects on the environment of allowing the activity. This includes both the positive and the adverse effects.

As outlined in my original s42a report, dated 11 April 2024, I consider that the adverse effects of the activity on the environment relate to:

- Effects on Aquifer Allocation
- Effects on Surface Water Bodies and Allocation
- Effects on Natural Character and Amenity values
- Effects on Surface Water Quality
- Effects on Other Water Users
- Effects on Groundwater Quality
- Effects on Freshwater Ecology
- Effects on Cultural Values
- Effects on Heritage Values
- Effects on Air Quality and Human Health

In summary, it is considered that adverse effects on the matters listed above can be appropriately managed and mitigated so to be acceptable. The following assessment addresses additional information provided by the Applicant and details how and why the assessment of effects has changed since preparing the original report.

The application and supplementary information has been audited by the following technical experts on behalf of ORC:

- Ms Alexandra Badenhop of E3 Scientific – groundwater assessment.
- Mr Mark Hamer of E3 Scientific – ecology assessment.
- Mr Cameron Brown of Pattle Delamore Partners Ltd – air quality assessment.

General Considerations

The permitted baseline and receiving environment were assessed in the original s42a report and are not repeated here.

2.1.1 Positive effects

The evidence of Mr Hawkeswood details positive effects of the proposal. These include filling 90% of employment positions from the local and wider Millers Flat community, using the services of local providers, and contributing over \$90 million to the wider economy.

Adverse effects

In considering the adverse effects, the Consent Authority:

- may disregard those effects where the plan permits an activity with that effect; and
- must disregard those effects on a person who has provided written approval.

Any adverse effects on persons who have provided written approvals are disregarded. I refer to Appendix A of Anita Collie's evidence for an updated summary of written approvals received.

The assessment of adverse effects undertaken for notification identified and evaluated adverse effects, and these are adopted for the purposes of s104(1)(a).

2.1.2 Effects on Aquifer Allocation

Effects on aquifer allocation were assessed in the original s42a report, and this assessment remains unchanged. Adverse effects in this regard are acceptable, on the basis that the take will be predominantly non-consumptive, and water taken during initial dewatering will be returned to land overlying the aquifer and allowed to soak back into groundwater. Additionally, no restriction levels have been set for the unmapped aquifer, therefore the water take will not result in overallocation.

2.1.3 Effects on Surface Water Bodies and Allocation

Adverse effects on surface water bodies and allocation were assessed in the original s42a report as acceptable and this assessment is not repeated here. It is noted that the Applicant has submitted a Water Management Plan (WMP) following the hearing which provides further detail on how flow augmentation of the Tima Burn will be managed. Several conditions in this regard have been drafted in consultation with Aukaha and Mr Hamer.

Overall, provided the works are undertaken in accordance with the Application and the recommended consent conditions, potential adverse stream depletion effects on surface water bodies are considered to be acceptable.

2.1.4 Effects on Surface Water Quality

Adverse effects were assessed in the original s42a report and that assessment is not repeated here. Overall, adverse effects on surface water quality will be appropriately managed and mitigated so to be acceptable.

2.1.5 Effects on Natural Character and Amenity Values

Adverse effects on natural character and amenity values were assessed in the original s42a report and that assessment is not repeated. It is noted that the Applicant has since prepared a Tima Burn Planting Plan, which will help enhance the natural character of the Tima Burn. Overall, adverse effects on natural character and amenity values will be acceptable.

2.1.6 Effects on Groundwater Quality

As noted in the original s42a report, several submissions raised concerns about potential effects of the proposal on groundwater quality and the Millers Flat water supply, and key issues discussed in respect of groundwater quality were the mobilisation of contaminants from the closed landfill, and the possible introduction of sediments.

Given the uncertainty around the potential for groundwater contamination below the closed landfill, Ms Badenhop recommended that dedicated monitoring bores are installed on the site boundaries, with ongoing monitoring of turbidity, total suspended solids, and landfill contaminant indicators such as NH₄-N, Cl, and metals, noting that sampling of groundwater below the landfill would provide greater certainty in respect of risk from this source.

Consent conditions were recommended accordingly to ensure groundwater monitoring is undertaken prior to commencement of works, as well as ongoing to provide an indication of any groundwater contamination and provide early warning to groundwater users. The Applicant has accepted conditions in this respect and has also submitted a WMP which incorporates input from Aukaha, Mr Hamer, Ms Badenhop and submitters, and largely accepts and adopts suggestions from these parties. The WMP details additional groundwater protection measures, including a Spill Response Plan, daily inspections, discharge quality monitoring, groundwater quality monitoring, and Tima Burn augmentation.

Overall, the Applicant's supplementary information and proposed consent conditions reduce the uncertainty around the potential for groundwater contamination and further mitigate the potential risk. It is therefore considered that adverse effects on groundwater quality will be appropriately managed and mitigated, so to be acceptable.

2.1.7 Adverse Effects on Other Water Users (Water Quantity)

As assessed in the original s42a report, adverse effects on other water users will be acceptable.

2.1.8 Effects on Freshwater Ecology

Mr Mark Hamer of E3 Scientific has reviewed the application and supplementary information provided post-hearing, on behalf of Council, and Mr Hamer and Dr Allibone agree that the stream habitat is generally of low quality. There is some disagreement around the ecological value of the Tima Burn and the potential presence of lamprey. However, despite this difference of opinion, Mr Hamer is satisfied that "water augmentation to maintain or enhance stream flow is appropriate and beneficial to the ecology of the stream provided the water is of good quality." Proposed flow augmentation conditions will ensure that a minimum stream flow of 21 L/s will be maintained throughout the reach from Teviot Road Bridge to the confluence with the Clutha River/Mata-Au, that clean water is used to augment flows, and that any water discharged into the Tima Burn will have a dissolved oxygen level of greater than 8 mg/L.

Overall, adverse effects on the ecological values of the Tima Burn will be appropriately managed and mitigated, so to be acceptable.

2.1.9 Effects on Cultural Values

Key points of Kā Rūnaka's submission are summarised in the original s42a report and are not repeated here.

At the hearing, Mr Vial confirmed that the range of Kā Rūnaka's concerns had narrowed considerably leading up to the hearing given the further information provided to date, noting that the outstanding matters to be addressed included effects on water quality, effects of the groundwater take on the Tima Burn, and effects on wahi tupuna values. Mr Vial highlighted the lack of detail around how flow augmentation will work, proposed structures, and how it will be delivered to the Tima Burn, and suggested that a fully developed augmentation proposal should be required before commencement of Stage 4 works. Mr Vial also raised concerns primarily relating to the mining water management system, noting that there is a lack of clarity around how the system works across each stage of the mine.

Following the hearing, Mr Vial, on behalf of Aukaha, and Dr Murchsion, on behalf of Te Rūnanga o Ngāi Tahu (TRONT), have reviewed the supplementary information provided by the Applicant, including additional management plans and draft conditions. In the memorandum from Mr Vial, dated 10th July 2024, he confirms that the Applicant has further narrowed the areas of concern for Kā Rūnaka and that the remaining areas of concern can be addressed through recommended conditions outlined in the memorandum. Mr Vial confirms that Kā Rūnaka now neither oppose nor support the application.

Given the above, it is considered that adverse effects on cultural values can be appropriately managed and mitigated so to be acceptable.

2.1.10 Effects on Historic Heritage Values

As noted at the hearing and in my s42a report addendum, whilst the construction of the bore (mine pit) has the potential to adversely affect archaeological values, this ultimately falls within CODC's jurisdiction and these effects are appropriately determined under the CODC application.

2.1.11 Effects on Air Quality and Human Health

Adverse effects on air quality and human health were assessed in the original s42a report as being acceptable, given the mitigation measures proposed by the Applicant. Following the hearing, the DMP was updated to provide additional detail around the locations of the real-time dust monitors, which will be installed in predominant downwind locations on, or near, the site boundary to measure PM₁₀ concentrations. Additional detail included definitions of the predominant downwind directions, and Figure 6 was added to indicate the ranges of locations for the real-time monitors.

In the event of a trigger level exceedance or complaint received, information on recorded dust levels will be included in any investigation into the cause of the trigger level exceedance.

Mr Bender has reviewed additional information provided at and following the hearing, including the Applicant's suggested condition edits and the most up to date DMP. He has confirmed that PDP is satisfied with the DMP and consider that the proposed mitigation measures, monitoring and reporting procedures will be appropriate in managing dust to an acceptable level.

Overall, given the mitigation measures proposed to be implemented, and subject to the activity being undertaken in accordance with the application and consent conditions, adverse dust effects on the environment and human health are considered to be appropriately managed and mitigated, so to be acceptable.

Summary – Actual and Potential Effects

Taking into consideration the positive environmental effects identified above and the assessment of adverse effects in Section 2.1, overall, actual and potential effects on the environment are considered to be acceptable.

2.2 S104(1)(b) Relevant Planning Documents

The relevant planning documents in respect of this application are:

- The National Environmental Standard for Sources of Human Drinking Water
- Resource Management (National Environmental Standards for Freshwater) Regulation 2020
- The National Policy Statement for Freshwater Management 2020
- Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and Amendment Regulations 2020
- The Operative Regional Policy Statement and Proposed Regional Policy Statement
- The Regional Plan: Water for Otago
- The Regional Plan: Air for Otago

2.2.1 National Environmental Standard for Sources of Human Drinking Water

Regulations 7 and 8 of the National Environmental Standard for Sources of Human Drinking Water (NES) need to be considered when assessing water permits that have the potential to affect registered drinking water supplies that provide 501 or more people with drinking water for 60 or more calendar days each year.

Subject to the proposed mitigation measures, and recommended consent conditions, it is considered that adverse effects on any downstream registered drinking water supply can be appropriately managed.

2.2.2 Resource Management (National Environmental Standards for Freshwater) Regulation 2020 (NESFW)

The NESFW 2020 regulations came into force on 3 September 2020. They impose standards on a range of farming activities and other activities relating to freshwater. They also set out a framework for consenting certain activities if the standards are not met.

No resource consents are required under the NESFW for the proposed activities.

2.2.3 National Policy Statement Freshwater Management 2020 (NPS-FM)

The National Policy Statement for Freshwater Management 2020 (“NPS-FM”) provides direction to local authorities and resource users regarding activities that affect the health of freshwater and sets out objectives and policies for freshwater management under the RMA.

The NPS-FM came into force on 3 September 2020, replacing the previous 2014 NPS-FM. Although it retains some of the same principals as the NPS-FM 2014, including a strengthened focus on Te Mana o te Wai, the NPS-FM 2020, amongst other things:

- Sets out a framework of objectives and policies to manage activities affecting freshwater in a way that prioritises first, the health and well-being of water bodies and freshwater ecosystems, second, the health needs of people, and third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.
- Requires regional councils to develop long-term visions for freshwater in their region and include those long-term visions as objectives in their regional policy statement.
- Requires every local authority to actively involve tangata whenua in freshwater management.
- Sets out a more expansive National Objectives Framework, and Freshwater Management Unit, environmental flows and levels setting, and take limit setting processes. This includes 13 new attribute states for ecosystem health, including national bottom lines and national targets.
- Specific requirements to protect streams and wetlands and to provide for fish passage – including new policies which must be included in all regional plans.

Part 2 of the NPS-FM sets out the national objective for future freshwater management and 15 separate policies that support this objective.

Relevant policies from the NPS-FM are considered below. Where my assessment has changed from my original s42A report, this is written in **bold** and where the assessment remains unchanged, this is also noted below for clarity.

Table 1: Assessment against the provisions of the National Policy Statement for Freshwater Management

Provision	Assessment
Objective	
<p>(1) <i>The objective of this National Policy Statement is to ensure that natural and physical resources are managed in a way that prioritises:</i></p> <p>(a) <i>first, the health and well-being of water bodies and freshwater ecosystems</i></p> <p>(b) <i>second, the health needs of people (such as drinking water)</i></p> <p>(c) <i>third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.</i></p>	<p>(a) The proposal is considered to provide for the health and well-being of water bodies and freshwater ecosystems.</p> <p>(b) Subject to the proposed mitigation measures and recommended consent conditions, it is considered that the proposal will not affect the health needs of people.</p> <p>(c) The proposal provides for the social and economic well-being of the community. The Applicant has also consulted extensively with manawhenua to address their concerns, thereby also providing for cultural wellbeing.</p> <p>Overall, the proposal is considered to be consistent with this objective.</p>
Policies	
<p>1: <i>Freshwater is managed in a way that gives effect to Te Mana o te Wai.</i></p> <p>The NPS-FM defines the concepts of Te Mana o Wai as being: <i>“Te Mana o te Wai is a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.”</i></p>	<p>The Applicant has actively consulted with Aukaha throughout the consenting process, thereby enabling the involvement of tangata whenua in freshwater management. The proposal recognises the importance of water and protecting the health and well-being of the wider environment.</p> <p>Overall, the proposal is considered to be consistent with these policies.</p>
<p>2: <i>Tangata whenua are actively involved in freshwater management (including decision-making processes), and Māori freshwater values are identified and provided for.</i></p>	
<p>3: <i>Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.</i></p>	<p>No change to original assessment.</p> <p>As noted above, the proposed water take is predominantly non-consumptive, and water will be discharged to a settlement pond, then recharged to the aquifer once sediment is removed. The Applicant has also considered potential effects on surrounding groundwater</p>

	<p>users and the Tima Burn and will augment affected water supplies and stream flows, as and when required. The proposal therefore gives consideration to the effects of the activity on a whole-of-catchment basis, and is considered to be consistent with this policy.</p>
<p>5: <i>Freshwater is managed (including through a National Objectives Framework) to ensure that the health and well-being of degraded water bodies and freshwater ecosystems is improved, and the health and well-being of all other water bodies and freshwater ecosystems is maintained and (if communities choose) improved.</i></p>	<p>As discussed in Sections 6.1.4, 6.1.6 and 6.1.8 above, adverse effects on ecosystem values are considered to be appropriately mitigated, and adverse effects on surface water quality are considered to be acceptable. Given the supplementary information provided, including the Tima Burn Planting Plan and additional detail around flow augmentation of the Tima Burn, and Kā Rūnaka’s neutral position on the application, the proposal is also considered to maintain the mauri of water bodies.</p>
<p>8: <i>The significant values of outstanding water bodies are protected.</i></p>	<p>No change to original assessment. The NPSFM defines an outstanding water body as <i>a water body, or part of a water body, identified in a regional policy statement, a regional plan, or a water conservation order as having one or more outstanding values.</i> The RPW does not identify the Clutha River/Mata-Au as an outstanding water body, and the Clutha River/Mata-Au between Alexandra and Island Block is not identified in Schedule 1A as having any outstanding natural features or landscapes. Given that the Clutha River/Mata-Au is not identified as an outstanding water body in a regional policy statement, regional plan or water conservation order, Policy 8 is not considered to be applicable.</p>
<p>9: <i>The habitats of indigenous freshwater species are protected.</i></p>	<p>No change to original assessment. Given the mitigation measures proposed by the Applicant, and proposed setbacks from surface water bodies, adverse effects on the natural character and ecological values of the Tima Burn and Clutha River/Mata-Au are considered to be appropriately managed and mitigated.</p>
<p>10: <i>The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.</i></p>	

	Therefore, the proposal is considered to be consistent with these policies.
<i>11: Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.</i>	No change to original assessment. The groundwater take will not result in over-allocation of the freshwater resource. The take is predominantly non-consumptive and there will be no significant delay between the taking and returning of the water taken, therefore the use is considered to be efficient, and the proposal is consistent with this policy.
<i>15: Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.</i>	The proposal is considered to contribute to the social, economic and cultural wellbeing of the community.

Given the above, the proposal is considered to be consistent with the provisions of the NPS-FM.

2.2.5 Resource Management (Measurement and Reporting of Water Takes) Regulations 2010 and Amendment Regulations 2020

Whilst the proposed take is predominantly non-consumptive, the Applicant proposes to fully comply with these regulations and will undertake full metering and reporting of all water taken.

2.2.6 Operative Regional Policy Statement

The Operative RPS was made fully operative on the 30th of March 2024.

Table 2: Assessment against the provisions of the Operative Regional Policy Statement

Provision	Assessment
Chapter 1 – Resource management in Otago is integrated	
Objective 1.1 Otago’s resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities	The Applicant has provided evidence to demonstrate that the proposal will provide for the social and economic wellbeing of the community. The Applicant has also actively consulted with manawhenua to resolve their concerns, and the proposal is therefore considered to provide for cultural wellbeing. The proposal is considered to be a sustainable use of Otago’s resources, given the predominantly non-consumptive water take, and subject to ongoing water quality monitoring. The values and needs of the community have been taken into account, including those raised
Policy 1.1.1 Economic wellbeing Provide for the economic wellbeing of Otago’s people and communities by enabling the resilient and sustainable use and development of natural and physical resources.	
Policy 1.1.2 Social and cultural wellbeing and health and safety Provide for the social and cultural wellbeing and health and safety of Otago’s people and	

<p>communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following:</p> <ul style="list-style-type: none"> a) Recognising and providing for Kāi Tahu values; b) Taking into account the values of other cultures; c) Taking into account the diverse needs of Otago’s people and communities; d) Avoiding significant adverse effects of activities on human health; e) Promoting community resilience and the need to secure resources for the reasonable needs for human wellbeing; f) Promoting good quality and accessible infrastructure and public services. 	<p>in submissions. Subject to the works being undertaken in accordance with the proposed mitigation measures and ongoing monitoring, it is not anticipated that the proposal will result in significant adverse effects on human health.</p> <p>Overall, the proposal is considered to be consistent with these provisions.</p>
<p>Chapter 2 – Kāi Tahu values and interests are recognised and kaitiakitanga is expressed</p>	
<p>Objective 2.1 The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions</p>	<p>Kāi Tahu values, as identified in Schedule 1D of the RPW, have been taken into account in decision making. Particular regard has been had to the exercise of kaitiakitanga, and the relevant iwi management plans have been taken into account (assessed in Section 2.4.1 below). The statutory acknowledgement on the Clutha River/Mata-Au has also been recognised and provided for in the assessment of this application.</p> <p>As noted above, the Applicant has been actively consulting with manawhenua to resolve outstanding issues, and the memorandum from Mr Vial dated 10th July 2024 confirms that Kā Rūnaka now neither support nor oppose the application.</p> <p>Given the above, the proposal is not considered to be inconsistent with these provisions.</p>
<p>Policy 2.1.2 Treaty principles</p> <p>Ensure that local authorities exercise their functions and powers, by:</p> <ul style="list-style-type: none"> a) Recognising Kāi Tahu’s status as a Treaty partner; and b) Involving Kāi Tahu in resource management processes implementation; c) Taking into account Kāi Tahu values in resource management decision-making processes and implementation; d) Recognising and providing for the relationship of Kāi Tahu’s culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taoka; e) Ensuring Kāi Tahu have the ability to: <ul style="list-style-type: none"> i. Identify their relationship with their ancestral lands, water, sites, wāhi tapu, and other taoka; ii. Determine how best to express that relationship; f) Having particular regard to the exercise of kaitiakitaka; g) Ensuring that district and regional plans: <ul style="list-style-type: none"> i. Give effect to the Ngāi Tahu Claims Settlement Act 1998; 	

<p>ii. Recognise and provide for statutory acknowledgement areas in Schedule 2; iii. Provide for other areas in Otago that are recognised as significant to Kāi Tahu; h) Taking into account iwi management plans.</p>	
<p>Objective 2.2 Kāi Tahu values, interests and customary uses are recognised and provided for.</p>	
<p>Policy 2.2.1 Kāi Tahu wellbeing Manage the natural environment to support Kāi Tahu wellbeing by all of the following: a) Recognising and providing for their customary uses and cultural values in Schedules 1A and B; and, b) Safeguarding the life-supporting capacity of natural resources.</p>	
<p>Policy 2.2.2 Recognising sites of cultural significance Recognise and provide for the protection of wāhi tūpuna, by all of the following: a) Avoiding significant adverse effects on those values that contribute to the identified wāhi tūpuna being significant; b) Avoiding, remedying, or mitigating other adverse effects on the identified wāhi tūpuna; c) Managing the identified wāhi tūpuna sites in a culturally appropriate manner.</p>	
<p>Policy 2.2.3 Wāhi tūpuna and associated sites Enable Kāi Tahu relationships with wāhi tūpuna by all of the following: a) Recognising that relationships between sites of cultural significance are an important element of wāhi tūpuna; b) Recognising and using traditional place names.</p>	
<p>Chapter 3 – Otago has high quality natural resources and ecosystems</p>	
<p>Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded</p>	<p>Given the mitigation measures and consent conditions proposed by the Applicant, the proposal is considered to be consistent with this objective.</p>
<p>Policy 3.1.1 Fresh water Safeguard the life-supporting capacity of fresh water and manage fresh water to: a) Maintain good quality water and enhance water quality where it is degraded, including for:</p>	<p>No change to original assessment. a) The proposal will maintain surface water quality, including for recreation values (including contact recreation) but has the potential to impact groundwater quality.</p>

<ul style="list-style-type: none"> i. Important recreation values, including contact recreation; and, ii. Existing drinking and stock water supplies; b) Maintain or enhance aquatic: <ul style="list-style-type: none"> i. Ecosystem health; ii. Indigenous habitats; and, iii. Indigenous species and their migratory patterns. c) Avoid aquifer compaction and seawater intrusion; d) Maintain or enhance, as far as practicable: <ul style="list-style-type: none"> i. Natural functioning of rivers, lakes, and wetlands, their riparian margins, and aquifers; ii. Coastal values supported by fresh water; iii. The habitat of trout and salmon unless detrimental to indigenous biological diversity; and iv. Amenity and landscape values of rivers, lakes, and wetlands; e) Control the adverse effects of pest species, prevent their introduction and reduce their spread; f) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion; and, g) Avoid, remedy or mitigate adverse effects on existing infrastructure that is reliant on fresh water. 	<ul style="list-style-type: none"> b) The flow augmentation conditions proposed by the Applicant will ensure that flows within the Tima Burn are maintained to support ecological values and support the habitats of indigenous species. c) Ms Badenhop notes that aquifer compaction is unlikely, due to the gravel substrate. d) The proposal may adversely affect the flows of the Tima Burn, which the Applicant proposes to augment, as and when required, thereby maintaining natural functioning. The proposal is considered to maintain the natural functioning, habitats of trout and salmon, and amenity and landscape values of the Tima Burn and Clutha River/Mata-Au. The aquifer will also be recharged within a reasonable timeframe, such that the natural functioning is considered to be maintained. e) Works will be set back at least 20 m from water bodies, therefore the proposal is not anticipated to result in the introduction or spread of pest species. f) The main natural hazard risk to the site is flooding. The Applicant has submitted a Flood Hazard assessment with the CODC application. Based on the conclusions of this report, I consider that adverse effects of natural hazards can be mitigated. g) A number of local bores are identified as being affected by the proposal, and the Applicant proposes to supplement any water supplies that are impacted. <p>Overall, the proposal is considered to be consistent with this policy.</p>
<p>Policy 3.1.2 Beds of rivers, lakes, wetlands, and their margins Manage the beds of rivers, lakes, wetlands, their margins, and riparian vegetation to:</p> <ul style="list-style-type: none"> a) Safeguard the life supporting capacity of fresh water; b) Maintain good quality water, or enhance it where it has been degraded; c) Maintain or enhance bank stability; 	<p>No change to original assessment.</p> <p>No works are proposed within the bed of any river, lake, wetland, or their margins, as earthworks will be set back at least 20 metres from the Tima Burn and Clutha River/Mata-Au.</p>

<p>d) Maintain or enhance ecosystem health and indigenous biological diversity;</p> <p>e) Maintain or enhance, as far as practicable:</p> <p>i. Their natural functioning and character; and</p> <p>ii. Amenity values;</p> <p>f) Control the adverse effects of pest species, prevent their introduction and reduce their spread; and,</p> <p>g) Avoid, remedy or mitigate the adverse effects of natural hazards, including flooding and erosion.</p>	
<p>Policy 3.1.3 Water allocation and use Manage the allocation and use of fresh water by undertaking all of the following:</p> <p>a) Recognising and providing for the social and economic benefits of sustainable water use;</p> <p>b) Avoiding over-allocation, and phasing out existing over-allocation, resulting from takes and discharges;</p> <p>c) Ensuring the efficient allocation and use of water by:</p> <p>i. Requiring that the water allocated does not exceed what is necessary for its efficient use;</p> <p>ii. Encouraging the development or upgrade of infrastructure that increases efficiency;</p> <p>iii. Providing for temporary dewatering activities necessary for construction or maintenance.</p>	<p>No change to original assessment.</p> <p>The social and economic benefits of sustainable water use are recognised.</p> <p>The water use is predominantly non-consumptive, and the application states that only a “relatively small” amount of water, within permitted activity volumes, will be used for dust suppression. No allocation limits apply to the Clutha River/Mata-Au, therefore over-allocation is avoided, and the proposed use is considered to be an efficient use of the water resource.</p> <p>Overall, the proposal is considered to be consistent with this policy.</p>
<p>Policy 3.1.6 Air quality Manage air quality to achieve the following:</p> <p>a) Maintain good ambient air quality that supports human health, or enhance air quality where it has been degraded;</p> <p>b) Maintain or enhance amenity values.</p>	<p>No change to original assessment.</p> <p>Adverse effects on air quality are assessed in Section 2.1.11 above and the original s42a report. Subject to the recommended consent conditions and proposed mitigation measures, it is considered that the ambient air quality can be maintained. Therefore, the proposal is consistent with this policy.</p>
<p>Policy 3.1.7 Soil values Safeguard the life-supporting capacity of soil and manage soil to:</p> <p>a) Maintain or enhance as far as practicable</p> <p>i. Soil biological diversity;</p> <p>ii. Biological activity in soils;</p> <p>iii. Soil function in the storage and cycling of water, nutrients, and other elements through the biosphere;</p>	<p>The Applicant has now submitted an Erosion and Sediment Control Plan and Site Rehabilitation Plan. Ultimately, safeguarding the life-supporting capacity of soils and minimising soil erosion is dependent on the proposed erosion and sediment controls and final site rehabilitation, therefore is appropriately determined under the CODC application.</p>

<p>iv. Soil function as a buffer or filter for contaminants resulting from human activities, including aquifers at risk of leachate contamination;</p> <p>v. Soil fertility where soil is used for primary production;</p> <p>b) Where a) is not practicable, minimise adverse effects;</p> <p>c) Recognise that urban and infrastructure development may result in loss of soil values.</p> <p>d) Control the adverse effects of pest species, prevent their introduction and reduce their spread;</p> <p>e) Retain the soil mantle where it acts as a repository of historic heritage objects unless an archaeological authority has been obtained.</p>	
<p>Policy 3.1.8 Soil erosion</p> <p>Minimise soil erosion resulting from activities, by undertaking all of the following:</p> <p>a) Using appropriate erosion controls and soil conservation methods;</p> <p>b) Maintaining vegetative cover on erosion prone land;</p> <p>c) Remediating land where significant soil erosion has occurred;</p> <p>d) Encouraging activities that enhance soil retention.</p>	
<p>Policy 3.1.9 Ecosystems and indigenous biological diversity</p> <p>Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to:</p> <p>a) Maintain or enhance:</p> <p>i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna;</p> <p>ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity;</p> <p>b) Maintain or enhance as far as practicable:</p> <p>i. Areas of predominantly indigenous vegetation;</p> <p>ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity;</p> <p>iii. Areas buffering or linking ecosystems;</p> <p>c) Recognise and provide for:</p>	<p>The Applicant's ecological report concludes that the Tima Burn has a low diversity, low abundance, poor habitat/pollution-tolerant macroinvertebrate and fish fauna. Mr Hamer confirmed that the report accurately identifies the habitat quality as low quality, however notes that the presence of two threatened native fish indicates the stream values are high. Overall, Mr Hamer is satisfied that the precautionary approach to augment the flow of the Tima Burn is acceptable. Overall, the proposal is considered to provide for ecosystem health.</p> <p>The proposal is not anticipated to result in the introduction or spread of pest species in the Clutha River/Mata-Au and Tima Burn, given the setbacks from surface water bodies proposed.</p>

<p>i. Hydrological services, including the services provided by tall tussock grassland;</p> <p>ii. Natural resources and processes that support indigenous biological diversity;</p> <p>d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.</p>	<p>Overall, the proposal is consistent with this policy.</p>
<p>Chapter 4 – Communities in Otago are resilient, safe and healthy</p>	
<p>Objective 4.1 Risks that natural hazards pose to Otago’s communities are minimised</p> <p>Policy 4.1.6 Minimising increase in natural hazard risk</p> <p>Minimise natural hazard risk to people, communities, property, and other aspects of the environment by:</p> <p>a) Avoiding activities that result in significant risk from natural hazard;</p> <p>b) Enabling activities that result in no or low residual risk from natural hazard;</p> <p>c) Avoiding activities that increase risk in areas potentially affected by coastal hazards over at least the next 100 years;</p> <p>d) Encouraging the location of infrastructure away from areas of hazard risk where practicable;</p> <p>e) Minimising any other risk from natural hazard.</p>	<p>No change to original assessment.</p> <p>As previously noted, the Applicant has submitted a flood hazard assessment with the CODC application. Based on the conclusions of this report, it is considered that the proposal is consistent with these provisions.</p>
<p>Objective 4.6 Hazardous substances, contaminated land and waste materials do not harm human health or the quality of the environment in Otago</p> <p>Policy 4.6.2 Use, storage and disposal of hazardous substances</p> <p>Manage the use, storage and disposal of hazardous substances, by all of the following:</p> <p>a) Providing secure containment for the storage of hazardous substances;</p> <p>b) Minimising risk associated with natural hazard events;</p> <p>c) Ensuring the health and safety of people;</p> <p>d) Avoiding, remedying or mitigating adverse effects on the environment;</p> <p>e) Providing for the development of facilities to safely store, transfer, process, handle and dispose of hazardous substances;</p>	<p>No change to original assessment.</p> <p>A 50 m buffer will be maintained from the closed landfill, and the Applicant has confirmed that works will not disturb contaminated land. A precautionary approach is also recommended to ensure that any potential contamination is not spread to the aquifer, as well as consent conditions requiring that the Applicant provide affected groundwater users with a suitable potable water supply, should groundwater monitoring indicate contamination caused by the mining activity.</p> <p>The CODC Application states that there will be up to 60,000 litres of diesel storage on site in a containment facility compliant with Health and Safety at Work (Hazardous Substances) Regulations 2017. Storage will be located away</p>

<p>f) Ensuring hazardous substances are treated or disposed of in accordance with the relevant regulatory requirements;</p> <p>g) Restricting the location and intensification of activities that may result in reverse sensitivity effects near authorised facilities for hazardous substance bulk storage, treatment or disposal;</p> <p>h) Encouraging the use of best management practices.</p>	<p>from areas of flood hazard and excavation, and will have an appropriately sized containment area.</p> <p>Given the above, and subject to recommended consent conditions, the proposal is considered to be generally consistent with these provisions.</p>
<p>Policy 4.6.5 Managing contaminated land</p> <p>Ensure contaminated or potentially contaminated land does not pose an unacceptable risk to people and the environment, by:</p> <p>a) Assessing and, if required, monitoring contaminant levels and environmental risks;</p> <p>b) Protecting human health in accordance with regulatory requirements;</p> <p>c) Minimising adverse effects of the contaminants on the environment.</p>	
<p>Chapter 5 – People are able to use and enjoy Otago’s natural and built environment</p>	
<p>Objective 5.1 Public access to areas of value to the community is maintained or enhanced</p>	<p>The Clutha Gold Cycle Trail will be temporarily diverted for the duration of the mining operation, but access along the river will be maintained.</p>
<p>Policy 5.1.1 Public access</p> <p>Maintain or enhance public access to the natural environment, including to the coast, lakes, rivers and their margins and where possible areas of cultural or historic significance, unless restricting access is necessary for one or more of the following:</p> <p>a) Protecting public health and safety;</p> <p>b) Protecting the natural heritage and ecosystem values of sensitive natural areas or habitats;</p> <p>c) Protecting identified sites and values associated with historic heritage or cultural significance to Kāi Tahu;</p> <p>d) Ensuring a level of security consistent with the operational requirements of a lawfully established activity.</p>	<p>Overall, the proposal is considered to be consistent with this objective and policy.</p>
<p>Objective 5.4 Adverse effects of using and enjoying Otago’s natural and physical resources are minimised</p>	<p>The proposal will minimise adverse effects of using and enjoying Otago’s natural and physical resources.</p>
<p>Policy 5.4.1 Offensive or objectionable discharges</p>	<p>(a) Significant adverse effects of discharges will be avoided.</p>

<p>Manage offensive or objectionable discharges to land, water and air by:</p> <p>a) Avoiding significant adverse effects of those discharges;</p> <p>b) Avoiding significant adverse effects of discharges of human or animal waste directly, or in close proximity, to water or mahika kai sites;</p> <p>c) Avoiding, remedying or mitigating other adverse effects of those discharges.</p>	<p>(b) The proposal does not involve the discharge of human or animal waste.</p> <p>(c) Other adverse effects, including on cultural values will be appropriately managed and mitigated.</p> <p>Subject to recommended consent conditions, I consider that adverse effects on other matters assessed can be avoided, remedied or mitigated.</p> <p>Overall, the proposal is considered to be consistent with this policy.</p>
<p>Policy 5.4.2 Adaptive management approach</p> <p>Apply an adaptive management approach, to avoid, remedy or mitigate actual and potential adverse effects that might arise and that can be remedied before they become irreversible, by both:</p> <p>a) Setting appropriate indicators for effective monitoring of those adverse effects; and</p> <p>b) Setting thresholds to trigger remedial action before the effects result in irreversible damage.</p>	<p>No change to original assessment.</p> <p>Ms Badenhop considers that adaptive management strategies will provide appropriate mitigation for potential effects on other groundwater users and the Tima Burn, and conditions are recommended in this regard. An adaptive management approach to dust monitoring is also recommended.</p> <p>The proposal is therefore considered to be consistent with this policy.</p>
<p>Policy 5.4.3 Precautionary approach</p> <p>Apply a precautionary approach to activities where adverse effects may be uncertain, not able to be determined, or poorly understood but are potentially significant or irreversible.</p>	<p>No change to original assessment.</p> <p>Given that the level of adverse effects on groundwater quality is uncertain, a precautionary approach is applied.</p>
<p>Policy 5.4.8 Adverse effects from mineral and petroleum exploration, extraction and processing</p> <p>Manage adverse effects from the exploration, extraction and processing of minerals and petroleum, by:</p> <p>a) Giving preference to avoiding their location in all of the following:</p> <p>i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment;</p> <p>ii. Outstanding natural character in the coastal environment;</p> <p>iii. Outstanding natural features and natural landscapes, including seascapes, in the coastal environment;</p>	<p>No change to original assessment.</p> <p>a) The proposal will not affect any areas of significant indigenous vegetation, and the site is not in an area subject to significant natural hazard risk. The site is located between two archaeological sites and contains two New Zealand Archaeological Association Historic gold dredge mining sites, therefore the proposal will not avoid places of historic heritage of regional or national significance.</p> <p>The proposal will not occur in any outstanding natural features or outstanding natural character areas.</p> <p>The proposal is considered to avoid adverse effects on the health and safety of the community.</p> <p>The mine area will be located within a flood hazard area, to a limited degree.</p>

<p>iv. Areas of significant indigenous vegetation and significant habitats of indigenous fauna beyond the coastal environment;</p> <p>v. Outstanding natural character in areas beyond the coastal environment;</p> <p>vi. Outstanding natural features and landscapes beyond the coastal environment;</p> <p>vii. Outstanding water bodies or wetlands;</p> <p>viii. Places or areas containing historic heritage of regional or national significance;</p> <p>ix. Areas subject to significant natural hazard risk;</p> <p>b) Where it is not practicable to avoid locating in the areas listed in a) above because of the functional needs of that activity:</p> <p>i. Avoid adverse effects on the values that contribute to the significant or outstanding nature of a) i-iii;</p> <p>ii. Avoid, remedy or mitigate, as necessary, adverse effects on values in order to maintain the outstanding or significant nature of a)iv-viii;</p> <p>iii. Consider first biological diversity offsetting, and then biological diversity compensation, if adverse effects described in b)ii. on indigenous biological diversity cannot be practicably remedied or mitigated;</p> <p>iv. Minimise any increase in natural hazard risk through mitigation measures;</p> <p>v. Consider environmental compensation if adverse effects described in b) ii, other than on indigenous biological diversity, cannot practically be avoided, remedied or mitigated;</p> <p>ba) Avoid significant adverse effects on natural character in all other areas of the coastal environment;-</p> <p>c) Avoiding adverse effects on the health and safety of the community;</p> <p>d) Avoiding, remedying, or mitigating adverse effects on other values including highly valued natural features, landscapes and seascapes in order to maintain their high values;</p> <p>e) Considering biological diversity offsetting or compensating for residual adverse effects on other values;</p> <p>f) Reducing unavoidable adverse effects by:</p>	<p>b) Once adverse effects on cultural values are assessed, biodiversity offsetting or compensation could be considered for the management of any residual adverse effects on cultural values, if this is considered appropriate by Aukaha.</p> <p>Based on the conclusions of the flood hazard assessment prepared by GeoSolve and submitted with the CODC application, it is considered that flood risk can be adequately mitigated.</p> <p>c) Although adverse effects on water supplies, and therefore the health and safety of the community, will be mitigated through provision of alternative water supplies, effects will not be avoided. Similarly, adverse health effects of dust will be mitigated, but not avoided.</p> <p>d) Adverse effects will be appropriately managed and mitigated.</p> <p>e) Biological diversity offsetting or compensating for residual adverse effects on other values is not considered to be required.</p> <p>f) The mining activity will be staged so that the work area is approximately 27 ha at any one time, and the site will be progressively stabilised.</p> <p>g) There is some uncertainty around the level of effects on groundwater quality, and adaptive management strategies are recommended.</p>
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<p>i. Staging development for longer term activities; and</p> <p>ii. Progressively rehabilitating the site, where possible;</p> <p>g) Applying a precautionary approach (including adaptive management where appropriate) to assessing the effects of the activity, where there is scientific uncertainty, and potentially significant or irreversible adverse effects.</p> <p>Where there is a conflict, Policy 5.4.8 prevails over policies under Objective 3.2, (except for policy 3.2.12) Policy 4.3.1 and Policy 5.2.3.</p>	
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Overall, the proposal is considered to be generally consistent with the objectives and policies of the Otago Regional Policy Statement.

Proposed Otago Regional Policy Statement (ORPS 2021) and Proposed Otago Regional Policy Statement – Freshwater Instrument Components 2021 (notified September 2022).

The Proposed Otago Regional Policy Statement (P-ORPS 2021) was first notified on the 26th of June 2021 and on 30 September 2022 for the freshwater instrument components. On 30 March 2024 the P-ORPS 2021 was fully notified.

Air	
<p>AIR-O1 – Ambient air quality</p> <p>The localised adverse effects of discharges to air do not compromise human health, amenity values, and mana whenua values and the life-supporting capacity of ecosystems.</p>	<p>No change to original assessment.</p> <p>Air Matters considers that air quality in the Millers Flat area is generally good and is not expected to exceed the Resource Management (National Environmental Standards Relating to Certain Air Pollutants, Dioxins, and Other Toxics) Regulations 2004, although notes that air quality may be affected at times by surrounding agricultural practices. As discussed in Section 6.1.11 of the original s42a report, Air Matters and PDP agree that adverse effects on air quality can be appropriately mitigated. Human health, amenity and the life-supporting capacity of ecosystems are considered to be protected, given the mitigation measures proposed.</p> <p>The submissions of Aukaha and TRONT do not raise concerns about potential effects of proposed discharges to air on mana whenua values. Overall, the proposal is considered to be consistent with these provisions.</p>
<p>AIR-P1 – Maintain ambient air quality Ambient air quality is, at a minimum, maintained across Otago by:</p> <p>(1) ensuring discharges to air comply with ambient air quality limits, including ambient air quality standards and guidelines, where those have been set as limits, and</p> <p>(2) where limits, including ambient air quality standards and guidelines, have not been set, only allowing discharges to air if the adverse effects on ambient air quality are avoided, remedied or mitigated no more than minor.</p>	
<p>AIR-P3 – Providing for discharges to air Provide for discharges to air that do not adversely affect human health, amenity values,</p>	

<p>and mana whenua values and the life supporting capacity of ecosystems.</p>	
<p>AIR-P4 – Managing certain discharges Manage the adverse effects of discharges to air by:</p> <ol style="list-style-type: none"> (1) avoiding noxious or dangerous effects, (2) ensuring discharges to air do not cause offensive or objectionable effects, (3) avoiding, remedying or mitigating other adverse effects from discharges to air, including but not limited to discharges arising from: <ol style="list-style-type: none"> (a) outdoor burning of organic material, (b) agrichemical and fertiliser applications, (c) primary production activities, (d) activities that produce dust, and (e) industrial and trade activities. (4) locating new sensitive activities to avoid potential reverse sensitivity effects from existing consented or permitted discharges to air, unless these can be appropriately managed. 	<p>No change to original assessment. The proposal is considered to be consistent with this policy.</p>
<p>AIR-P6 – Impacts on mana whenua values Ensure that discharges to air do not adversely affect mana whenua values by having particular regard to values and areas of significance to mana whenua., including wāhi tūpuna, wāhi tapu and wāhi taoka.</p>	<p>No change to original assessment. As noted above, Aukaha and TRONT did not raise concerns about potential adverse effects of discharges to air on mana whenua values. The proposal is therefore considered to be consistent with this policy.</p>
<p>Land and Freshwater</p>	
<p>LF-WAI-O1 – Te Mana o te Wai Otago’s water bodies and their health and well-being are protected, and restored where they are degraded, so that the mauri of those water bodies is protected, and the management of land and water recognises and reflects that:</p> <ol style="list-style-type: none"> (1) water is the foundation and source of all life – na te wai ko te hauora o ngā mea katoa, (2) there is an integral kinship relationship between water and Kāi Tahu whānui, and this relationship endures through time, connecting past, present and future, (3) each water body has a unique whakapapa and characteristics, (4) fresh water, land, and coastal water have a connectedness that supports and perpetuates life, 	<p>Given the consultation undertaken by the Applicant with Kā Rūnaka, additional mitigation measures proposed, and Kā Rūnaka’s neutral position on the application, the proposal is not considered to be inconsistent with this objective.</p>

<p>(4A) protecting the health and well-being of water protects the wider environment, (5) Kāi Tahu exercise rakatirataka, manaakitaka and their kaitiakitaka duty of care and attention over wai and all the life it supports, and (6) all people and communities have a responsibility to exercise stewardship, care, and respect in the management of fresh water</p>	
<p>LF-WAI-P1 – Prioritisation In all decision-making affecting fresh water in Otago, prioritise: (1) first, the health and well-being of water bodies and freshwater ecosystems, (te hauora o te wai) and the contribution of this to the health and well-being of the environment (te hauora o te taiao), together with and the exercise of mana whenua to uphold these, (2) second, the health needs of people, (te hauora o te tangata); interacting with water through ingestion (such as drinking water and consuming resources harvested from the water body) and immersive activities (such as harvesting resources and primary contact), and (3) third, the ability of people and communities to provide for their social, economic, and cultural wellbeing, now and in the future.</p>	<p>The proposal aligns with the third priority and as such, must meet the first and second priorities. The proposal will provide for the second priority, being the health and well-being needs of people. Given the additional mitigation measures and conditions proposed by the Applicant, the proposal is considered to provide for the health and wellbeing of water bodies. Overall, the proposal is considered to be consistent with this policy.</p>
<p>LF-WAI-P2 – Mana whakahaere Recognise and give practical effect to Kāi Tahu rakatirataka in respect of fresh water by: (1) facilitating partnership with, and the active involvement of, mana whenua in freshwater management and decisionmaking processes, (2) sustaining the environmental, social, cultural and economic relationships of Kāi Tahu with water bodies, (3) providing for a range of customary uses, including mahika kai, specific to each water body, and (4) incorporating mātauraka into decision making, management and monitoring processes, and (5) managing wai and its connections with whenua in a holistic and interconnected way – ki uta ki tai.</p>	<p>Given the consultation undertaken by the Applicant with Kā Rūnaka, additional mitigation measures proposed, and Kā Rūnaka’s neutral position on the application, the proposal is not considered to be inconsistent with these provisions.</p>

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

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

- (1) sustains and, to the greatest extent practicable, restores or improves:
 - (a) the natural connections and interactions between water bodies (large and small, surface and ground, fresh and coastal, permanently flowing, intermittent and ephemeral),
 - (b) the natural connections and interactions between land and water, from the mountains to the sea,
 - (c) the habitats of mahika kai and indigenous species, including taoka species associated with the water body,
- (4) manages the effects of the use and development of land to maintain or enhance the health and well-being of freshwater, coastal water and associated ecosystems,
- (5) encourages the coordination and sequencing of regional or urban growth to ensure it is sustainable,
- (6) has regard to foreseeable climate change risks, and the potential effects of climate change on water bodies, including on their natural functioning,
- (7) has regard to cumulative effects, and
- (8) applies a precautionary approach where there is limited available information or uncertainty about potential adverse effects, in accordance with IMP6.

LF-WAI-P4 – Giving effect to Te Mana o te Wai

All persons exercising functions and powers under this RPS and all persons who use, develop or protect resources to which this RPS applies must recognise that LF-WAI-O1, LFWAI-P1, LF-WAI-P2 and LF-WAI-P3 are fundamental to upholding Te Mana o te Wai, and must be given effect to when making decisions affecting fresh water, including when interpreting and applying the provisions of the LF chapter.

Land and Freshwater – Visions and Management	
<p>LF-FW-01A – Visions set for each FMU and rohe In each FMU and rohe in Otago and within the timeframes specified in the freshwater visions in LF-VM02 to LF-VM-06:</p> <p>(1) healthy freshwater and estuarine ecosystems support healthy populations of indigenous species (including nondiadromous galaxiids and Canterbury mudfish) and mahika kai that are safe for consumption,</p> <p>(2) the interconnection of land, freshwater (including springs, groundwater, ephemeral water bodies, wetlands, rivers, and lakes) and coastal water is recognised,</p> <p>(3) fish passage within and between catchments is provided for except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats,</p> <p>(4) the form, function and character of water bodies reflects their natural characteristics and natural behaviours to the extent reasonably practicable,</p> <p>(5) the ongoing relationship of Kāi Tahu with wāhi tūpuna, including access to and use of water bodies, is sustained,</p> <p>(6) the health of the water supports the health of people and their connections with water bodies,</p> <p>(7) sustainable land and water management practices:</p> <p>(a) support food and fibre production and the continued social, economic, and cultural wellbeing of Otago’s people and communities, and</p> <p>(b) improve the resilience of communities to the effects of climate change, and</p> <p>(c) ensure communities are appropriately serviced by community water supplies, and other three waters infrastructure,</p> <p>(8) direct discharges of wastewater to water bodies are phased out to the extent reasonably practicable, and</p> <p>(9) freshwater is managed as part of New Zealand’s integrated response to climate change</p>	<p>(1) the proposal is considered to be consistent, given the flow augmentation conditions proposed.</p> <p>(2) the proposal recognises this interconnection.</p> <p>(3) provision of fish passage is not relevant to the proposal.</p> <p>(4) I consider that the proposal will not adversely impact the form, function or character of the Tima Burn or Clutha/Mata-Au.</p> <p>(5) Not considered to be inconsistent.</p> <p>(6) I consider the proposal to be consistent.</p> <p>(7) I consider the proposal is generally consistent.</p> <p>(8) not applicable.</p> <p>(9) the proposal is not for renewable electricity generation.</p> <p>Overall, the proposal is considered to be generally consistent with this objective.</p>

<p>and renewable electricity generation activities are provided for.</p>	
<p>LF-VM-O2 Clutha Mata-Au FMU vision In the Clutha Mata-au FMU, and in addition to the matters in LF-FW-O1A: (1) management of the FMU recognises that: (a) the Clutha Mata-au is a single connected system ki uta ki tai, and (b) the source of the wai is pure, coming directly from Tāwhirimātea to the top of the mauka and into the awa, (1A) sustainable abstraction occurs from lakes, river main stems or groundwater in preference to tributaries, to the extent reasonably practicable, (6) the national significance of the ongoing operation, maintenance and upgrading of the Clutha hydro-electricity generation scheme, including its generation capacity, storage and operational flexibility and its contribution to climate change mitigation, is recognised and protected, and potential further development is provided for within this modified catchment, (6A) water bodies support a range of outdoor recreation opportunities, (7) in the Upper Lakes rohe, the high quality waters of the lakes and their tributaries are protected, and if degraded are improved recognising the significance of the purity of these waters to Kāi Tahu and to the wider community, (7A) in the Lower Clutha rohe, opportunities to restore the natural form and function of water bodies are promoted wherever practicable, and (8) the outcomes sought are to be achieved within the following timeframes: (b) by 2030 in the Upper Lakes rohe, (c) by 2045 in the Dunstan and Roxburgh rohe, and (d) by 2050 in the Manuherekia and Lower Clutha rohe.</p>	<p>No change to original assessment. (1) the interconnectedness of the catchment and source of the wai is recognised. (1A) the groundwater take is considered to be a sustainable use of the water resource. (6) N/A (6A) the proposal will not impact the outdoor recreation opportunities supported by water bodies. (7) N/A (7A) N/A (8) The proposal will not affect the ability of the 2045 timeframe to be met. The proposal is therefore considered to be consistent with this objective.</p>
<p>LF-FW-P7A – Water allocation and use Within limits and in accordance with any relevant environmental flows and levels, the benefits of using fresh water are recognised and over-allocation is either phased out or avoided by: (1) managing over-allocation as set out in LF-FW-M6,</p>	<p>No change to original assessment. No allocation limits apply to the aquifer, and the proposal will not result in over-allocation of water.</p>

<p>(2) allocating fresh water efficiently to support the social, economic, and cultural well-being of people and communities to the extent possible within limits, including for:</p> <ul style="list-style-type: none"> (a) community drinking water supplies, (b) maintaining generation output and capacity from existing renewable electricity generation schemes, (c) mana whenua customary or cultural needs and activities, and (d) primary production, <p>(3) ensuring that no more fresh water is abstracted than is necessary for its intended use,</p> <p>(4) ensuring that the efficiency of fresh water abstraction, storage and conveyancing infrastructure is improved,</p> <p>(5) providing for the harvesting and storage of fresh water to meet increasing demand for water, to manage water scarcity conditions and to provide resilience to the effects of climate change, and</p> <p>(6) providing for spatial and temporal sharing of allocated fresh water between uses and users where feasible.</p>	
<p>Freshwater</p>	
<p>LF-FW-P7 Fresh water</p> <p>Environmental outcomes, attribute states (including target attribute states), environmental flows and levels, and limits ensure that:</p> <ul style="list-style-type: none"> (1) the health and well-being of water bodies and freshwater ecosystems is maintained or, if degraded, improved, (2) the habitats of indigenous species with life stages dependent on water bodies are protected and sustained, <ul style="list-style-type: none"> (2A) the habitats of trout and salmon are protected insofar as this is consistent with (2), (2B) fish passage is provided for, except where it is desirable to prevent the passage of some fish species in order to protect desired fish species, their life stages, or their habitats, (3) specified rivers and lakes are suitable for primary contact within the following timeframes: <ul style="list-style-type: none"> (a) by 2030, 90% of rivers and 98% of lakes, and 	<ul style="list-style-type: none"> (1) Given the additional mitigation measures and conditions proposed by the Applicant, the proposal is considered to provide for and maintain the wellbeing of water bodies and freshwater ecosystems. (2) The flow augmentation conditions proposed by the Applicant will ensure that adequate flows in the Tima Burn are maintained, and thereby protect habitats of indigenous species. Given the setbacks of works and mitigation measures proposed, the habitats of the Clutha/Mata-Au are also considered to be protected. (3) The proposal will not impact these timeframes being reached. (4) The proposal is not considered to be inconsistent, given the additional mitigation measures and conditions proposed by the Applicant, and Kā Rūnaka’s neutral position on the application.

<p>(b) by 2040, 95% of rivers and 100% of lakes, and (4) resources harvested from water bodies including mahika kai and drinking water are safe for human consumption.</p>	<p>Overall, the proposal is considered to be not in consistent with this policy.</p>
<p>LF-FW-P13 – Preserving natural character and instream values</p> <p>Preserve the natural character and instream values of lakes and rivers and the natural character of their beds and margins by:</p> <p>(1) avoiding the loss of values or extent of a river, unless:</p> <p>(a) there is a functional need for the activity in that location, and</p> <p>(b) the effects of the activity are managed by applying the effects management hierarchy (in relation to natural inland wetlands and rivers),</p> <p>(2) not granting resource consent for activities in (1) unless the consent authority is satisfied that:</p> <p>(a) the application demonstrates how each step of the effects management hierarchy (in relation to natural inland wetlands and rivers) will be applied to the loss of values or extent of the river, and</p> <p>(b) any consent is granted subject to conditions that apply the effects management hierarchy (in relation to natural inland wetlands and rivers) in respect of any loss of values or extent of the river,</p> <p>(c) if aquatic offsetting or aquatic compensation is applied, the applicant has complied with principles 1 to 6 in Appendix 6 and 7 of the NPSFM, and has had to regard to the remaining principles in Appendix 6 and 7 of the NPSFM, as appropriate, and</p> <p>(d) if aquatic offsetting or aquatic compensation is applied, any consent granted is subject to conditions that will ensure that the offspring or compensation will be maintained and managed over time to achieve the conservation outcomes,</p> <p>(3) establishing environmental flow and level regimes and water quality standards that support the health and wellbeing of the water body,</p> <p>(4) to the extent practicable, sustaining the form and function of a water body that reflects its natural behaviours,</p>	<p>No change to original assessment.</p> <p>(1) the proposal avoids the loss of values and extent of rivers.</p> <p>(2) the application has not applied the effects management hierarchy.</p> <p>(3) flow augmentation conditions proposed will maintain flows in the Tima Burn.</p> <p>(4) the proposal will maintain the form and function of water bodies.</p> <p>(5) N/A</p> <p>(6) N/A</p> <p>(7) N/A</p> <p>(8) the proposal is not considered to adversely affect the natural character of water bodies.</p> <p>(9) The Applicant proposes riparian planting along the Tima Burn.</p>

<p>(5) recognising and implementing the restrictions in Water Conservation Orders,</p> <p>(6) preventing the impounding or control of the level of Lake Wanaka,</p> <p>(7) preventing modification that would permanently reduce the braided character of a river,</p> <p>(8) controlling the use of water and land that would adversely affect the natural character of the water body, and</p> <p>(9) maintaining or enhancing the values of riparian margins to support habitat and biodiversity, reduce contaminant loss to water bodies and support natural flow behaviour.</p>	
<p>Land and Soil</p>	
<p>LF-LS-O11 – Land and soil The availability and productive capacity of highly productive land for primary production is protected now and for future generations.</p>	<p>No change to original assessment. The Applicant has confirmed that the site is not classed as highly productive land. Ultimately, the maintenance of soil quality depends on rehabilitation of the site. Ms Stirling has recommended consent conditions in this regard, and consistency with these provisions are best assessed under the CODC application.</p>
<p>LF-LS-O12 – Use, development and protection The use, development, and protection of land and soil:</p> <p>(1) safeguards the life-supporting capacity of soil,</p> <p>(2) contributes to achieving environmental outcomes for fresh water, and</p> <p>(3) recognises the role of these resources in providing for the social, economic, and cultural well-being of Otago’s people and communities.</p>	
<p>LF-LS-P16 – Maintaining soil quality Maintain soil quality by managing both land and freshwater resources, including the interconnections between soil health, vegetative cover and water quality and quantity.</p>	
<p>LF-LS-P17 – Soil values Maintain the health and productive potential of soils, to the extent reasonably practicable by managing the use and development of land in a way that is suited to the soil characteristics and that sustains mauri through healthy:</p> <p>(1) soil biological activity and biodiversity,</p> <p>(2) soil structure, and</p> <p>(3) soil fertility</p>	

<p>LF-LS-P18 – Soil erosion</p> <p>Minimise soil erosion, and the associated risk of sedimentation in water bodies, resulting from land use activities by:</p> <ol style="list-style-type: none"> (1) implementing effective management practices to retain topsoil in-situ and minimise the potential for soil to be discharged to water bodies, including by controlling the timing, duration, scale and location of soil exposure, (2) maintaining vegetative cover on erosion-prone land, and (3) promoting activities that enhance soil retention 	
<p>LF-LS-P19 – Highly productive land</p> <p>Maintain the availability and productive capacity of highly productive land by:</p> <ol style="list-style-type: none"> (1) identifying highly productive land based on the following criteria: <ol style="list-style-type: none"> (a) the capability and versatility of the land to support primary production based on the Land Use Capability classification system, (b) the suitability of the climate for primary production, particularly crop production, and (c) the size and cohesiveness of the area of land for use for primary production, and (2) prioritising the use of highly productive land for primary production ahead of other land uses, and (3) managing urban development in rural areas, including rural lifestyle and rural residential areas, in accordance with UFD-P4, UFD-P7 and UFD-P8. 	
<p>LF-LS-P21 – Land use and fresh water</p> <p>The health and well-being of water bodies and freshwater ecosystems is maintained to meet environmental outcomes set for Freshwater Management Units and/or rohe by:</p> <ol style="list-style-type: none"> (1) reducing or otherwise maintaining the adverse effects of direct and indirect discharges of contaminants to water from the use and development of land, (2) managing land uses that may have adverse effects on the flow of water in surface water bodies or the recharge of groundwater, 	<p>No change to original assessment.</p> <p>The mining activity involves new discharges to water (i.e. will not reduce or maintain discharges). I am satisfied that adverse effects can be appropriately managed. The proposal has the potential to impact the flow of the Tima Burn, however, proposed flow augmentation conditions will ensure that flows are maintained to an acceptable level. The water take is also predominantly non- consumptive and water will be discharged to sediment retention ponds before recharging the aquifer. I do not consider water availability to be an issue in this case. As</p>

<p>(3) recognising the drylands nature of some of Otago and the resulting low water availability, and</p> <p>(4) maintaining or, where degraded, enhancing the habitat and biodiversity values of riparian margins.</p>	<p>noted above, the Applicant proposes to undertake riparian planting along the Tima Burn.</p>
<p>LF-LS-P22 – Public access</p> <p>Provide for public access to and along lakes and rivers by:</p> <p>(1) maintaining existing public access,</p> <p>(2) seeking opportunities to enhance public access, including access by mana whenua in their role as kaitiaki and for gathering of mahika kai mahika kai, and</p> <p>(3) encouraging landowners to avoid restricting access unless it is necessary to protect:</p> <p>(a) health and safety,</p> <p>(b) significant natural areas,</p> <p>(c) areas of outstanding natural character,</p> <p>(d) outstanding natural features and landscapes,</p> <p>(e) places or areas with special or outstanding historic heritage values, or</p> <p>(f) places or areas of significance to Kāi Tahu, including wāhi taoka, wāhi tapu and wāhi tūpuna,</p> <p>(g) establishing vegetation, or</p> <p>(h) a level of security consistent with the operational requirements of a lawfully established activity.</p>	<p>No change to original assessment.</p> <p>Public access will be temporarily diverted for the duration of the mining activity, and access will be restricted to protect public health and safety. Overall, public access along the river will be maintained, and I am satisfied that the proposal is consistent with this policy.</p>
<p>Ecosystem and indigenous biodiversity</p>	
<p>ECO-01 – Indigenous biodiversity</p> <p>Otago’s indigenous biodiversity is healthy and thriving and any overall decline in quality, quantity and diversity is halted.</p>	<p>The Applicant has actively consulted with manawhenua to address outstanding concerns. In particular, the Applicant has submitted a Tima Burn Planting Plan and</p>

<p>ECO-03 – Kaitiakiaka and stewardship</p> <p>Mana whenua exercise their role as kaitiaki of Otago’s indigenous biodiversity, and Otago’s communities are recognised as stewards, who are responsible for:</p> <p>(1) te hauora o te koiora (the health of indigenous biodiversity), te hauora o te taoka (the health of species and ecosystems that are taoka), and te hauora o te taiao (the health of the wider environment), while</p> <p>(2) providing for te hauora o te takata (the health of the people).</p>	<p>further details of the flow augmentation design.</p> <p>Overall, the proposal is not considered to be inconsistent with these provisions.</p>
<p>ECO-P1 – Kaitiakitaka</p> <p>Enable Kāi Tahu to exercise their role as kaitiaki of Otago’s indigenous biodiversity by:</p> <p>(1) partnering with Kāi Tahu in the management of indigenous biodiversity to the extent desired by mana whenua,</p> <p>(1A) working with Kāi Tahu to identify indigenous species and ecosystems that are taoka,</p> <p>(2) incorporating the use of mātauraka Māori in the management and monitoring of indigenous biodiversity, and</p> <p>(3) facilitating access to and use of indigenous biodiversity by Kāi Tahu, including mahika kai, according to tikaka.</p>	
<p>ECO-P8 – Restoration and enhancement</p> <p>The extent, occupancy and condition of Otago’s indigenous biodiversity is increased by:</p> <p>(1) restoring and enhancing habitat for indigenous species, including taoka and mahika kai species,</p> <p>(2) improving the health and resilience of indigenous biodiversity, including ecosystems, species, ecosystem function, and intrinsic values, and</p> <p>(3) buffering or linking ecosystems, habitats and ecological corridors, ki uta ki tai and</p> <p>(4) prioritising all the following for restoration:</p> <p>(a) significant natural areas whose ecological integrity is degraded,</p>	<p>No change to original assessment.</p> <p>Flow augmentation of the Tima Burn will maintain or enhance stream flow, thereby maintaining ecological health, provided water used to augment the Tima Burn is of good quality.</p>

<p>(b) threatened and rare ecosystems representative of naturally occurring and formerly present ecosystems,</p> <p>(c) areas that provide important connectivity or buffering functions,</p> <p>(d) areas of indigenous biodiversity on native reserves and Māori land where restoration is advanced by the Māori landowners,</p> <p>(e) any other priorities specified in regional biodiversity strategies or any national priorities for indigenous biodiversity restoration.</p>	
<p>ECO-P10 – Integrated management Manage indigenous biodiversity and the effects on it from subdivision, use and development in an integrated way, which means:</p> <p>(1) ensuring any permitted or controlled activity in a regional plan or district plan rule does not compromise the achievement of ECO-01,</p> <p>(2) recognising the interactions ki uta ki tai (from the mountains to the sea) between the terrestrial environment, fresh water, and the coastal marine area, including:</p> <p>(a) the migration of fish species between fresh and coastal waters, and</p> <p>(b) the effects of land-use activities on coastal biodiversity and ecosystems,</p> <p>(2A) acknowledging that climate change will affect indigenous biodiversity and managing activities which may exacerbate the effects of climate change,</p> <p>(3) providing for the coordinated management and control of subdivision, use and development, as it affects indigenous biodiversity across administrative boundaries,</p> <p>(4) working towards aligning strategies and other planning tools required or provided for in legislation that are relevant to indigenous biodiversity,</p> <p>(5) recognising the critical role of people and communities in actively managing the remaining indigenous biodiversity occurring on private land, and</p> <p>(6) adopting regulatory and non-regulatory regional pest management programmes.</p>	<p>The proposal is considered to be consistent with this policy.</p>

Hazards and risks	
<p>HAZ-NH-O1 – Natural hazards Risks to people, communities and property from natural hazards within Otago are maintained where they are acceptable, and managed to ensure they do not exceed a tolerable level.</p>	<p>No change to original assessment. As previously noted, the Applicant has submitted a flood hazard assessment with the CODC application, prepared by GeoSolve. This report notes that the mine pit area will be located within the flood risk area, albeit to a limited degree, and that flooding would only reach the mine area during extreme flood events. GeoSolve considers that, given the relatively short duration of the mining activity, such extreme flood events are unlikely to occur during the mining activity. Nevertheless, the report recommends that any works in the vicinity of the Tima Burn are immediately backfilled upon completion of mining, to mitigate flood risk. Overall, given the conclusions of this report, I consider that the levels of risk to people, communities and property from natural hazards can be appropriately managed and mitigated, and will not exceed a tolerable level. The proposal is therefore consistent with these provisions.</p>
<p>HAZ-NH-O2 Adaptation Otago’s people, communities, and property are prepared for and able to adapt to the effects of natural hazards, including natural hazard risks that are exacerbated by climate change.</p>	
<p>HAZ-NH-P3 – New activities Once the level of natural hazard risk associated with an activity has been determined in accordance with HAZ-NH- P2, manage new activities to achieve the following outcomes: (1) significant natural hazard risks are avoided, (2) when the natural hazard risk is tolerable, manage the level of risk so that it does not exceed tolerable and ((3) when the natural hazard risk is acceptable, maintain the level of risk.</p>	
<p>HAZ-NH-P11 – Kāi Tahu rakatirataka Recognise and provide for the rakatirataka of Kāi Tahu by: (1) enabling mana whenua to lead approaches on the management of natural hazard risks affecting native reserves and Māori land, and (2) including Kāi Tahu in decision-making on the management of natural hazard risks affecting the values of wāhi tūpuna.</p>	
Historical and Cultural Values	
<p>HCV-WT-O1 – Kāi Tahu cultural landscapes Wāhi tūpuna and their associated cultural values are identified and protected.</p>	<p>As noted above, the Applicant has consulted extensively with manawhenua to resolve outstanding concerns and Kā Rūnaka now have a neutral position on the proposal. The proposal is therefore considered to be not inconsistent with these provisions.</p>
<p>HCV-WT-O2 – Rakatirataka The rakatirataka of mana whenua over wāhi tūpuna is recognised, and mana whenua are able to exercise their role as kaitiaki within these areas.</p>	
<p>HCV-WT-P1 – Recognise and identify wāhi tūpuna</p>	

<p>Sustain the enduring Kāi Tahu relationship with wāhi tūpuna, including by:</p> <p>(1) enabling Kāi Tahu to identify as wāhi tūpuna any sites and areas of significance to mana whenua, along with the cultural values that contribute to each wāhi tūpuna being significant</p> <p>(2) recognising the rakatirataka of mana whenua over wāhi tūpuna and providing for their ability to exercise their role as kaitiaki within these areas,</p> <p>(3) recognising and providing for connections and associations between different wāhi tūpuna, and</p> <p>(4) recognising and using traditional place names.</p>	
<p>HCV-WT-P2 – Management of wāhi tūpuna</p> <p>Wāhi tūpuna are protected by:</p> <p>(1) avoiding significant adverse effects on the cultural values associated with identified wāhi tūpuna,</p> <p>(2) where adverse effects demonstrably cannot be completely avoided, remedying or mitigating adverse effects in a manner that maintains the values of the wāhi tūpuna,</p> <p>(3) managing identified wāhi tūpuna in accordance with tikaka Māori,</p> <p>(4) avoiding any activities that may be considered inappropriate in wāhi tūpuna as identified by Kāi Tahu, and</p> <p>(5) encouraging the enhancement of access to wāhi tūpuna to the extent compatible with the particular wāhi tūpuna.</p>	

Overall, the proposal is now considered to be generally consistent with the objectives and policies of the proposed ORPS.

2.2.7 Regional Plan: Water for Otago

Table 3: Assessment against the provisions of the Regional Plan: Water for Otago

Provision	Assessment
Chapter 5 – Natural and Human Use Values of Lakes and Rivers	
Objective 5.3.1 To maintain or enhance the natural and human use values, identified in	No change to original assessment.

<p>Schedules 1A, 1B and 1C, that are supported by Otago's lakes and rivers.</p>	<p>The Clutha River/Mata-Au and Tima Burn are identified as having a number of natural and human use values. For reasons discussed in Section 6.1.5 of the original s42a report, the proposal is considered to maintain these values, and is considered to be consistent with this objective.</p>
<p>Objective 5.3.2 To maintain or enhance the spiritual and cultural beliefs, values and uses of significance to Kai Tahu, identified in Schedule 1D, as these relate to Otago's lakes and rivers.</p>	<p>The stretch of the Clutha River / Mata-Au subject to this application is identified in Schedule 1D (kaitiakitanga, mauri, wāhi tapu and/or waiwhakaheke, wāhi taoka, mahika kai, kohanga, trails and cultural materials). Given the consultation undertaken with manawhenua to resolve outstanding concerns, and Kā Rūnaka's neutral position on the application, the proposal is not considered to be inconsistent with this objective.</p>
<p>Policy 5.3.3 To protect the natural character of Otago's lakes and rivers and their margins from inappropriate subdivision, use or development.</p>	<p>No change to original assessment. As discussed in Section 6.1.5 of the original s42a report, the proposal is considered to protect and maintain the natural character and amenity values of the Clutha River/Mata-Au and its margins. Therefore, the proposal is consistent with these policies.</p>
<p>Policy 5.3.4 To maintain or enhance the amenity values associated with Otago's lakes and rivers and their margins.</p>	
<p>Policy 5.3.5 To maintain or enhance public access to and along the margins of Otago's lakes and rivers.</p>	<p>No change to original assessment. The proposal will maintain public access to and along the river.</p>
<p>Policy 5.3.6 To provide for the sustainable use and development of Otago's water bodies, and the beds and margins of Otago's lakes and rivers.</p>	<p>No change to original assessment. Given the predominantly non-consumptive nature of the water take, the proposal is considered to be a sustainable use of the water resource.</p>
<p>Objective 5.3.8 To avoid the exacerbation of any natural hazard or the creation of a hazard associated with Otago's lakes and rivers.</p>	<p>No change to original assessment. The proposal will not exacerbate existing, or create new, natural hazards, therefore is consistent with this policy.</p>
<p>Policy 5.4.1 To identify the following natural and human use values supported by Otago's lakes and rivers, as expressed in Schedule 1: (a) Outstanding natural features and landscapes; (b) Areas with a high degree of naturalness;</p>	<p>No change to original assessment. The Schedule 1 values of the Clutha River / Mata-Au and Tima Burn have been identified in Section 4.1. These include (c) areas of significant habitat and vegetation, (d) ecosystem values, (e) water supply values, (f) registered historic places and</p>

<p>(c) Areas of significant indigenous vegetation, significant habitats of indigenous fauna, and significant habitats of trout and salmon;</p> <p>(d) Ecosystem values;</p> <p>(e) Water supply values;</p> <p>(f) Registered historic places; and</p> <p>(g) Spiritual and cultural beliefs, values and uses of significance to Kai Tahu.</p>	<p>(g) significant spiritual and cultural beliefs, values and uses to Kāi Tahu.</p>
<p>Policy 5.4.2 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding, in preference to remedying or mitigating:</p> <p>(1) Adverse effects on:</p> <p>(a) Natural values identified in Schedule 1A;</p> <p>(b) Water supply values identified in Schedule 1B;</p> <p>(c) Registered historic places identified in Schedule 1C, or archaeological sites in, on, under or over the bed or margin of a lake or river;</p> <p>(d) Spiritual and cultural beliefs, values and uses of significance to Kai Tahu identified in Schedule 1D;</p> <p>(e) The natural character of any lake or river, or its margins;</p> <p>(f) Amenity values supported by any water body; and</p> <p>(2) Causing or exacerbating flooding, erosion, land instability, sedimentation or property damage.</p>	<p>(1a) – consistent; adverse effects on natural values identified in Schedule 1A will be avoided.</p> <p>(1b) – consistent; there are no water supply values identified in Schedule 1B located in proximity to the site.</p> <p>(1c) – consistent; there are no registered historic places identified in Schedule 1C, or archaeological sites in, on, under, or over the bed of the Clutha River/Mata-Au located in proximity to the site.</p> <p>(1d) – The proposal is considered to appropriately manage and mitigated adverse effects on cultural values.</p> <p>(1e) – consistent; adverse effects on natural character will be mitigated.</p> <p>(1f) – consistent; adverse effects on amenity values will be mitigated.</p> <p>(2) – the Applicant has submitted a draft Erosion and Sediment Control Plan, which is best considered under the CODC application.</p> <p>The proposal is consistent with this policy.</p>
<p>Policy 5.4.3 In the management of any activity involving surface water, groundwater or the bed or margin of any lake or river, to give priority to avoiding adverse effects on:</p> <p>(a) Existing lawful uses; and</p> <p>(b) Existing lawful priorities for the use, of lakes and rivers and their margins.</p>	<p>No change to original assessment.</p> <p>The proposal will not avoid adverse effects on existing lawful water users, however affected water users will be provided with a sufficient potable water supply, if and when they are affected by the mining activity.</p> <p>The proposal is not considered to have adverse effects on any existing lawful priorities for the use of the Clutha River/Mata-Au and its margins.</p> <p>Overall, whilst the proposal does not give priority to <u>avoiding</u> adverse effects on existing lawful uses, the proposal is not considered to be inconsistent with this policy.</p>
<p>Policy 5.4.4 To recognise Kai Tahu’s interests in Otago’s lakes and rivers by promoting</p>	<p>The Applicant has actively engaged with manawhenua throughout the consenting</p>

opportunities for their involvement in resource consent processing.	process and Kai Tahu's interests are recognised.
<p>Policy 5.4.8 To have particular regard to the following features of lakes and rivers, and their margins, when considering adverse effects on their natural character:</p> <p>(a) The topography, including the setting and bed form of the lake or river;</p> <p>(b) The natural flow characteristics of the river;</p> <p>(c) The natural water level of the lake and its fluctuation;</p> <p>(d) The natural water colour and clarity in the lake or river;</p> <p>(e) The ecology of the lake or river and its margins; and</p> <p>(f) The extent of use or development within the catchment, including the extent to which that use and development has influenced matters (a) to (e) above.</p>	<p>No change to original assessment.</p> <p>Regard has been given to these matters, and adverse effects on natural character and amenity values are assessed in Section 6.1.5 of the original s42a report.</p>
<p>Policy 5.4.9 To have particular regard to the following qualities or characteristics of lakes and rivers, and their margins, when considering adverse effects on amenity values:</p> <p>(a) Aesthetic values associated with the lake or river; and</p> <p>(b) Recreation</p>	
Chapter 6 – Water Quantity	
Objective 6.3.1 To retain flows in rivers sufficient to maintain their life-supporting capacity for aquatic ecosystems, and their natural character.	<p>No change to original assessment.</p> <p>The hydrological characteristics of water resources have been recognised; the take is predominantly non-consumptive, and flows of the Tima Burn will be augmented as and when required. As such, flows of surface water bodies, and their life-supporting capacity, are not considered to be adversely affected.</p> <p>The proposal provides for the water needs of Otago's industry.</p> <p>The hydrological connections between water bodies are recognised. Written approvals have been obtained from most affected bore owners, and the Applicant proposes to provide suitable potable water supply to all affected groundwater users, as and when required.</p>
Objective 6.3.2 To provide for the water needs of Otago's primary and secondary industries, and community domestic water supplies.	
Objective 6.3.2A To maintain long term groundwater levels and water storage in Otago's aquifers.	
Policy 6.3.3 To minimise conflict among those taking water.	
<p>Policy 6.4.0 To recognise the hydrological characteristics of Otago's water resources, including behaviour and trends in:</p> <p>(a) The levels and flows of surface water bodies; and</p> <p>(b) The levels and volumes of groundwater; and</p>	

<p>(c) Any interrelationships between adjoining bodies of water, when managing the taking of water.</p>	<p>Overall, the proposal is considered to be generally consistent with these provisions.</p>
<p>Policy 6.4.0A To ensure that the quantity of water granted to take is no more than that required for the purpose of use taking into account:</p> <p>(a) How local climate, soil, crop or pasture type and water availability affect the quantity of water required; and</p> <p>(b) The efficiency of the proposed water transport, storage and application system.</p>	<p>No change to original assessment.</p> <p>The proposed take volume is required for the mine pit dewatering. There is no allocation limit for the Clutha River/Mata-Au or the aquifer and, given that the take is predominantly non-consumptive, it is considered to be an efficient use of water.</p>
<p>Policy 6.4.0C To promote and give preference, as between alternative sources, to the take and use of water from the nearest practicable source.</p>	<p>No change to original assessment.</p> <p>The proposed take is from the nearest practicable source, and there are no alternatives to the groundwater take for mine pit dewatering.</p>
<p>Policy 6.4.1 To enable the taking of surface water, by:</p> <p>(a) Defined allocation quantities; and</p> <p>(b) Provision for water body levels and flows, except when:</p> <p>(i) The taking is from Lakes Dunstan, Hawea, Roxburgh, Wanaka or Wakatipu, or the main stem of the Clutha River/Mata-Au or Kawarau Rivers.</p> <p>(ii) All of the surface water or connected groundwater taken is immediately returned to the source water body.</p> <p>(iii) Water is being taken which has been delivered to the source water body for the purpose of that subsequent take.</p>	<p>No change to original assessment.</p> <p>The groundwater take will be located both within 100 m, and greater than 100 m, of the Clutha River/Mata-Au in places, which is not subject to minimum flows. No allocation limits apply to the aquifer.</p>
<p>Policy 6.4.1A A groundwater take is allocated as:</p> <p>(a) Surface water, subject to a minimum flow, if the take is from any aquifer in Schedule 2C; or</p> <p>(b) Surface water, subject to a minimum flow, if the take is within 100 metres of any connected perennial surface water body; or</p> <p>(c) Groundwater and part surface water if the take is 100 metres or more from any connected perennial surface water body, and depletes that water body most affected by at least 5 litres per second as determined by Schedule 5A; or</p> <p>(d) Groundwater if (a), (b) and (c) do not apply.</p>	
<p>Policy 6.4.10A1 Enable the taking of water allocated as groundwater by Policy 6.4.1A, by:</p>	<p>No change to original assessment.</p>

<p>(a) Determining the volume available for taking as the maximum allocation limit less the assessed maximum annual take for an aquifer calculated using Method 15.8.3.1; and (b) Applying aquifer restrictions where specified in Schedule 4B.</p>	<p>No allocation limits apply to the aquifer. Regardless, the take is predominantly non-consumptive, therefore the proposal is considered to be consistent with this policy.</p>
<p>6.4.10A3 For any aquifer, avoid allocating beyond the maximum allocation limit, unless the water: (a) Is for a non-consumptive take; or (b) Has been previously taken under a resource consent; or (c) Is for a new, consumptive take of a temporary nature that is necessary for construction or repair of a structure; or (d) Is in a rock formation having an average hydraulic conductivity of less than 1×10^{-5} metres per second, which is not an aquifer mapped in the C-series of this Plan, and is taken in connection with mineral extraction activities.</p>	
<p>Policy 6.4.10A5 In managing the taking of groundwater, avoid in any aquifer: (a) Contamination of groundwater or surface water; and (b) Permanent aquifer compaction.</p>	<p>No change to original assessment. (a) Adverse effects on groundwater can be appropriately managed so to be acceptable. (b) Ms Badenhop considers that aquifer compaction is unlikely, due to the gravel substrate. Given the above, the proposal is consistent with this policy.</p>
<p>Policy 6.4.10AC To avoid aquifer contamination by: (a) Recognising contaminated sites; (b) Identifying areas vulnerable to seawater intrusion; (c) Setting maximum allocation limits; (d) Setting aquifer restriction levels; (e) Restricting takes; and (f) Requiring monitoring of groundwater quality and levels.</p>	<p>As above, it is considered that adverse effects on groundwater quality can be appropriately managed. Ongoing monitoring of groundwater quality is recommended and the Applicant has submitted a WMP to address ongoing monitoring requirements. Overall, the proposal is not inconsistent with this policy.</p>
<p>Policy 6.4.10B In managing the taking of groundwater, to have regard to avoiding adverse effects on existing groundwater takes, unless the approval of affected persons has been obtained.</p>	<p>Whilst written approvals have been obtained from most identified affected groundwater users, there is one affected party who has not provided written approval. The proposal is not entirely consistent with this policy, as adverse effects on existing groundwater takes will be</p>

	mitigated through the provision of alternate water supplies, but will not be avoided.
Policy 6.4.16 In granting resource consents to take water, or in any review of the conditions of a resource consent to take water, to require the volume and rate of take to be measured in a manner satisfactory to the Council unless it is impractical or unnecessary to do so.	No change to original assessment. Whilst the water take is predominantly non-consumptive, the Applicant proposes metering and reporting of all water taken. Therefore, the proposal is consistent with this policy.
Policy 6.4.19 When setting the duration of a resource consent to take and use water, to consider: (a) The duration of the purpose of use; (b) The presence of a catchment minimum flow or aquifer restriction level; (c) Climatic variability and consequent changes in local demand for water; (d) The extent to which the risk of potentially significant, adverse effects arising from the activity may be adequately managed through review conditions; (e) Conditions that allow for adaptive management of the take and use of water; (f) The value of the investment in infrastructure; and (g) Use of industry best practice.	No change to original assessment. This policy has been superseded by Policy 10A.2.2, assessed below.
Chapter 7 – Water Quality	
Objective 7.A.1 To maintain water quality in Otago lakes, rivers, wetlands, and groundwater, but enhance water quality where it is degraded.	The proposal involves the discharge of sediment-laden water only and the Clutha River / Mata-Au is classified as being in the best 25% of all sites and ‘state A’ for clarity. As such, the water quality is not considered to be ‘degraded’ and water quality should be maintained. The proposal is considered to achieve this. As above, adverse effects on groundwater quality can be appropriately managed, therefore, the proposal is considered to be consistent with this objective.
Objective 7.A.2 To enable the discharge of water or contaminants to water or land, in a way that maintains water quality and supports natural and human use values, including Kāi Tahu values.	I consider that the proposal will maintain water quality such that it supports the values identified in Schedule 1A, and is considered to support Kāi Tahu values.

<p>Objective 7.A.3 To have individuals and communities manage their discharges to reduce adverse effects, including cumulative effects, on water quality.</p>	<p>Given the mitigation measures and ongoing monitoring proposed, I consider that the proposal is consistent with this objective.</p>
<p>Policy 7.B.1 Manage the quality of water in Otago lakes, rivers, wetlands and groundwater by:</p> <p>(a) Describing, in Table 15.1 of Schedule 15, characteristics indicative of Good Quality Water; and</p> <p>(b) Setting, in Table 15.2 of Schedule 15, receiving water numerical limits and targets for achieving Good Quality Water; and</p> <p>(c) Maintaining, from the dates specified in Schedule 15, Good Quality Water; and</p> <p>(d) Enhancing water quality where it does not meet Schedule 15 limits, to meet those limits by the date specified in the Schedule; and</p> <p>(e) Recognising the differences in the effects and management of point and non-point source discharges; and</p> <p>(f) Recognising discharge effects on groundwater; and</p> <p>(g) Promoting the discharge of contaminants to land in preference to water.</p>	<p>(a) – (b) refer to Schedule 15 of the RPW, which has been reviewed and considered in the assessment of this application.</p> <p>With respect to (c), Table 15.2 sets a limit of 5 NTU for the Clutha River / Mata-Au, to be reached by 31 March 2025, and it is considered that the proposal will maintain water to this quality.</p> <p>(d) not applicable, as the date in (c) is 31 March 2025.</p> <p>(e) The differences in the effects and management of point source discharge and non-point source discharges have been recognised.</p> <p>(f) Discharge effects on groundwater are recognised and can be appropriately managed.</p> <p>(g) Aside from sediment-laden water discharged back to the mine pit pond and to sediment retention ponds, discharges will be to land and will be set back at least 50 m from the Clutha River/Mata-Au and Tima Burn.</p> <p>Overall, the proposal is consistent with this policy.</p>
<p>Policy 7.B.2 Avoid objectionable discharges of water or contaminants to maintain the natural and human use values, including Kāi Tahu values, of Otago lakes, rivers, wetlands, groundwater and open drains and water races that join them.</p>	<p>Subject to recommended consent conditions, the proposal is considered to maintain the natural and human use values of the Clutha River/Mata-Au, and effects on water quality, and Kāi Tahu values, can be appropriately managed.</p>
<p>Policy 7.B.4 When considering any discharge of water or contaminants to land, have regard to:</p> <p>(a) The ability of the land to assimilate the water or contaminants; and</p> <p>(b) Any potential soil contamination; and</p> <p>(c) Any potential land instability; and</p> <p>(d) Any potential adverse effects on water quality; and</p> <p>(e) Any potential adverse effects on use of any proximate coastal marine area for contact recreation and seafood gathering.</p>	<p>No change to original assessment.</p> <p>Consideration has been given to the ability of the land to assimilate water and contaminants, and potential soil contamination, however, there is uncertainty around the level of effects on groundwater quality from the contaminated land and sedimentation. Recommended consent conditions will ensure ongoing monitoring of groundwater quality.</p> <p>The proposal will not have adverse effects on the coastal marine area.</p>

	Overall, the proposal has regard to these matters, and is not considered to be inconsistent with this policy.
<p>Policy 7.B.6 When assessing any consent to discharge contaminants to water, consider the need for and the extent of any zone for physical mixing, within which water will not meet the characteristics and limits described in Schedule 15, by taking account of:</p> <ul style="list-style-type: none"> (a) The sensitivity of the receiving environment; and (b) The natural and human use values, including Kāi Tahu values; and (c) The natural character of the water body; and (d) The amenity values supported by the water body; and (e) The physical processes acting on the area of discharge; and (f) The particular discharge, including contaminant type, concentration and volume; and (g) The provision of cost-effective community infrastructure; and (h) Good Quality Water as described in Schedule 15. 	<p>The proposal involves the discharge of sediment-laden water back into the mine pit pond, and to sediment retention ponds. Sediments will settle out in the settlement ponds before being discharged to land and infiltrating back to groundwater, and subsequently the Clutha River/Mata-Au. Proposed land management practices will therefore help to reduce adverse effects on water.</p> <p>As discussed in Section 6.1 of the original s42a report, adverse effects on natural character and amenity values are considered to be acceptable. Adverse effects on Kāi Tahu values have been taken into account and will be appropriately managed.</p> <p>The discharge is sediment-laden water to land, and the Good Quality Water guidelines in Schedule 15 have been taken into account. Adaptive management strategies and ongoing groundwater monitoring will ensure that adverse effects on groundwater quality are appropriately managed and mitigated.</p>
<p>Policy 7.B.7 Encourage land management practices that reduce the adverse effects of water or contaminants discharged into water.</p>	Overall, the proposal is generally consistent with these provisions.
<p>Policy 7.B.8 Encourage adaptive management and innovation that reduces the level of contaminants in discharges.</p>	
<p>Policy 7.C.1 When considering applications for resource consents to discharge contaminants to water, to have regard to opportunities to enhance the existing water quality of the receiving water body at any location for which the existing water quality can be considered degraded in terms of its capacity to support its natural and human use values.</p>	
<p>Policy 7.C.2 When considering applications for resource consents to discharge contaminants to water, or onto or into land in circumstances which may result in any contaminant entering water, to have regard to:</p>	<p>No change to original assessment.</p> <p>Regard has been had to the nature of the discharge and sensitivity of the receiving environment.</p>

<p>(a) The nature of the discharge and the sensitivity of the receiving environment to adverse effects;</p> <p>(b) The financial implications, and the effects on the environment of the proposed method of discharge when compared with alternative means; and</p> <p>(c) The current state of technical knowledge and the likelihood that the proposed method of discharge can be successfully applied.</p>	<p>Due to the nature of the proposal and the requirement for dewatering, alternative means of discharge are considered unrealistic.</p> <p>It is considered that the proposed method of discharge can be successfully applied.</p> <p>The proposal is therefore considered to be consistent with this policy.</p>
<p>7.C.3 When considering any resource consent to discharge a contaminant to water, to have regard to any relevant standards and guidelines in imposing conditions on the discharge consent.</p>	<p>No change to original assessment.</p> <p>Regard has been had to the relevant limits for turbidity in Schedule 15 of the RPW.</p>
<p>Policy 7.C.7 To require that all practical alternative locations for the storage of hazardous substances have been considered before such storage occurs in close proximity to any lake or river or to mean high water springs; and, if it is not practical to locate elsewhere, to require that appropriate risk management contingencies are put in place.</p>	<p>The application confirms that storage of hazardous substances will be located in accordance with Health and Safety at Work (Hazardous Substances) Regulations 2017, and away from areas of flood risk and excavation. The Applicant's draft Water Management Plan also outlines spill response procedures in the event of hazardous spills.</p>
<p>Policy 7.C.8 To promote the use of contingency plans for the prevention, containment and recovery of the accidental spill of any hazardous substance which may adversely affect water quality.</p>	<p>The proposal is considered to be consistent with these provisions.</p>
<p>Policy 7.C.9 To support the coordination of measures to remedy or mitigate the adverse effects associated with accidental spills which could potentially contaminate water.</p>	
<p>Chapter 9 – Groundwater</p>	
<p>Policy 9.3.1 To sustain the recognised uses of Otago's groundwater.</p>	<p>No change to original assessment.</p> <p>This objective seeks to sustain consumptive uses, such as domestic and public water supply, stock drinking water, industry and irrigation, for the continued benefit of present and future generations.</p> <p>The level of effects on groundwater quality are not fully understood, and the proposal will adversely impact a number of existing groundwater users. However, the underlying aquifer is unmapped and is therefore not identified in Schedule 3 of the RPW for any</p>

	recognised uses. The proposal is therefore not considered to be inconsistent with this policy.
Policy 9.3.3 To maintain the quality of Otago's groundwater	No change to original assessment. Given the uncertainty around effects on groundwater quality, it is unclear whether the proposal would maintain Otago's groundwater quality.
9.4.1 In managing any activity involving the taking of groundwater or the discharge of contaminants, to ensure that the suitability of aquifers to support the recognised uses of groundwater identified in Schedule 3 is maintained.	No change to original assessment. As noted above, the aquifer is not identified in Schedule 3 as having recognised uses to be maintained.
9.4.14 To require appropriate siting, construction and operation of new groundwater bores, to prevent: (a) Contaminants from entering an aquifer; and (b) The contamination of groundwater in any aquifer from the groundwater in another aquifer; and to promote such management for existing bores.	Ongoing groundwater quality monitoring is proposed by the Applicant and is detailed in the draft WMP. Subject to the proposed monitoring conditions, the proposal is considered to not be inconsistent with these policies.
9.4.21 To support appropriate codes of practice and management guidelines for land use activities which may result in contaminants entering groundwater.	
Chapter 10A – Replacement Water Take and Use Permits	
Objective 10A.1.1 Facilitate an efficient and effective transition from the operative freshwater planning framework toward a new integrated regional planning framework, by managing: (a) The take and use of freshwater; and (b) The replacement of Deemed Permits, and (c) The replacement of water permits for takes and uses of freshwater where those water permits expire prior to 31 December 2025.	No change to original assessment. The Applicant seeks a consent term of six years for the water permit, but seeks a consent term of ten years for the other permits. Given that the permits are intrinsically linked, and that the other permits cannot be implemented without the water permit, I consider a consent term of six years for all consents is appropriate.
Policy 10A.2.2 Irrespective of any other policies in this Plan concerning consent duration, only grant resource consents for takes and uses of freshwater, where this activity was not previously authorised by a Deemed Permit or by a water permit expiring prior to 31 December 2025, for a duration of no more than six years.	

Overall, the proposal is considered to be generally consistent with the objectives and policies of the RPW.

2.2.8 Regional Plan: Air for Otago

An assessment against the relevant objectives and policies was undertaken in the original s42a report. This assessment remains the same, ie. that the proposal is generally consistent with the relevant objectives and policies of the RPA.

2.3 Section 104(1)(c) - Any other matters

2.3.1 The Kai Tahu ki Otago Natural Resource Management Plan 2005

The Kāi Tahu ki Otago Natural Resource Management Plan 2005 (NRMP) is considered to be a relevant other matter for the consideration of this application. This is because the RPW is yet to be amended to take into account this Plan and this Plan expresses the attitudes and values of the four Papatipu Rūnaka: Te Rūnanga o Moeraki, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Ōtākou and Hokonui Rūnanga.

As noted above, given the extensive consultation undertaken by the Applicant, additional mitigation measures and consent conditions proposed, and Kā Rūnaka's now neutral position on the application, the proposal is not considered to be inconsistent with the objectives and policies of the NRMP.

2.3.2 Te Rūnanga o Ngāi Tahu Freshwater Policy Statement 1999

The Ngāi Tahu Freshwater Policy Statement 1999 (NTFP) is considered to be a relevant other matter for the consideration of this application because the RPW is yet to be amended to take into account the NTFP. The NTFP expresses the attitudes and values of Te Rūnanga o Ngāi Tahu.

For the reasons outlined above, the proposal is not considered to be inconsistent with the relevant provisions of the NTFP.

3. Sections 105 and 107

An assessment against Sections 105 and 107 was undertaken in the original s42a report and remains unchanged and is not repeated here, but it is considered that the proposal can be granted with respect to Section 105 and Section 107 of the Act.

4. Part 2 of the RMA

4.1 Section 5

Section 5 identifies the purpose of the Act as to promote the sustainable management of natural and physical resources. This is defined as meaning:

“managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

a) sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and

b) safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and

c) avoiding, remedying, or mitigating any adverse effects of activities on the environment.”

The proposal enables the use, development and protection of natural and physical resources in a way that enables people and communities to provide for their wellbeing.

The proposed water take is considered to be a sustainable use of the water resource, given its predominantly non-consumptive use, and the proposal is considered to safeguard the life-supporting capacity of air, water and ecosystems. In terms of the life-supporting capacity of soil, this ultimately is determined by final site rehabilitation, and is best assessed under the CODC application.

I consider that adverse effects of the proposal can be appropriately managed and mitigated.

Given the above, I am satisfied that the proposal achieves the sustainable management purpose of Section 5.

4.2 Section 6

Section 6 sets out a number of matters of national importance which need to be recognised and provided for. The following matters of national importance are of relevance to this proposal:

(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development:

Adverse effects on natural character are assessed in Section 6.1.5 of the original s42a report. It is considered that the proposal will maintain the natural character of the Clutha River/Mata-Au, the Tima Burn, and their margins.

(d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:

Public access to and along the Clutha River/Mata-Au will be maintained.

(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, wahi tapu, and other taonga:

(f) the protection of historic heritage from inappropriate subdivision, use, and development:

The Applicant has undertaken extensive consultation with manawhenua to address outstanding concerns, and recognises the relationship of Maori and their culture with their ancestral lands, water, sites, waahi tapu, and other taonga.

4.3 Section 7

Section 7 identifies a number of “other matters” to be given particular regard by the Council. Of relevance to this proposal are:

(a) kaitiakitanga

(aa) the ethic of stewardship

Regard has been given to kaitiakitanga and the ethic of stewardship.

(b) the efficient use and development of natural and physical resources

The proposed water take is predominantly non-consumptive, and is considered to be an efficient use of the water resource. Adaptive management strategies are also recommended to ensure adverse effects on groundwater quality are appropriately monitored and managed.

(c) the maintenance and enhancement of amenity values

An assessment of effects on amenity values of water bodies is undertaken in Section 6.1.5 of the original s42a report, and these effects are considered to be less than minor. Overall, the proposal is considered to maintain amenity values.

(d) intrinsic values of ecosystems

Particular regard has been given to the intrinsic values of ecosystems, and adverse effects in this regard can be appropriately managed and mitigated so to be acceptable.

(f) maintenance and enhancement of the quality of the environment

Particular regard has been given to the maintenance and enhancement of the quality of the environment, and I consider that the proposal will maintain the quality of the environment.

(h) the protection of the habitat of trout and salmon

Particular regard has been given to the protection of trout and salmon habitat. Adverse effects on aquatic ecology and surface water quality are considered to be acceptable.

4.4 Section 8

Section 8 requires the council to take into account the principles of the Treaty of Waitangi when exercising functions and powers under the Act in relation to managing the use, development and protection of natural and physical resources.

The Applicant has consulted with Aukaha throughout the consenting process, thereby enabling mana whenua to be actively involved in the assessment of the application. As above, the Applicant has proposed additional mitigation measures and consent conditions to address outstanding concerns, and Kā Rūnaka now has a neutral position on the applications.

Overall, I consider that the proposal is not inconsistent with Section 8.

5. Section 108 and 108AA of the RMA

Should the decision maker wish to grant the applications, the full set of revised conditions agreed between the Applicant, ORC, CODC, technical experts and Aukaha was submitted with the Applicant's supplementary information.

6. Recommendation

Under section 104B it is recommended that this consent application can be **granted** for the following reasons.

- In accordance with an assessment under ss104(1)(a) and (ab) of the RMA, the actual and potential effects are considered to be appropriately managed and mitigated, so to be acceptable.
- In accordance with an assessment under s104(1)(b) of the RMA, the proposal is considered to be generally consistent with the relevant statutory documents, including the NPSFM, operative RPS, proposed RPS (non-freshwater and freshwater instrument components), the RPW and the RPA.
- In accordance with an assessment under s104(1)(c) of the RMA, the proposal is not considered to be inconsistent with the objectives and policies of the NRMP or KTMP.
- An assessment has been completed under Part 2 of the RMA. The proposal is considered to achieve the sustainable management purpose of Section 5, is not considered to adversely affect any matters of national importance or "other matters," and is not considered to be inconsistent with Section 8.

Overall, I am satisfied that adverse effects on the proposal can be appropriately managed and mitigated.



Danielle Ter Huurne
Senior Consents Planner
17 July 2024