

ORC NOTIFICATION RECOMMENDATION REPORT

ID Ref: A1342000
File No: RM20.024
Application No: RM20.024.01-.12
Prepared for: Staff Consents Panel
Prepared by: Elyse Neville
Date: 23 April 2020

Subject: Application RM20.024 by Oceana Gold (New Zealand) Limited for the purpose of undertaking the Deepdell North Stage III Project

1. Purpose

To report and make recommendations under sections 95A-G of the Resource Management Act 1991 (the Act) on the notification decision for the above application.

2. Background Information

Applicant: Oceana Gold (New Zealand) Limited

Applicant's Agent: Phil Petersen, Mitchell Daysh

Site address or location: Macraes Flat, approximately 5.3 kilometres north east of the intersection of Horse Flat Road and Macraes Road

Map references (NZTM 2000):

Deepdell North Stage III Pit: E1397786 N4975675

Deepdell East Waste Rock Stack: E1398218 N4975926

Purpose: For the purpose of undertaking the Deepdell North Stage III Project

Current consents: None applicable to this application

Section 124 timeframes: This is an application for a new activity and so section 124 does not apply.

3. Description of Activity

Oceana Gold (New Zealand) Limited (the applicant) is applying for consents to undertake a new gold mining development at its Macraes Gold Project, to be known as the Deepdell North Stage III Project (DDNSIII). This project is comprised of two key components:

- The Deepdell North Stage III Pit. This involves re-mining the old Deepdell North Pit, which is presently backfilled with waste rock and rehabilitated with pasture. This currently has a footprint of 18.7 hectares (ha), the DDNSIII project will expand this footprint to 38 ha.
- The Deepdell East Waste Rock Stack (Deepdell East WRS) will involve backfilling of the existing Deepdell South Pit and aims to re-establish the original ground contours, before raising the ground profile to the north. At the waste rock stack northern extent it will cross Horse Flat Road, meaning it will need to be realigned around the waste rock stack. The Deepdell East WRS has a footprint of 70.6 ha and a storage capacity of 59.5 Million tonnes (Mt)

The DDNSIII Pit is estimated to contain approximately 6.5 Mt of ore, and will produce 98.4 Mt of backfill waste, 2.4 Mt of in-situ oxide waste and 41.5 Mt of fresh waste.

Total movement of material will be approximately 57 Mt and the project is expected to take approximately 2 years to complete.

The mining methods and means of managing environmental effects will be similar to those used for the existing and consented activities at the Macraes Gold Project. Figure 1 below shows an overview of the layout of the DDNSIII project. Consents needed relate to:

- Sections of tributaries to both Camp Creek and Highlay Creek will be permanently diverted to allow for the proposed waste rock stack, and for stockpiles and cut off drains;
- A culvert will be placed in a tributary to Highlay Creek to allow for the realignment of Horse Flat Road;
- Access will be via the existing Coronation haul road and Deepdell South haul road.
- The existing Processing Plant and tailings storage facilities will be used to process ore from the DDNSIII Pit and to manage processing waste.
- The DDNSIII project will be progressively rehabilitated on substantially the same basis as the recently consented Coronation North project. At closure a pit lake will be formed, and the haul road will be rehabilitated.
- The DDNSIII project will drain to the Deepdell Creek catchment, which is a tributary of the Shag River/Waihemo River.
- Upon completion of mining surface flows will be diverted from the Deepdell East WRS into the Deepdell North Stage III Pit to create a lake (Deepdell North Pit Lake).

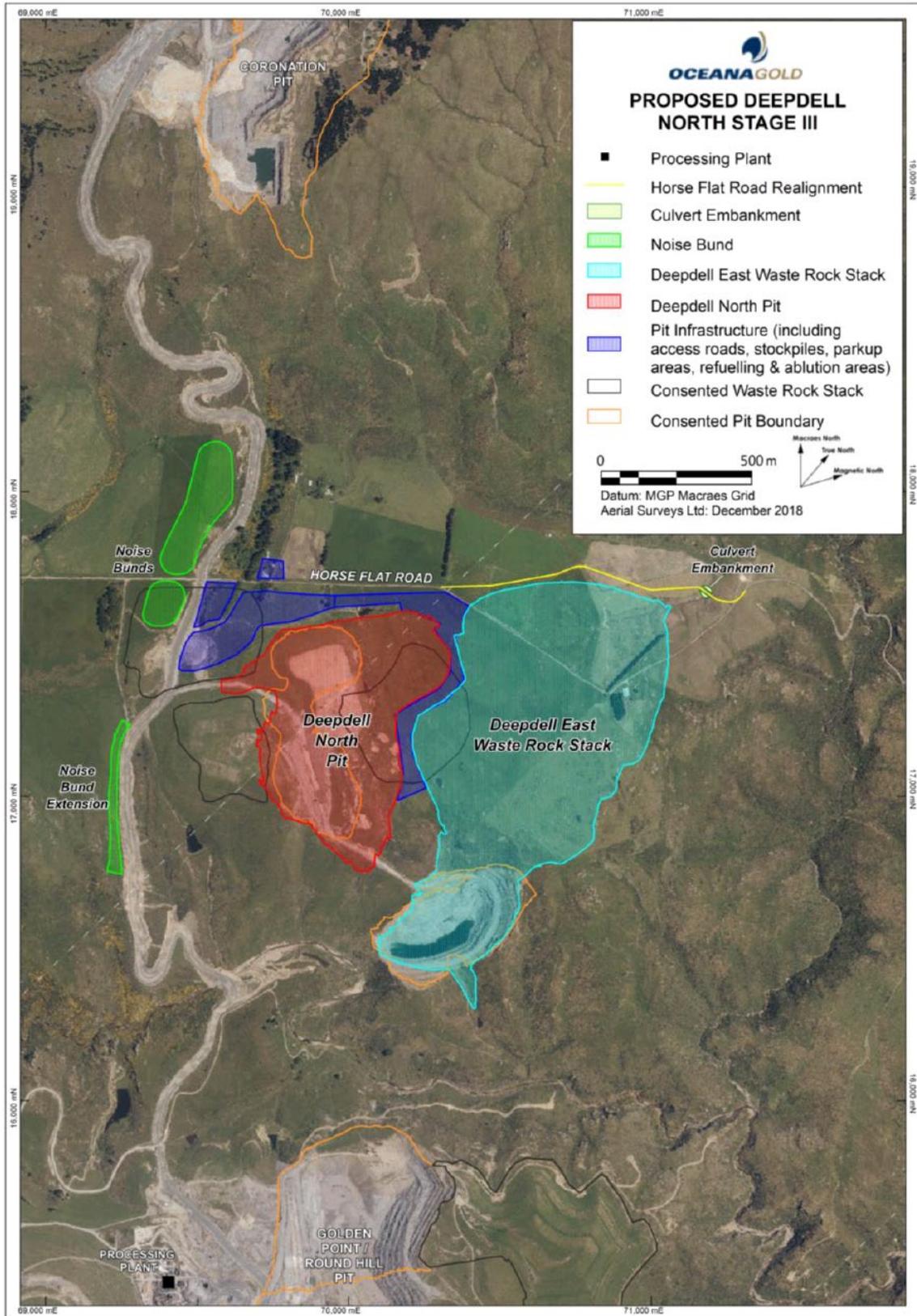


Figure 1: Deepdell North Stage III Project Elements (Source: Application)

3.1 Description of the Environment

3.1.1 Description of the Site

The site sits within an existing mining site. The Macraes mining site is in a rural upland landscape of rolling hills of moderate relief and with characteristic broad ridge crests. Prominent regional landscape features include the Nenthorn Valley, Taieri Ridge, Taieri Valley and the Rock and Pillar Range, which lie to the south and west. The Shag (Waihemo) Valley and Kakanui Mountains, including the Horse Range are to the north, and the coastal hills and extinct volcanic cones of Palmerston and Waikouaiti to the east and southeast.

The DDNSIII project area is steep to rolling country, rising steeply from the north side of Deepdell Creek to a relatively flat plateau on either side of Horse Flat Road and then rising steeply again to the Taieri Ridge.

The current mining components of the Macraes Operation in the immediate vicinity of the DDNSIII project area are the current Coronation haul road, existing Deepdell Waste Rock Stack (WRS) that was completed in 2003, and the existing, mined Deepdell South Pit. The Golden Point Road section of the haul road was built to access the Deepdell South Pit and the associated waste rock stack, and the haul road from Horse Flat Road up to the Coronation and Coronation North pits has been in place since construction began on that in July 2014.

The existing Deepdell WRS sits on the terrace above Deepdell Creek and a residual section of haul road runs from this WRS down and across to the Deepdell South Pit, which has been excavated into the terrace face just upstream from the Golden Point Historic Reserve.

The proposal is located on a minor catchment boundary between Deepdell Creek and one of Deepdell Creeks tributaries, Highlay Creek.

3.1.2 Legal Descriptions

Legal descriptions for the parts of the DDNSIII Project subject to consent from the Otago Regional Council are listed below:

Deepdell North Stage III Project Element	Legal description	Record Title	Owner
Deepdell North Stage III Pit	Part Section 12 Block VII Highlay SD	OT16B/855	Applicant
Horse Flat Waste Rock Stack	Part Section 11 Block VII Highlay SD	OT16B/855	Applicant
	Section 10 Block VII Highlay SD	OT18C/1099	Applicant
Deepdell South Backfill	Part Section 1 Block VIII Highlay SD	OT16B/854	Applicant
	Part Section 12 Block VII Highlay SD	OT16B/855	Applicant

3.1.3 Meteorology and Climate

Meteorological variables are measured at a climate station located on Golden Point Road approximately 5.5 km south of the existing Coronation Operation. Wind blows predominantly from the south westerly and north westerly direction. The strongest winds also come from these directions. Winds from the north easterly direction tend to

be lighter and less frequent and winds from the south easterly direction are rare. The average wind speed measured between 2012 and 2018 (inclusive) was 3.3 metres per second (m/s) and calm conditions only occurred for 3.0 % of the time. Winds exceeding 5 m/s, which is the critical wind speed for the pick up of dust from unconsolidated surfaces, occurred for 20.1% of the time.

The average annual rainfall measured by the applicant at the Golden Point Climate station between 2012 and 2018 (inclusive) was 550 millimetres (mm).

The relatively high frequency of winds exceeding 5 m/s and the relatively low rainfall make the area susceptible to the generation of dust.

3.1.4 Surrounding Land Use

Pastoral farming is the dominant land use in the area, followed by gold mining; the latter has a history in the area that dates to the 19th Century. Macraes is rural and on the eastern edge of the schist country and the broader historic goldfields of Central Otago.

The Macraes village has its own hotel, school, churches, cemeteries and small clusters of houses with various outbuildings and shelter belts. The village sits in out of the way and various local roads lead to even more isolated farms and homesteads.

3.1.5 Site Visit

A site visit was undertaken for this application on the 17th February 2020. The location of the current Deepdell North waste rock stack and Deepdell South Pit were visited, along with the location of where the new pit and waste rock stack will go to, and the realignment location of Horse Flat Road.

3.1.6 Recognised values listed in the Regional Plan: Water for Otago

The RPW outlines the natural and human use values of various watercourses throughout the Otago Region. Tributaries of Highlay Creek, Camp Creek will be affected by this application as will Deepdell Creek (which Highlay Creek and Camp Creek are both tributaries to). Deepdell Creek is a tributary of the Shag River/Waihemo. Deepdell Creek is identified in this schedule for having the following natural and ecosystem values:

- Absence of aquatic pest plants identified in the Pest Plant Management Strategy for the Otago Region.
- Presence of indigenous fish species threatened with extinction.
- Significant habitat for flathead galaxiid.

Schedule 1AA of the RPW identifies Otago resident native freshwater fish and their threat status. The Deepdell Creek catchment is known to provide habitat for the Taieri flathead galaxias and koura, neither of which are listed within this schedule.

Schedule 1B of the RPW identifies rivers where the water taken is used for public water supply purposes and Schedule 1C identifies registered historic places. There are no Schedule 1B or 1C values in close proximity to the proposed activity.

Schedule 1D of the RPW identifies the spiritual and cultural beliefs, values and uses associated with water bodies of significance to Kai Tahu. Deepdell Creek is not identified as having any Schedule 1D values, however it is a tributary of the Shag River/Waihemo, which is identified as having the following values:

- **Kaitiakitanga:** the exercise of guardianship by Kai Tahu, including the ethic of stewardship.

- **Mauri:** life force.
- **Waahi tapu and/or Waiwhakaheke:** sacred places; sites, areas and values of spiritual values of importance to Kai Tahu.
- **Waahi taoka:** treasured resource; values, sites and resources that are valued.
- **Mahika kai:** places where food is procured or produced.
- **Kohanga:** important nursery/spawning areas for native fisheries and/or breeding grounds for birds.
- **Trails:** sites and water bodies which formed part of traditional routes, including tauraka waka (landing place for canoes);
- **Cultural materials:** water bodies that are sources of traditional weaving materials (such as raupo and paru) and rongoa (medicines); and
- **Waipuna:** sources of water highly regarded for their purity, healing and health-giving powers.

4. Status of the Application

The project involves several activities which trigger rules in the Regional Plan: Water for Otago (RPW), the Regional Plan: Waste for Otago (RPWa) and the Regional Plan: Air for Otago (RPA). Full details of the individual consents, the activities and their activity status are listed below:

Deepdell North Stage III Pit

Consent Number and Type	Activity	Permitted Rule	Rule and Plan	Activity Status
RM20.024.01: Water Permit	Take surface water and groundwater from the Deepdell North Stage III Pit for the purpose of dewatering and for dust suppression	12.1.2.5 (RPW)	Surface water Take: RPW Rule 12.1.4.2	Restricted Discretionary
		12.2.2.6 (RPW)	Groundwater Take: RPW Rule 12.2.4.1	Discretionary
RM20.024.02: Discharge Permit	To discharge rainfall run off water and associated contaminants to land in a manner that may enter groundwater from the mined pit surface within Deepdell North Stage III pit for the purpose of constructing and operating an open pit mine.	12.B.1.10 (RPW)	Discharge of contaminants to land: RPW Rule 12.B.4.2 Discharge of contaminants to land: RPA Rule 6.6.1(1)	Discretionary Discretionary
RM20.024.03: Land Use Consent	To disturb, deposit onto or into an approximately 480 metre length of the bed of an unnamed tributary of Camp Creek for the purpose of establishing a drainage network and stockpiles.	N/A	RPW Rule 13.5.3.1	Discretionary
RM20.024.04:	To permanently divert	12.3.2.1	RPW Rule	Discretionary

Water Permit	water from an unnamed tributary of Camp Creek for the purpose of establishing a drainage network and stockpiles.		12.3.4.1	
RM20.024.05: Land Use Consent	To disturb a contaminated site for the purpose of creating Deepdell North Stage III Pit.	N/A	RPWa Rule 5.6.1	Discretionary
RM20.024.06: Land Use Consent	To permanently reclaim the bed of an unnamed tributary of Camp Creek, and an unnamed tributary of Highlay Creek for the purpose of creating a drainage network, stockpiles and the a waste rock stack	N/A	RPW Rule 13.5.3.1	Discretionary

Deepdell North Stage III Pit Lake

Consent Number and Type	Activity	Permitted Rule not met	Rule and Plan	Activity Status
RM20.024.07: Water Permit	To dam water in Deepdell North Stage III Pit for the purpose of creating the Deepdell North Pit Lake	12.3.2.1 (RPW)	RPW rule 12.3.4.1	Discretionary
RM20.024.08: Water Permit	To take surface water for the purpose of creating the Deepdell North Pit Lake	12.1.2.5 (RPW)	RPW Rule 12.1.4.2	Discretionary

Deepdell East Waste Rock Stack and Deepdell South (Pit Backfill) Waste Rock Stack

Consent Number and Type	Activity	Permitted Rule	Rule and Plan	Activity Status
RM20.024.09: Discharge Permit	To discharge waste rock to land where it (and the resulting contaminants) may enter surface and groundwater for the purposes of constructing and operating a waste rock stack.	12.B.1.10 (RPW)	Discharge of contaminants to land: RPW Rule 12.B.4.2 Discharge of contaminants to land: RPWa Rule 6.6.1(1)	Discretionary Discretionary
RM20.024.10: Land Use	To disturb, deposit, onto or into an	N/A	RPW rule 13.5.3.1	Discretionary

Consent	approximately 350 m of the ephemeral bed and approximately 130 metres of the intermittent bed of an unnamed tributary of Highlay Creek for the purposes of constructing a waste rock stack			
RM20.024.11: Land Use Consent	To disturb the bed, deposit into the bed and place a 51 metre long culvert and embankment structure into the bed of an unnamed tributary of Highlay Creek for the purposed of realigning Horse Flat Road	13.2.1.7B (RPW)	RPW rule 13.2.3.1	Discretionary

Air

Consent Number and Type	Activity	Permitted Rule	Rule Plan and	Activity Status
RM20.024.12: Discharge Permit	To discharge contaminants from mining operations and post mining rehabilitation to air for the purpose of undertaking mining operations.	16.3.5.3 (RPA)	RPA Rule 16.3.5.9	Discretionary

Overall, the application is considered to be a **discretionary activity**.

This application consists of a restricted discretionary and 11 discretionary activities. Where more than one activity is involved, and those activities are inextricably linked, these activities should be bundled and the most restrictive activity classification has therefore been applied to the overall proposal to ensure that the proposal is assessed in whole.

As the application is to be bundled, it will be assessed in its entirety against all relevant objectives and policies, not just those that discretion has been restricted to under rules 12.1.4.8 and 12.1.4.9.

The applicant has stated that they will operate in accordance with the following permitted activity rules:

- Rule 12.3.2.1 of the RPW for the diversion of clear water around the proposal and the diversion of runoff water from the waste rock stack to the Deepdell North Silt Pond.
- Rule 12.3.2.1 of the RPW for the permanent diversion of water in an unnamed tributary of Highlay Creek for the purpose constructing the Deepdell East WRS.

5. Assessment of Adverse Environmental Effects

5.1 Surface Water Quality

Deepdell Creek and unnamed tributaries of both Highlay Creek and Camp Creek (which are both tributaries of Deepdell Creek itself) are subject to effects on their surface water quality as a result of the DDNSIII Project.

These effects include an increase in nitrate levels within the Deepdell Creek catchment, which could in turn result in an increase in periphyton growth across these watercourses and a reduction in the surface water quality. Sections of the tributaries of both Highlay Creek and Camp Creek are to be permanently reclaimed, while silt ponds are to be discharged to both Highlay and Deepdell Creeks. Aquanet Consulting Limited has reviewed the application and they state:

- Discharges to Highlay Creek, Deepdell Creek and Shag River/Waihemo are unlikely to cause toxicity effects on aquatic life;
- Increases in nitrate in Highlay Creek, Deepdell Creek and Shag River/Waihemo due to the proposed discharges could increase the risk of nuisance periphyton growth. The use of standards for nitrate that will control plant growth within these watercourses, rather than manage toxicity, and the addition of appropriate standards to manage periphyton growth would help to ensure that it does not cause adverse effects on aquatic life; and
- The proposed stream reclamation and culverting is unlikely to have more than minor effects at the catchment scale.
- The surface water modelling supporting this application is appropriate (on the basis of the GoldSim modelling alone). However 'validation' monitoring is needed as a condition of this consent to ensure that the water quality effects are not worse than expected.

Overall, it is expected that if the potential nitrate, periphyton and sediment issues are appropriately managed, and appropriate consent conditions recommend there should be no more than minor effects on the environment.

5.2 Freshwater Ecology

The Deepdell Creek catchment and its tributaries are habitat for a threatened fish, the Taieri Flathead Galaxias and also for the at-risk koura. Two major tributaries of Deepdell Creek, Highlay Creek and Camp Creek are within the project footprint and Deepdell Creek itself will receive runoff water from the DDNSIII project via these tributaries.

Approximately 350 m of ephemeral and intermittent stream in the Highlay Creek sub-catchment is to be lost as a result of the DDNSIII project. These stream reaches have already been impacted by farming activities and previous mine activity, and therefore have a degraded habitat. These reaches of stream have been identified by the applicant as not being important for the spawning of indigenous fauna, trout or salmon. They do not support populations of threatened fish or koura.

Camp Creek has a tributary with ephemeral headwaters that flow to a small pond then flows into a cut off drain to the modified stream which will be subject to the most habitat loss. The applicant estimates that 450 m of ephemeral watercourses and 100 m of cut off drain will be lost in the Camp Creek sub-catchment. The applicant states that the pond and the remaining cutoff drain will be converted into a diversion watercourse for water that will be directed to an existing silt pond. The applicant intends to turn this into a habitat for koura, as a mitigation measure.

In total the mine extension will lead to an estimated loss of 800 m of ephemeral and intermittent watercourses and the loss of 100 m of low quality permanent watercourse. The diversion of the cut off drain will also change the flow path of a small volume of water in the Camp Creek sub-catchment and reduce the habitat quality in this watercourse.

Water Ways Consulting Limited (WWC) has reviewed the application. They state that overall, the threatened fish in the Deepdell Creek Catchment will not lose habitat. Habitat loss for koura will occur, and the effectiveness of the proposed mitigation is uncertain. Monitoring will be required to show that it is effective. Overall, WWC finds that the potential effects will be no more than minor providing the applicant's proposed mitigation measures are utilised and appropriate monitoring is undertaken to ensure that these measures fulfil their purpose.

5.3 Groundwater

5.3.1 Effects on groundwater levels

A previous evaluation of the Deepdell Creek catchment groundwater recharge rates estimated regional groundwater recharge to be approximately 32 millimetres per year. Groundwater levels in the vicinity of the proposed Deepdell North Stage III Pit have been monitored monthly in observation bores since 2001. The monitoring data shows that the existing groundwater is relatively close to the surface on the northern upslope side of the pit, and deeper on the southern downslope side.

The application has been assessed by Tonkin and Taylor (T&T). The applicant's groundwater assessment report concluded that the effects on groundwater levels would be constrained to within the boundaries of the land owned by the applicant, and as there are no other identified groundwater users in the area, no other groundwater users are expected to be impacted by dewatering activities. T&T agree with this conclusion.

5.3.2 Effects on surface water flows in Deepdell Creek

The applicant's groundwater assessment report states that the impact of the proposed dewatering on groundwater levels and flows into Deepdell Creek is expected to be less than minor, for the following reasons:

- Deepdell Creek is outside of the estimated zone of groundwater drawdown impacts.
- Deepdell Creek is at a lower elevation than the base of the proposed pit, therefore the groundwater level will not be drawn below the stream bed elevation.

While the proposed dewatering is not expected to directly impact groundwater levels near Deepdell Creek, it may reduce groundwater discharge to the stream. However, as groundwater is only a very small portion of flows in Deepdell Creek, the effect of the project on surface water flows are likely to be less than minor.

T&T state that the groundwater assessment report concluded that while proposed dewatering is not expected to directly impact groundwater levels near Deepdell Creek, it may reduce groundwater discharge to Deepdell Creek. Given that the applicant intends to use the freshwater dam it will establish at Camp Creek as a mitigation measure by releasing flow from it to the catchment, this will address any hydrological issues at the same time. As a result, it was concluded that there would be no more than minor effects on surface water flows as a result of the proposed activities.

5.3.3 Effects on Groundwater Quality

The DDNSIII Project has the potential to impact groundwater quality through the infiltration of seepage from the waste rock stacks into groundwater and through discharge from the pit lake. The applicant's groundwater assessment report concluded that the potential adverse effects on groundwater quality is expected to be less than minor. T&T agree with this conclusion.

Overall, T&T concluded that there would be no more than minor effects on groundwater providing proposed mitigation measures and appropriate consent conditions were in place.

5.4 Regionally Significant Wetlands

There are no Regionally Significant Wetlands listed in Schedule 9 of the RPW located within the footprint of the site, and the site is below 800 metres above sea level. Therefore, there will be no effect on any Regionally Significant Wetland as a result of this application.

5.5 Geotechnical

The Deepdell East WRS comprises backfilling of the existing Deepdell South Pit, and raising the ground level to the north. T&T have reviewed the application, and state that there is currently a suitable foundation for the waste rock stack (noting that construction monitoring is to be undertaken and it will be ensured that all soil is completely removed prior to construction). The designed volume is considered appropriate to store the estimated volume of waste rock.

The DDNSIII Pit comprises an extension to the existing Deepdell North Pit, which is currently backfilled with waste rock. T&T state that the applicant has proposed staged pit development, observation of performance and modification of wall designs as necessary, which is considered an acceptable approach. This approach has been applied previously to stages 1 and 2 of the Deepdell North Pit. The applicant has offset the WRS site approximately 125 m north of the final pit boundary, which is considered to be acceptable by T&T.

Overall, T&T agree with the assessment in the application.

5.6 Air Quality

An assessment of the application was undertaken by Specialist Environmental Services Limited (SES). The primary contaminant discharged from mining and associated activities is total suspended particulate matter (TSP) which includes PM₁₀ (inhalable particles less than 10 microns in diameter). Large particles have potential to cause nuisance dust effects, whereas finer particles have potential to cause adverse health effects. Monitoring of air discharges has been undertaken at various locations around the mine site, including in the area of the proposed project when mining was last active there. SES have taken into account these results, as well as the separation distance from the proposed activity

Wind conditions in excess of 5 m/s have the greatest potential to transport dust for significant distances. It should be noted that the low annual rainfall and relatively high average wind speeds contribute to the dust generation potential of mining activities in this area. SES notes that some activities undertaken will generate relatively fine particulate matter with potential to be transported significant distance, even at lower wind speeds, when dry conditions prevail. These activities include stripping of overburden and topsoil, vehicle movements on the haul road, and formation of the large bund to the west of the haul road.

The most affected property is considered to be the Howard residence, which is located approximately 1.1 km from the haul road and 1.5 km from the proposed DDNSIII pit. The residence will be affected during winds from the north-eastern quarter that occur for approximately 12% of the time during a typical year. The Howard dwelling may experience dust effects from the proposed discharge at times, particularly associated with overburden stripping, noise bund formation and heavy vehicle movements on the haul road

The applicant proposes to continue to employ the dust mitigation measures that are used for the existing mining at the Macraes operation. Mitigation measures include:

- Application of water to haul roads
- Limiting vehicle speeds on haul roads,
- Planning overburden stripping activities for days when weather conditions are favourable,
- Minimising drop heights from trucks and excavation equipment,
- Minimising haul distances,
- Revegetation of exposed surfaces, including the outer walls of the waste rock stack and
- Undertaking blasting within the pit.

SES note that while these measures are generally appropriate, a speed limit of 60 km per hour is indicated for haul roads. This limit is high and trucks moving on haul roads at this speed would generate significant dust emissions. Speed limits of up to 20 km an hour are typically imposed for large quarry sites, and SES recommend this limit be imposed for the section of haul road to the east of the Howard residence, which could be adjusted based on monitoring results. Continuous monitoring with a real time TSP monitor is also recommended.

The proposed waste rock stack is also a potential significant source of dust, but has greater separation from the Howard residence. Given the separation distance from the proposed activity to the Howard residence and other sensitive receptors, SES consider that the discharge of dust to air over the two year period of operation is not likely to cause adverse health effects, subject to the proper use of appropriate dust control measures.

Overall, the adverse effects of the proposed activities are considered to be no more than minor providing the proposed mitigation measures, appropriate monitoring, management and consent conditions are implemented.

6. Notification and Written Approvals

6.1 Section 95A Public Notification

Step 1: Is public notification mandatory as per questions (a) – (c) below?

- (a) Has the applicant requested that the application be publicly notified? **Yes**
- (b) Is public notification required by Section 95C? **No**
Has further information been requested and not provided within the deadline set by Council? **No**
Has the applicant refused to provide further information? **No**
Has the Council notified the applicant that it wants to commission a report but the applicant does not respond before the deadline to Council's request? **No**
Has the applicant refused to agree to the Council commissioning a report? **No**
- (c) Has the application been made jointly with an application to exchange recreation reserve land under section 15AA of the Reserves Act 1977? **No**

The answer to step 1 is yes. As a result public notification is mandatory.

Step 2:

The answer to step 1 is yes, so step 2 is not required and has not been discussed.

Step 3:

The application **must** be notified because the answers in step 1 was yes. In order to be able to determine every person who is an affected person under s95B and satisfy the requirements of Regulation 10 of the Resource Management (Forms, Fees and Procedures) Regulations 2003 Step 3 is still outlined and discussed below. Step 3 sets out two circumstances where the Council must publicly notify an application in terms of section 95A(8):

- (a) the application is for a resource consent for 1 or more activities, and any of those activities is subject to a rule or national environmental standard that requires public notification:*

There are no applicable rules or national environmental standard that requires public notification.

- (b) the consent authority decides, in accordance with section 95D, that the activity will have or is likely to have adverse effects on the environment that are more than minor.*

The Council, in deciding whether an activity will have or is likely to have adverse effects on the environment that are more than minor, for the purposes of public notification, must disregard:

- *any effects on persons who own or occupy the land in, on, or over which the activity will occur, or any land adjacent to that land;*
- *trade competition and the effects of trade competition; and*
- *any effect on a person who has given written approval to the application.*

The Council may disregard an adverse effect of the activity for the purposes of deciding whether an activity has adverse effects on the environment that are more than minor for the purposes of public notification, if a rule or national environmental standard permits an activity with that effect.

As a discretionary activity, the Council's assessment is unrestricted and all actual and potential effects of this application must be considered.

Step 4

The answer to step 1 was yes, so step 4 is not required and has not been discussed.

Potentially affected parties

I consider that the following parties should have been considered affected if the application was limited notified or non-notified.

Party	Why Affected
Aukaha	The project is of a large scale that will affect several tributaries of the Shag River/Waihemo. There are therefore potential cultural effects associated with the activity
Te Runanga O Ngai Tahu	

Department of Conservation (Otago Conservancy)	There are a number of fish species identified as presents within the watercourses that will be affected by the proposed activities including the Taieri flathead galaxias and koura. Therefore conservation values are likely to be affected.
Neighbouring Landowners/Lesseees including: <ul style="list-style-type: none"> • C & E Howard (Landowner) • M O'Connell (Lessee) • J Peddie (Lessee) 	These private land owners and lessees immediately surround the area where the works are proposed. Due to the scale of the works it is likely these parties could potentially be affected.

NOTIFICATION RECOMMENDATION:

In accordance with the notification steps set out above, it is recommended that the application proceed on a publicly notified basis.

Name: Elyse Neville
 Title: Senior Consents Officer
 Date: 23 April 2020

Decision on notification

Sections 95A to 95G of the Resource Management Act 1991

Date: 23 April 2020

Application No: RM20.024

Subject: *Decision on notification of resource consent application under delegated authority*

Decision under Delegated Authority

The Otago Regional Council decides that this resource consent application is to be processed on a **publicly notified** basis in accordance with sections 95A to 95G of the Resource Management Act 1991.

The above decision adopts the recommendations and reasons outlined in the Notification Recommendation Report above in relation to this application. We have considered the information provided, reasons and recommendations in the above report. We agree with those reasons and adopt them.

This decision is made under delegated authority by:



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Joanna Gilroy
Manager Consents



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Peter Christophers
Principal Consents Officer

23 April 2020