In the Matter of **The Resource Management Act 1991**

And **Waitaki District Council (WDC)**

And **Oceana Gold (New Zealand) Ltd (OGL)**

Application for Resource Consent – Expansion of Macraes Mine: Phase 4 Project.

S42A Report WDC Reference 201.2024.2373.

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Introduction

1. This is a report prepared under s42A of the Resource Management Act 1991 (RMA), on an application made by Oceana Gold (NZ) Ltd (OGL) to expand the existing goldmine at Macraes. Applications have also been lodged with the Otago Regional Council (ORC) and the Dunedin City Council (DCC) for the same project. This report is a recommendation only and will be considered by the Commissioners hearing this application, along with other evidence brought by the applicant and submitters.

The Author

2. My name is Marian Elizabeth Weaver, and I have a BSc, and Post Graduate Diploma in Environmental Health. I was an accredited Hearing Commissioner from 2015 to

2025. I was a manager in various roles in the Consent Department at the ORC for 25 years between 1992 to 2018. From 2019 to 2023 I was a consent planner for the WDC and am currently contracted to the WDC to process consent applications. I have been involved with the Macraes mining operation since 1993. I have written numerous Hearing Panel decisions for the mine site including MP3 and processed several OGL applications including the two previous continuation consents. I first visited the Macraes mine site in 1993 and have visited many times since then, the most recent being February 2023 for this MP4 application.

Abbreviations

1.	AEE	Assessment of environmental effects
2.	BRWRS	Back Road Waste Rock Stack
3.	CIA	Cultural Impact Assessment
4.	DCC	Dunedin City Council
5.	DoC	Department of Conservation
6.	FENZ	Fire and Emergency New Zealand
7.	FoS	Factor of Safety
8.	FRBF	Frasers backfill
9.	FRIM	Frasers Innes Mills
10.	FTSF	Frasers Tailings Storage Facility
11.	GBWRS	Golden Bar waste rock stack
12.	MEEA	Murphys Ecological Enhancement Area
13.	MGP	Macraes Gold Project
14.	MMPMZ	Macraes Mineral Project Mining Zone
15.	MP3	Macraes Phase Three
16.	MP4	Macraes Phase Four
17.	NGWRS	Northern Gully waste rock stack
18.	OGL	OceanaGold (New Zealand) Limited
19.	ORC	Otago Regional Council
20.	PIC	Potential Impact Classification
21.	RFI	Request for Further Information
22.	RMA	Resource Management Act 1991
23.	SQEP	Suitably Qualified and Experienced Person
24.	TARP	Trigger Action Response Plan
25.	TSF	Tailings Storage Facility
26.	WDC	Waitaki District Council
27.	WRS	Waste rock stack
28.	ZOI	Zone of influence

Background

3. Macraes area is situated on an elevated plateau, at approximately 500 m above sea level, that is isolated from the main State highways and towns of East Otago. The

local Macraes-Dunback Road, connects Macraes township and the Macraes Operation with State Highway 85 to the east and State Highway 87 (the Middlemarch-Hyde Road) to the west.

4. OGL has since the late 1980s operated a gold mine at Macraes, noting that the company name has changed since mine inception. The mine comprises several pits, two underground mines, waste rock stacks, water reservoirs, tailings dams, haul roads, a processing plant, and buildings. A number of consents have been issued by ORC, WDC and DCC for the existing mine.

5. The last large expansion project was MP3 (that included Frasers Pit and the Tipperary Tailings Dam). Since then the Deepdell mine, Coronation mine to the north, and underground mines from Frasers Pit and Golden Point have gained consent. Consents have been granted for minor expansion of Innes Mills pit, and for deposit of tailings into Frasers Pit. (Parts 1 and 2 of the "continuity" project). Golden Bar pit and waste rock stack to the southeast were rehabilitated.

6. OGL is the sole owner of the land on which the proposed MP4 Project will be located OGL leases some of that land to three farmers. The leased properties are actively farmed.

Figure 1: Mine features 2021 (source Application AEE)

Figure 2: Golden Bar Mine (source Application AEE)

The Application

7. The key elements of the Phase 4 Project (MP4) are
    - Down dip extension of three open pits (Innes Mills, Coronation and Golden Bar) and their associated backfills and Waste Rock Stacks;
    - Further tailings disposal in the Frasers Tailings Storage Facility (FTSF) to support the open pit extensions and current consented mines;
    - A minor realignment of the Golden Bar Road;
    - Rehandling of waste rock from Northern Gully WRS to Golden Point Pit; and
    - Ancillary features such as topsoil stockpiles, low-grade ore stockpiles, silt ponds, areas for pit infrastructure and access roading.

8. The Panel instruction was not to include repetitive material in s42A reports. As the ORC Notification Report that the Panel referred to has detailed information about the proposed activities in the MP4 project, it is not repeated here.

9. The activities are to be undertaken at several locations. Legal descriptions of the land involved is Appendix 1 to the application. In summary the application locations are:

- Macraes Gold Project, approximately 2.5km north-east from the intersection of Macraes-Dunback Road and Red Bank Road, Macraes Flat, Otago, within the area of OceanaGold mining/exploration permit MP41064;
  - Land within Frasers Tailings Storage Facility
  - Land within and around Innes Mills Pit
  - Land within and around Coronation Stage 6 Pit
  - Land within Coronation North Backfill
  - Land within Coronation Haul Road – Pit to Processing Plant
  - Land within Golden Point Backfill
  - Land within Northern Gully Waste Rock Rehandle
  - Land within Golden Bar Extension Pit
  - Land within Golden Bar Waste Rock Stock
  - Land within Golden Bar Haul Road – Pit to Processing Plant

10. The Application to the DCC is for activities in the Coronation North mine, for earthworks and indigenous vegetation removal.

11. Applications to the ORC are for land use permits, water permits and discharge permits. Applications are also made to the ORC for changes to conditions of existing land use, water and discharge permits.

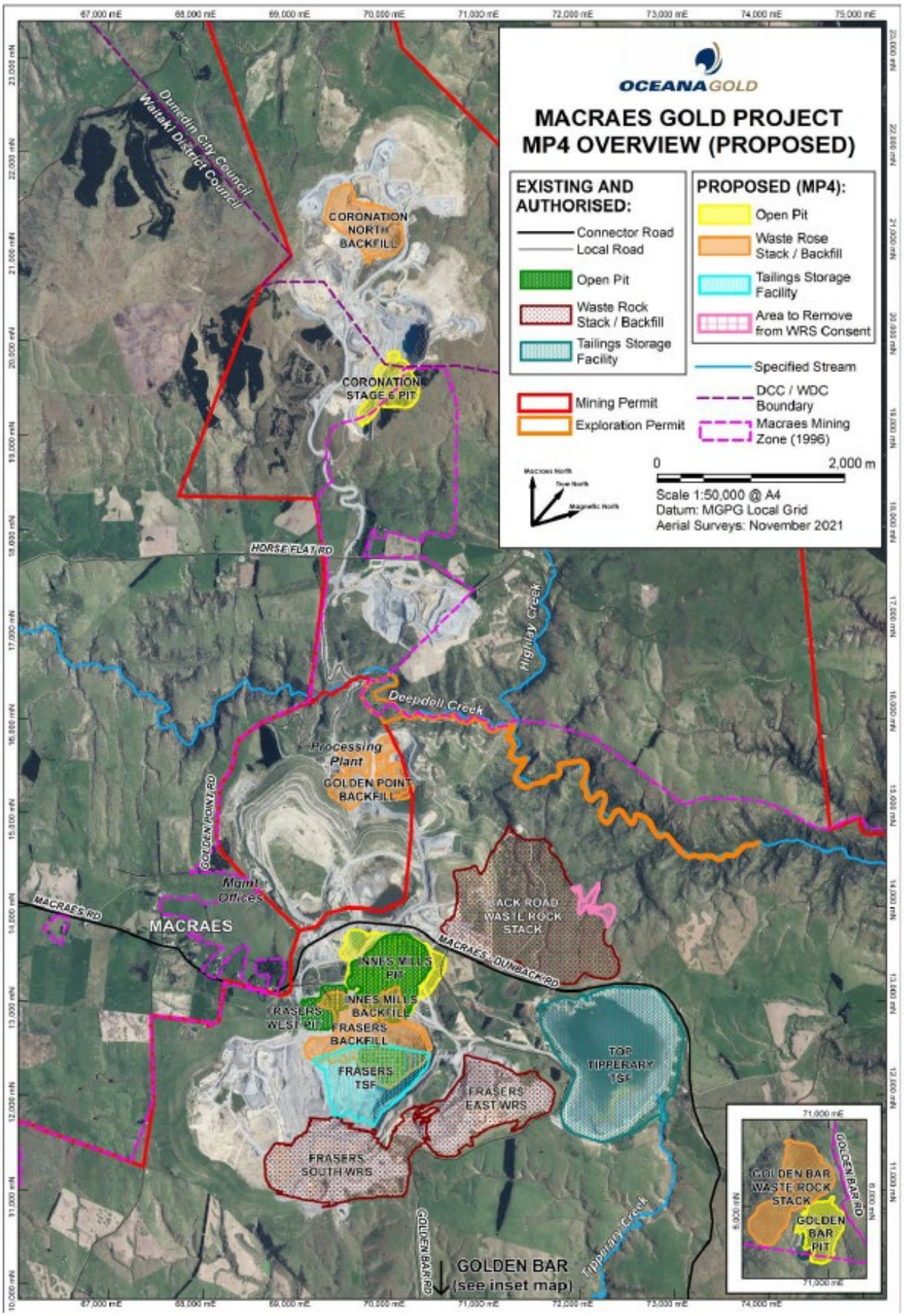

Figure 3: MP4 Project. Source Application AEE.

Jurisdiction

12. The Waitaki District Council is the District Council consent authority for most of the project except for the Coronation North area. The DCC is the consent authority for the Coronation mine north of the dashed line in Figure 4. Approximately 90% of the Coronation Pit extension is in WDC area, and the waste rock stacks and Coronation North Pit are in the DCC area.

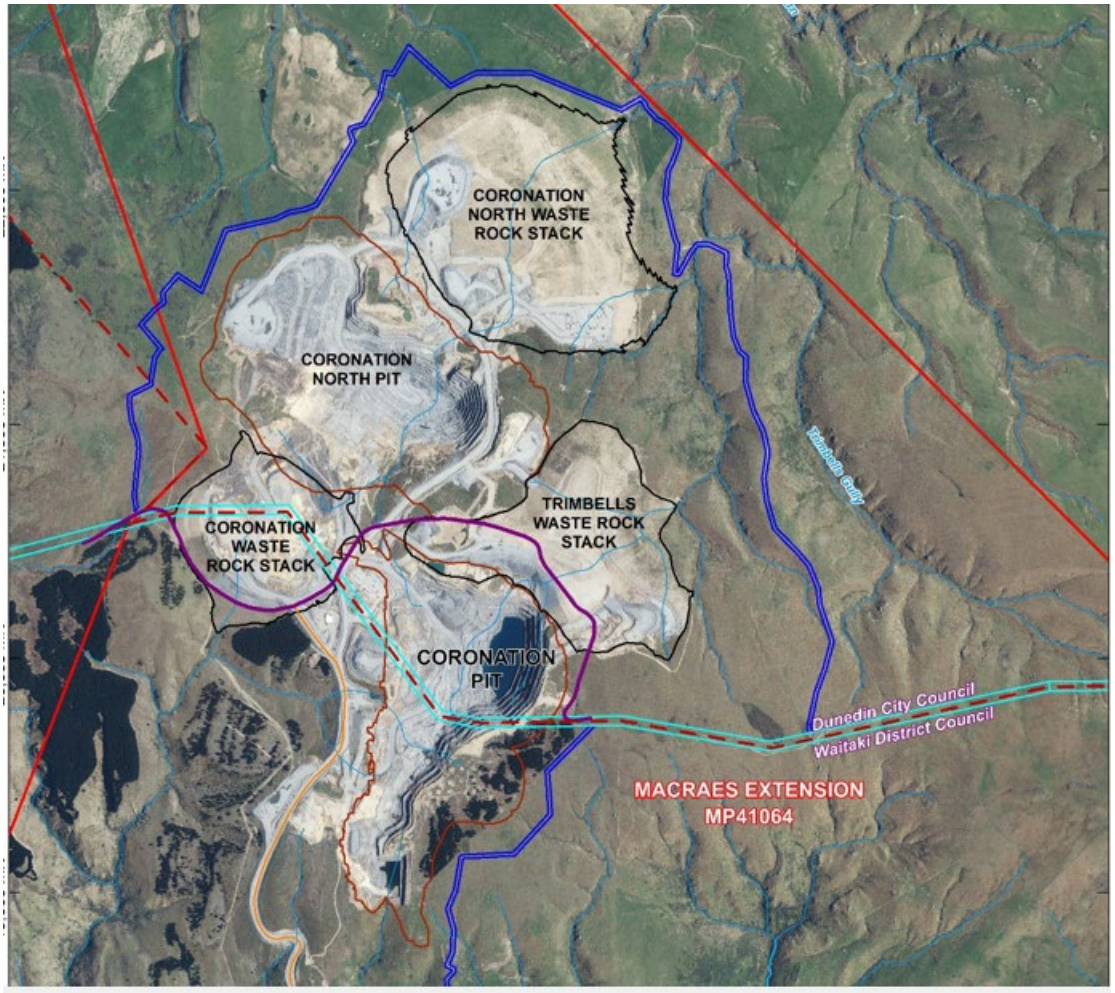

Figure 4: Coronation Mine showing WDC and DCC boundary. (dashed line). Source application AEE.

Status of Activities

WAITAKI DISTRICT COUNCIL OPERATIVE DISTRICT PLAN

13. The activities for the MP4 Project are located predominantly within the Macraes Mining Project Mineral Zone and partially within the Rural Scenic Zone:

1. The Frasers Tailings Storage Facility is located entirely within the Macraes Mining Project Mineral Zone ("MMPMZ");
2. The Innes Mills Pit extension and associate backfill is located entirely within the MMPMZ;
3. The Golden Point Backfill and associated rehandling of waste from the Northern Gully WRS is located entirely within the MMPMZ;
4. The Golden Bar Pit extension and associated WRS extension is located mostly within the MMPMZ and partially within the Rural Scenic Zone; and
5. The Coronation Stage 6 Pit is located partially within the MMPMZ and partially within the Rural Scenic Zone; and
6. The Murphys Ecological Enhancement Area including the associated access track and facilities are located entirely within the MMPMZ.

14. The proposal requires a land use consent for mining activities. The Operative District Plan definition of mining activity is as follows:

> "Mining Activity means the use of land and buildings for the primary purpose of the extraction, winning, quarrying, excavation, taking and associated processing of minerals and any ancillary activity related to mining but does not include prospecting and exploration."
>
> This definition encompasses all activities proposed as part of the MP4 Project.

Macraes Mining Project Mineral Zone

15. Rules for the activities within the MMPMZ are set out in Chapter 6 of the operative Waitaki District Plan ("WDP"). The relevant rules for the MP4 Project are:

"Rule 6.3.2 Discretionary Activities

The following activities shall be Discretionary Activities:

1. The excavation and construction of pits, pit margins, waste rock stocks and embankments, tailings impoundments other dams, roads and tracks associated with mining.

The exercise of the Council's discretion being restricted to the following matters:

a) Rehabilitation of disturbed ground and vegetation;

b) Landscaping includes the siting and shaping of the pits, pit margins, waste rock stacks and embankments, tailings impoundments and any other dams, roads and tracks.

c) long term structural stability, environmental integrity, and safety of the pits, pit margins, waste rock stacks and embankments, tailings impoundments and any other dams, roads and private tracks.

d) The modification or destruction of features of historic or archaeological value or any nature conservation value provided no conditions imposed be inconsistent with any heritage plan in existence.

e) Methods to avoid any discharge to water.

f) Effects on Grand and Otago Skinks"

16. That rule does not explicitly require the activities to meet the Critical Zone Standards. However, the hierarchy of rules in Chapter 6 from Permitted through to non-complying refers to compliance with Critical Zone Standards under Rule 6.3.1. Proposed Mining Activities will not meet Critical Zone Standard 6.5.1 (noise) as the activities will be undertaken close to the MMMPZ boundary, and the relevant noise standards for activities in the MMMPZ apply at the zone boundary (not at the boundary of habitable dwellings). The Project will exceed critical zone standards for noise at some places along the zone boundary with the Rural Scenic Zone.

Rule 6.5.1 Noise
"Activities shall be constructed such that the following noise levels are not exceeded at the Macraes Mining Mineral Zone Boundary:
During daytime 55 dB LAeq (15min)
During night-time 40 dB LAeq (15min)
At all times 75 dB LAFmax
Daytime is defined as 0700 to 2200 hours Monday to Friday & 0800 to 1700 hours Saturday. Night-time is all other times and any public holiday."

17. In accordance with Rule 6.3.3(3) the Project is therefore a non-complying activity. The applicant agrees with this assessment.

Rural Scenic Zone

18. Rules for the activities within the Rural Scenic Zone are set out in Chapter 4 of the operative WDP. Mining Activities (as per the above definition) are listed in Rule 4.3.3 as being a Discretionary Activity and are not explicitly required by that rule to meet Site Development, or Critical Zone standards. However, the proposed Mining Activity overall will not meet Rural Zone Critical Zone Standard 4.5.1 (Noise) because night-time noise levels at the notional boundary of two residential dwellings in the Rural General Zone are predicted to exceed 40 dBA on occasion (due to hauling).

"4.5.1
Noise

Activities, shall be conducted such that the following noise limits are not exceeded at any point within the notional boundary of a habitable building on another site, other than the site from which noise generated:

Monday to Friday 7am – 10pm	55dB LAeq(15min)
Saturday 8am – 7pm	55dB LAeq (15min)
At all other times and any public holiday	40dB LAeq (15min)
Daily 10pm to 7am the following day	75dB LAFmax

19. The breach of the Critical Zone Standard for noise in the Rural Zone is a non-complying activity**.**

20. The activity will not meet Rural Zone Site Development Standard for vegetation clearance:

"4.4.8
General Indigenous Bush Vegetation Clearance

1. On any site there shall be no clearance of indigenous bush.
2. On any site there shall, over any five-year continuous period, be no clearance of:

a. more than 5000 square metres of indigenous vegetation generally, except where the vegetation clearance is carried out within, and for the purposes of, maintaining an area of improved pasture; or:

b. more than 1000 square metres or more of tall tussock grassland communities of the genus Chionochloa except where the vegetation clearance is carried out for the purposes of maintaining improved pasture; or:

c. more than 500 square metres of generally closed canopy matagouri (Discaria toumatou) dominated indigenous shrubland that has a canopy height of greater than 1.5 metres and is associated with river margins, fans, ridges and bluffs; or:

d. more than 500 square metres of diverse indigenous shrubland, where 'diverse' means three or more shrub species and includes at least one of the following species:
   - Sophora prostrata
   - Porcupine scrub (Melicytus alpinus)

- Turpentine scrub (Dracophyllum longifolium, Dracophyllum uniflorum)
- Tauhinu (Ozothamnus leptophyllus)
- Coprosma sp.
- Hebe sp.
- Carmichaelia sp.
- Olearia sp.
- Mountain wineberry (Aristotelia fruticosa)
- Corokia cotoneaster
-

3. On any site there shall be no clearance of:

    a. any indigenous coastal duneland, saltmarsh or herbfield vegetation; or:

    b. any coastal shrubland containing Hebe elliptica, Carmichaelia sp. or Coprosma sp.; or:

    c. any indigenous inland saline vegetation; or:

    d. any indigenous vegetation associated with limestone outcrops; or:

    e. any indigenous shrubland containing:
        - Bog Pine (Halocarpus bidwillii)
        - Celery Pine (Phyllocladus alpinus)
        - Hall's totara (Podocarpus hallii)
        - Mountain totara (Podocarpus nivalis); or:
        - any individual specimen of the above over one metre in height; or

    f. any indigenous turf communities associated with tarns, glacial moraines or river margins. "

21. Under the permitted baseline, clearance of indigenous vegetation within the limits set out in rule 4.4.8 is a permitted activity. A breach of 4.4.8 is a discretionary activity under Rule 4.4.4.12 . This proposal breaches rule 4.4.8.

22. The proposed Mining Activities located in the Rural Scenic Zone are therefore a non-complying activity because of the breach of Critical Zone noise standards.

Chapter 10 Temporary Buildings

23. In addition to being a "Mining Activity", the temporary buildings located on-site for the MP4 Project are covered by the Temporary Building land use rules. The buildings will remain on-site for longer than 12 months and therefore will not meet the Permitted Activity Rule 10.1.1.1(1) or (2). They are therefore a Discretionary Activity under Rule 10.1.1.2.

Chapter 16 Hazardous Substances

24. The MP4 Project requires the storage and use of a range of hazardous substances, including diesel, sodium cyanide, sodium isobutyl (also known as SIBX), sodium metabisulphite, copper sulphate stores and explosive magazines. The storage and use of these hazardous substances will contravene the Permitted Activity Site Development Standards specified in Rule 16.1.1 and is therefore a **Discretionary Activity** under Rule 16.1.2.

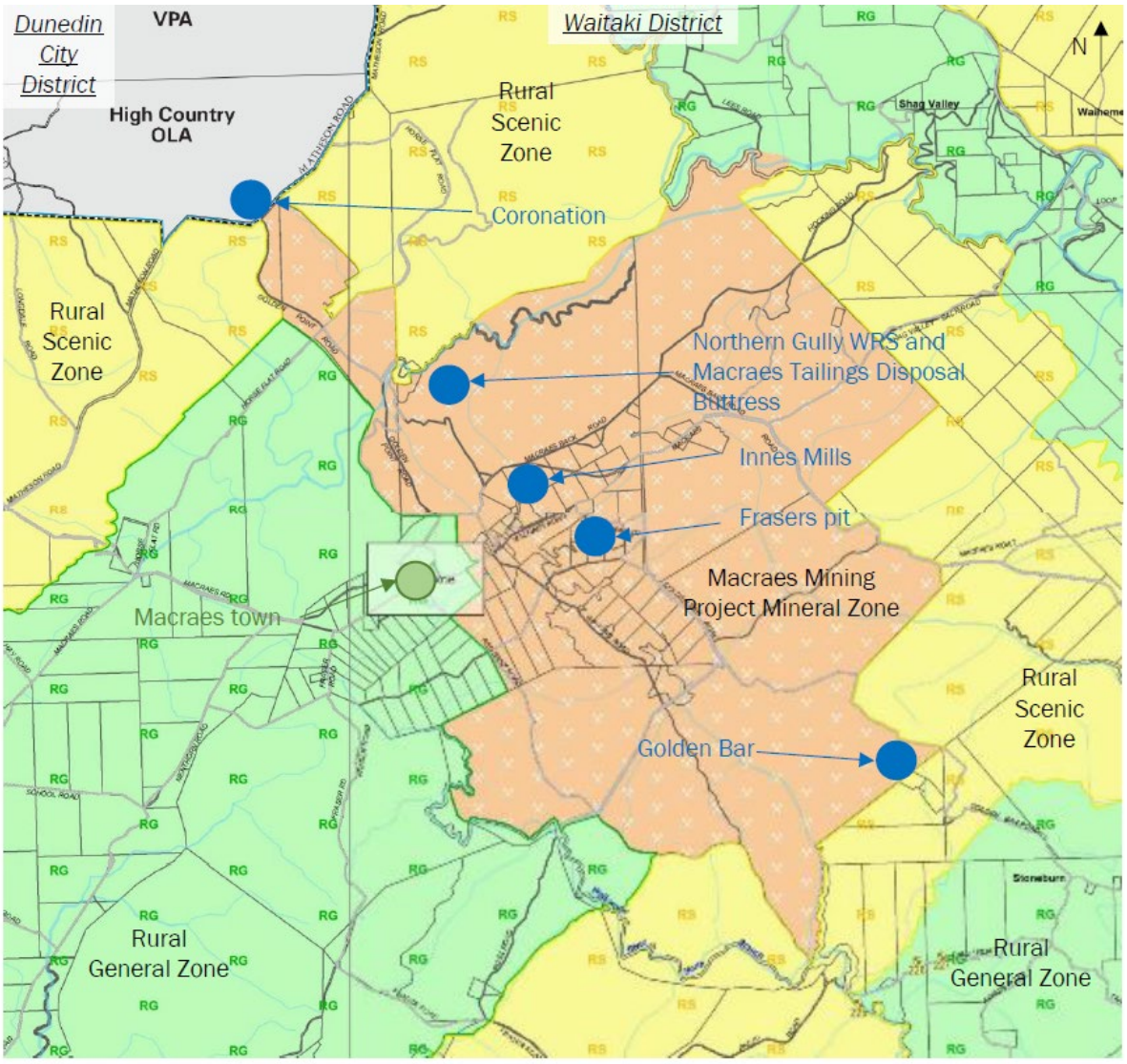

Figure 5; Main features of MP4 and WDC Zones. Source AES report. Appendix 28

25. WDC has a Proposed District Plan that was publicly notified on 1 March 2025 and submissions closed on 16 May 25. The MP4 application was lodged in 2024 therefore none of the Proposed Plan rules apply to this application.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011. (NES Contaminated Soil)

26. The applicant confirmed on 5 March 2025 that consent under these regulations is required.

27. The Ministry for the Environment schedule of HAIL activities includes:

"Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings".

28. The central area of the of the site is already identified as a HAIL site (HAIL.01146.01). The MP4 activities will exceed the permitted thresholds and other standards in Regulation 8(3) of the NES Contaminated Soil.

29. The disturbance of soil will occur in direct connection with the continuation and expansion of the existing HAIL activity at the site. This is a scenario that is not contemplated by the NES Contaminated Soil and in the past resource consents have been granted for activities involving soil disturbance within existing mining areas without consideration of the NES Contaminated Soil. No further information is required about this issue, as contaminants are addressed in previous consents and in this application.

30. Because no Detailed Site Investigation exists, resource consent would be required for a discretionary activity in accordance with Regulation 11.

Changes to the conditions of existing land use consents

31. OceanaGold seeks to make some consequential changes to its existing WDC land use consents to enable integration of the MP4 Project with existing activities occurring on site. These are:
    - 201.2016.779 (Coronation North Mine),
    - 201.2019.1241(Coronation North Extension) and
    - 201.2019.1454 (Deepdell North).

32. The changes sought are set out in Appendix 1 to this consent.

33. A s127 RMA change to conditions is a Discretionary Activity.

34. Bundling the proposed activities across two zones and the s127 changes sought, the application to the WDC is a Non-Complying Activity.

NOTIFICATION PROVISIONS

Public Notification

35. Section 95A of the Resource Management Act 1991 sets out a step-by-step process for determining public notification.

Step 1: Mandatory public notification in certain circumstances

If the answer to any of the below questions is yes, then public notification is required and consideration of the other steps in Section 95A is not needed.

Question	Yes	No	N/A
Has the applicant requested public notification? (s95A(3)(a))	✓	–	–

36. The applicant specifically requested public notification in its AEE. No further consideration of the notification steps is required.

37. The application was publicly notified by all 3 Councils on 22 March 2025 with submissions closing on 1 May 2025. ORC is the lead agency and specifically notified relevant stakeholders and statutory agencies. WDC made copies of the application available at the Oamaru and Palmerston Libraries, and on its website.

Submissions Received.

38. Overall, there were 8 submissions being 3 neutral, 4 opposed and one in support with conditions.:

Neutral	Department of Conservation (DOC)
	The Otago Fish & Game Council (Fish & Game)
	Fire & Emergency NZ (FENZ)
Opposed	Dean Parata & Trevor Hay
	Richard Geels
	Royal Forest and Bird Protection Society of N Z Inc (Forest & Bird)
Support	Neil Roy

39. The summary of submissions is appended. All of the submissions raise issues relevant for each Council. Submitter concerns or comments are addressed under the discussion of effects below.

Assessment of Effects

40. The following effects are considered:
    - Cultural
    - Economic
    - Heritage
    - Landscape
    - Road Alignment
    - Noise
    - Blasting & Vibration
    - Hazardous Substances
    - Lighting Spill
    - Stability of pits, waste rock stacks and tailings impoundment
    - Terrestrial Ecology
    - Rehabilitation and Offsetting
    - Annual Reporting and Bonds

Cultural

40. The Cultural Impact Assessment (CIA) is dated 1 May 2025and in summary it states:

> "The East Otago area was and is of cultural importance to the Waitaha, Kāti Mamoe, and Kāi Tahu people as a source of mahika kai, a place of settlement, a burial place, and as a cultural landscape that embodies the ancestral, spiritual, and religious traditions of mana whenua. East Otago is, therefore, an important taoka tuku iho for the Rūnaka who hold mana whenua status and have interests in the area."

41. The report sets out the history of consenting for the mine, the historic use of the three catchments Waikouaiti, Waihemo (Shag) and Taiari for mahika kai. There is concern about:
    - the headwaters of the North Branch of the Waikouaiti river continuing to be piped around Frasers Pit.
    - The lack of restoration and regeneration of habitat and ecosystems at the mine.
    - That there is no cohesive ecological management plan for the Macraes mine.
    - Concern about developing covenanted areas without objectives.

- That the Murphys offset area does not achieve utu or balance for the impact of the MP4 project.
- That pit lakes, waste rock stacks, and tailings dams contain contaminants that can leach into waterways.

42. The Ka Runaka submission reflected some of the issues raised in the CIA. the submission in summary was concerned with:
    - That the severity of effects had not been adequately assessed and done in the absence of cultural information.
    - Effects on biodiversity and inadequate mitigation to deal with those effects.
    - Effects on landscape and visual amenity
    - Past compliance with consent conditions.
    - Durability and sustainability of offsets and long-term objectives for them, including funding and management arrangements.
    - The effects of climate change on the assessment of effects and proposed mitigation.

43. This and the DCC and ORC reports share the same concerns about lack of detail for assessment of effects and corresponding uncertainty for offsetting, and experimental offsetting. OGL has said that it will provide conditions with hearing evidence to address cultural issues.

Economic

42. The application includes Appendix 25 that is a report on the Economic benefits of the mine, by Copeland & Brown. It states in summary:

    "For the north-east Otago sub-region the consents will result in the retention of 96 residents' jobs, $11.6 million per annum of income and $11.1 million per annum of expenditure with local businesses for an additional 5 years – from 2025 to 2029 (inclusive). For the Otago region the consents will lead to the retention of 354 residents' jobs, $42.6 million per annum of income and $32.6 million per annum of expenditure with local businesses for an additional 5 years."

43. In addition, the report states that $4.1 million in royalties was paid to the National Government in 2021, and this level of royalty is expected to continue.

44. The Copeland & Brown report was not peer reviewed by the Councils.

Heritage

45. Appendix 23 to the application is a report by Origin Consultants Ltd. Personnel from that company have surveyed and reported on historic matters for consent applications by the applicant over the last 12 years. The report includes a

comprehensive description of the history of the mine and surrounding area and states:

> "Remaining is Chinese miner Gay Tan's Cottage, which is included in the HNZPT List/Rārangi Kōrero (List No. 7550) and scheduled in the Waitaki District Plan (Ref. No. H166), is located to the south-west of Frasers Pit. It is also recorded as an archaeological site (I42/49).
>
> Previous expansion phases of Frasers Pit have seen several of these sites be recorded and then destroyed. The site of Robinson's Homestead (I42/159) was excavated and recorded under Authority No. 2012/428. A dam and water race (I42/29) were recorded nearby – this race was marked on the 1874 map and ran from a pond on Golden Bar Road to tributaries of Murphys Creek. By the time of its recording, it had been extensively ploughed out, with only a trace remaining around Golden Bar Road.
>
> Three archaeological sites are located to the west of the FTSF site. Innes Farm (I42/215) is represented by a cluster of farm buildings, most appear to date to the 1930s, but some may be pre-1900. A small domestic dwelling possibly built for William Griffin at the end of the 19th century is located at I42/215. The building has been scheduled for demolition due to its condition. An artificial pond, possibly a mining reservoir is located at I42/241.
>
> Four other sites are clustered to the southwest of the FTSF site. These are the remains of an early Chinese camp (I42/49, I42/50, I42/51) and a collection of prospecting pits possibly related to the Chinese camp (I42/64)."

46. The Report states that the MP4 project will not have any impact on any listed heritage or archaeological features or sites."

47. Mr Roy's submission mentions a water wheel that was at Gay Tans cottage. Personal communication on 28 May 2025 with Debbie Clark who is an employee of the applicant revealed that the wheel would be turned by horses and not water. She advised the applicant has retained the remaining parts of the wheel and intends to restore it and place it back at the cottage once mining activity nearby ceases.

48. This application is not expected to have any direct effect on Heritage in the WDC area, nor any indirect effects from blasting and vibration. The WDC Heritage Adviser, Dr Mark Smith agrees with that assessment.

Hazardous Substances

49. The processing plant uses a variety of hazardous substances to process the ore and extract the gold. Large quantities of fuel are also stored at the mine site. The application provided an assessment of the hazardous substances against those assessment matters contained in the District Plan. The main points are as follows:
    - People using hazardous substances need to be certified under the Hazardous Substances and New Organisms Act, 1996 ("HSNO Act");
    - OGL holds relevant location certificates and stationary containment certificates for hazardous substances at the site under the HSNO Act;
    - Material safety data sheets (MSDS) are held and the electronic database "ChemAlert" is used;
    - Bunding exists for all bulk hazardous substances with the exception of pressure vessels. The majority of bunds also have sump pumps fitted to recover spillages;
    - The processing plant does not use any significant quantities of oil and any oil would be cleaned up using spill sorbent material;
    - Spill kits, fire extinguishers, and other safety equipment are available and signage has been put in place;
    - A trained emergency response team is in place in case of accidents and fires.

50. Mr Peter Wood, being the Dangerous Goods Officer at the DCC, reviewed the Hazardous Substances material in the application and was satisfied that the substances are being managed correctly and in accordance with relevant legislation.

Landscape and Visual

51. An assessment of the landscape and visual effects of the project was undertaken by WSP consultants. It included simulations of views of the project, being Appendix 27b of the application. The activities that will affect landscape are:

    - Vegetation removal, including that growing on successfully rehabilitated areas from previous mining operations;
    - Excavation / mining, including the formation of deep pits, highwalls and benched pit walls;
    - Construction of new, or additions and changes to existing waste rock stacks;
    - Partial (Frasers / Innes Mills) to complete (Coronation North) infilling of pit voids with tailings, capping and flooding to form pit lakes;
    - Formation of, or changes to the alignment of haul roads;

- Realignment of a short section of Golden Bar Road;
- Alteration of natural drainage patterns including the formation of pit lakes and silt dams; and
- Mitigation planting, including integration with ecological aspects.

52. The addition to waste rock stacks will have the most visible landscape effects. Pits and the infilling of them are below ground level and will have little effect on landscape from a distance. In closer proximity the infilling of pits with either waste rock or tailings lessens the impact of a void.

53. Landscape architects have a 7-point assessment of landscape effects, ranging very low to very high. This relates to RMA assessments of effects ranging from less than minor to significant. The figure below shows is from the NZ Institute of Landscape Architects website:

Figure 6: Landscape Architects vs RMA assessment of effects.

54. The landscape report was peer reviewed by Philip Blakely from Blakely Wallace & Associates. In summary he stated:

> "The assessment is robust, and best practice. The information provided is generally sufficient and the assumptions are well considered and reasonable. The description of the immediate landscape and wider landscape context is comprehensive and clearly described. The report has defined the potential landscape and visual issues and effects adequately."

55. In terms of the visual simulations in Appendix 27b, Mr Blakely advised that more long distant view simulations would be helpful as the waste rock stacks can be seen from long distances.

56. The WSP response to that request was:

> "Theoretical Visibility Map shows there are many locations where the rock stacks will be visible from distant views.
> Our Response:

In our experience, there is little benefit in creating viewpoints that show only a small change barely discernible from a distant observation point.
In regard to the following, it is noted:
Coronation: There are minimal points that the public can view the Coronation works from at a distance. Viewpoint 1 provides a representative distant view as it has for previous Coronation LVAs. Viewpoint 2 demonstrates that there is not a view from Golden Point Road.

Innes Mills-Frasers: This is an expansion of the existing Innes Mills pit. As it is already excavated, there are no views to see from a distance. Hence viewpoints are localised based on the viewing audience and the points where they would have the opportunity to see the pit on its northern side, near the Macraes Road and a newly established public lookout area.

Golden Bar: According to the Zone of Theoretical Visibility (ZTV) (Refer Attachment 3 of the LVA; a small snip of which is Figure 2 below) there is the possibility of distant views form Macraes Road (road highlighted in Figure 2). However, the following is noted of those viewing opportunities:

Viewing the distant countryside while driving along Macraes Road would be hazardous. Noticing a contrast in the distant terrain and identifying it as a mine would be unlikely.

While the ZTV does indicate visibility, it does not take into account the effect of distance between road and mine area (at least 4- 6km), the relative dimensions of the mine at this distance, or localised undulations in the road or the topography immediately adjoining the road (that would either obscure an outward view or make for short, interrupted views at best).

Macraes Road is not orientated towards the site, placing Golden Bar in the distant peripheral view for the travelling public going towards Dunback. Travelling towards Macraes, the site would not be visible at all.

Available to only a small viewing audience - there are very few if any safe stopping areas through the relevant section of Macraes Road, so it is unlikely the public will be stopping to view, especially now there is an advertised viewing area of the mine above Frasers Pit. In addition, Macraes Road is a low-volume rural road, which implies a low potential viewing audience. Golden Bar Road is rarely used, except by mine personnel and local farmers.

Golden Bar will be increasingly less discernible as vegetation establishes. While the distant view to Golden Bar would present more of a contrast during the works, this will diminish once the grass cover of the Golden Bar waste rock stack has established.

The viewing opportunities are, as mentioned, distant."

57. The WSP report and the peer review agree that the landscape effects will range from nil to moderate. In Figure 6 moderate is the lower end of "more than minor" in RMA

terms. The most significant effect will be from the construction of the Golden Bar waste Rock Stack.

View point	Location	Visual Effect
1	Stock yards, Longdale Road	Very low to nil
2	Golden Point Road	Nil
3	Macraes Dunback Road – Golden Point Road intersection	Low
4	Macraes Dunback Road high point	Nil
5	Golden Bar Road to Golden Bar Mine	Moderate to Moderate - Low or Nil

Table 1. Landscape effects (source WSP report Appendix 27 to application.)

58. WSP considered the cumulative landscape and visual effects associated with the proposal. This is important as there are some large structures already in place. WSP stated there will be no cumulative effects at viewpoints 1-3, and 5 (identified in Table 1. above). At viewpoint 4, the coalescing of two pits will be seen, resulting in a low cumulative landscape effect. WSP notes that viewpoint 4 is not a publicly accessible viewpoint, and the proposed and existing pits are not visible from Macraes Dunback Road. The assessment concludes that there will be no cumulative visual effect upon the public.

59. The existing consents for the mine include landscape objectives for the form of structures. There is a strong objective to waste rock stacks to be finished with natural curves to blend in with natural landscape, but at present there is no monitoring to determine if those objectives are being met. A new condition is recommended for reporting on the shape of mining features that can affect landscape.

60. Ka Runaka in their submission raised concerns about landscape but were not specific about any element of the application.

Road Alignment

61. It is necessary to realign part of Golden Bar Road to facilitate the increase in the size of Innes Mills Pit. The eastern extent of the pit will mine the northern part of Golden Bar road where it joins Macraes Road.

Figure 7: Red line showing realignment of Golden Bar Road. (source AEE)

62. A 730m length of Golden Point Road will be replaced with a road section approximately 160m shorter, with an intersection at Macraes Road approximately 250m northeast of the existing intersection.

63. The AEE states construction of the road platform will require removal of vegetation and topsoil from the alignment to expose a stable rock base on which a road base will be developed using waste rock from Innes Mills Pit.

64. Some settlement of the underlying fill may occur for a period of up to 2 – 3 years from construction. To manage this, the AEE states that the applicant will follow all procedures stipulated by WDC including a period of post-construction monitoring

to ensure that the new road surface is performing satisfactorily prior to its hand-over to WDC.

65. Because some of the base of the new road will be fill material that takes up to two years to settle, it would be wise to build the new road as soon as possible if consent is granted, to allow time for the settling to occur before the existing road is mined.

66. Conditions are recommended to provide for a safety factor and address the effects of the proposed road realignment, and WDC's Development Engineer has requested the following conditions that are also recommended to be imposed should consent be granted:

"1. At least six-months prior to the commencement of any physical works , the consent holder shall submit to Council's Infrastructure Department for approval, all road realignment engineering design schedules, specifications and plans in accordance with NZS 4404:2010 Land Development and Subdivision Engineering standards, Austroads and NZTA Geometric and Pavement Standards. The standard of pavement design shall be equivalent to the existing road.

2. Completed NZS 4404:2010 Schedules 1A, 1B, 1C shall be submitted to Council's Infrastructure Department at the completion of the works.

3. A Council-authorised Roading Contractor shall carry out the road construction works, and all construction work shall be at the consent holder's cost.

4. A Temporary Traffic Management Plan (TMP) is required. It shall comply with the Code of Practice for Temporary Traffic Management and submitted to Council's Infrastructure Department at least 10 working days prior to any physical works taking place.

5. The road realignment shall be of equivalent standard to the existing road and in accordance with the approved engineering design, including but not limited to

a. A pavement design life of 30 years.

b. Subgrade testing shall be carried out results used in an appropriate pavement design. Subbase and Basecourse layers shall achieve compaction requirements outlined in NZTA B/2 Specification.

c. Formation of roadside drainage on both sides of the road.

d. Applying a two-coat chipseal with pavement markings.

e. Prior to sealing work taking place, evidence of compliant pavement testing is to be supplied including Nuclear Densometer or Benkelman Be am tests in both lanes as outlined in NZS 4404:2010, to Council's Infrastructure Department.

6. A post-construction defects liability period shall be in force for 12 months following the completion of construction of the realigned road.

7. A post-construction Road Safety Audit is required following completion of the realignment. Any recommendations following the Road Safety Audit are to be reviewed by Council's Infrastructure Department in conjunction with the consent holder and implemented by the consent holder where appropriate.

8. The consent holder shall ensure any damage to Council-owned roading infrastructure during the works is repaired and reinstated. This includes but is not limited to road, vehicle crossings, culverts, roadside drains, and roadside furniture."

Noise

67. Appendix 28 by Acoustic Engineering Services Ltd (AES) assesses the noise expected, excluding blasting noise. They used SoundPLAN computational noise modelling based on ISO 9613 *Acoustics – Attenuation of sound outdoors – Part 2*.

68. AES Have assessed noise for OGL for consent applications in the past and did a series of noise measurements on mining plant, equipment, and heavy machinery operating at the existing mine in several locations. Measurements were made under neutral weather conditions in general accordance with NZS 6801:2008 *Acoustics – Measurement of Environmental Sound*. Truck noise was also measured near 1668 Macraes Road, being a private residence.

69. AES assessed the likely noise contribution from activities including drilling, surface excavation, haulage trucks and at MP4 locations.

70. AES noted that noise levels may increase under unusual conditions such as:

- Unusual meteorological conditions – such as extreme temperature inversion and cloud cover.
- Equipment undertaking temporary non-typical activity on the mining site or the haul road.

71. The following table sets out the predicted cumulative noise levels from all MP4 activities at the closest private residences.

Rec.	Location (notional boundary of the property)	Maximum expected noise level (dB L_{Aeq})						
		2024	2025	2026	2027	2028	2029	2030
1	1668 Macraes Road, Macraes	23	23	44	45	41	33	26
2	406 Horse Flat Road, Macraes	43	43	43	42	21	15	32
3	47 Hyde Street, Macraes 9483	26	26	39	40	35	30	28

Table 2. Noise levels at sensitive receptors.

72. AES also considered the cumulative noise level expectations for all existing mine operations and concluded the following at nearest private residences:

Rec.	Location (notional boundary of the dwelling)	Maximum expected noise level (dB L_{Aeq})						
		2024	2025	2026	2027	2028	2029	2030
1	1668 Macraes Road, Macraes	45	44	45	45	41	34	30
2	406 Horse Flat Road, Macraes	43	43	43	43	36	36	37
3	47 Hyde Street, Macraes 9483	40	40	40	40	35	30	28

Table 3. Cumulative effect from all of mine.

73. AES states the levels predicted in this section are based on reasonable worst-case operational scenarios and are not expected to be present all the time. They add that the WHO / NZS6802:2008 recommendations to allow occupants to sleep with windows open for ventilation (45 dB LAeq). AES states they would not expect the noise effects to be more than minor at the nearest private residences.

74. Note that there are no submissions from the closest residences listed in the tables. Mr Geel who has a property at 1726 Macraes made a submission about noise from Frasers Pit operations, but did not detail when, and what noise was causing a problem.

75. Mr Geel's property is approximately 839m west of 1668 Macraes Road, the latter being the most sensitive noise receptor.

Figure 8: Location of 1668 and 1726 Macraes Road (source google earth)

76. The mine has been operating since 1990, and it has expanded considerably in the last 35 years. There is a reverse sensitivity element for OGL and any newcomers to the area. The noise from the mine during the day will be more in volume and frequency than normal farming operations, as drilling and blasting occurs during daylight in pits as well as underground. In addition, the haul roads are traversed day and night. The WDC Operative Plan noise standards recognise this within the Macraes Mining Zone.

77. Despite the breach of WDC District Plan noise standards at the boundary of the MMPMZ and the Rural Scenic Zone, and the breach of nighttime noise standards at the notional boundary of nearest privately owned residences, the noise effects are not expected to have more than a minor effect, as WHO standards are for 45DBA at night allowing for normal sleep.

Blasting & Vibration

78. TechNick Consulting prepared an assessment on the potential effects of blasting and vibration associated with the Project. The assessment is Appendix 26 to the application.

79. The proposed pit extensions involve drilling and blasting using the same equipment and processes currently used in active areas of the Macraes mining operation. The existing land use consent conditions limit the ground vibration levels measured at any point within the notional boundary of any dwelling located outside the MMMZ and not owned by OceanaGold to not exceed 5mm/s peak particular velocity (although up to 10mm/s is permissible up to 5% of the time). Air blast (overpressure) levels at sensitive sites including all Historic/Heritage sites must not exceed 120 dB L.

80. The existing Noise, Airblast and Vibration Management Plan for mining operations allows for the following management and mitigation measures to reduce vibration and airblast levels and impacts:

- Style of blast - OceanaGold employs “Paddock” or “Choke” blasting rather than free face blasts. This type of blasting generates less airblast than alternative free-face blasting;
- Accurate survey and layout of drill hole positions;
- Checking depths and angles of holes after drilling (lower airblast);
- Rechecking hole depths immediately before charging (lower vibration);
- Control maximum explosives charge per delay (lower vibration);
- Suitable priming practices including the location of primer;
- Continuous monitoring of explosives charging (lower vibration);
- Ensuring stemming quality and quantity are as per design (lower airblast);
- Charge confinement - Depth of burial / Stemming length (lower airblast);
- Designing blast initiation sequence to avoid excessive timing overlaps (lower vibration);
- Considering the effect of topography, bunds, deep pits (lower airblast);
- Minimise exposed detonating cord initiation system (lower airblast); and
- Adapt to atmospheric conditions – inversions or strong, unfavourable wind direction and choice of blast time (lower airblast).

81. The application states the above practices will continue to be adopted for the MP4 Project. TechNick Consulting assessed the vibration and blasting effects of each proposed pit expansion, and these are outlined below.

82. Airblast levels will reduce as the mine benches get deeper with time. The airblast levels are expected to remain less than 115 dB L at the nearest residences and 120 dB L at any sensitive historical site throughout the mine life.

83. In relation to the Coronation Pit expansion, (the very south extent of which is within the WDC area) the only sensitive receptor that has been identified is the residence at 406 Horse Flat Road. Vibration levels are expected to remain below the prescribed limits for normal blasting. Therefore, TechNick Consulting concluded that there will be no adverse effects generated from the blasting and vibration

associated with the expansion of the Coronation Pit that are beyond those that are currently anticipated at the site.

84. Blasting and vibration TechNIck predictions for the Golden Bar Pit extension are anticipated to be lower than the consented limits. There are no privately-owned residences or historic sites identified within any range of concern from the potential blasting activities. TechNIck states any effects associated with blasting, such as flyrock, fumes and dust generation, will be addressed by continuing to apply the mitigation measures successfully used at the site over recent years, to ensure that no additional adverse effects arise. These measures are outlined in Chapter 6 of the AEE and detailed in the TechNick report.

85. One privately owned residence (1668 Macraes Road, Macraes) is located 1170m from the Innes Mills Open Pit. The residence has been identified within a distance that could be impacted by potential blasting activities for the Innes Mills Pit extension. Vibration levels at this location are predicted to exceed the base 5mm/s residential level, reaching 6.1mm/s during full production blasting.

86. TeckNick states the predicted levels will comply with the consent conditions, as blasting is permitted to exceed 5mm/s 5% of the time, and never exceed 10mm/s, which will be achieved. TechNick states where vibrations approach the 5mm/s limit, 'proximity' blasting options will ensure that no permissible limits will be exceeded for nearby residences. Airblast levels will be below the 115 dB L safe limits stated in the relevant standard. All blast will comply with existing consent conditions and District Plan standards for vibration and airblast at the Golden Point Historic Reserve.

87. Given compliance with existing consent conditions and District Plan rules for blasting, which have been derived from New Zealand and International Standards, adverse effects associated with blasting are expected to be no more than minor and likely indiscernible from current operations.

Light Spill

88. This is not a matter that is considered by the applicant and has not been raised in previous applications. The issue has been raised in submissions. Mr Roy, in his submission, states that when living on his farm, that is approximately 5.5 km distance from the mine, he could see light from the Coronation and Deepdell mines. He says in his submission that the lighting interfered with observing the night sky. Mr Geel refers to "light pollution" in his submission with no further detail.

89. Lighting for outdoor areas has changed in the last decade such that modern LED lighting provides for less light spill if positioned correctly. The applicant could use modern lighting to minimise light spill while providing for the safety of workers.

90. As the mine operates 24/7, a condition is recommended to use downward pointing lights that minimise light spill.

Stability of pits, waste rock stacks and tailings impoundment

91. The following reports in the application and s92 responses address stability issues, and were peer reviewed by Mr Colin Macdiarmid of Geosolve Consultants:

Document	Appendix
AEE	N/A
PSM (2024a) Project Element 4.3.2: Open Pit Extensions updated report dated 15 August 2024.	6
WSP (2024) Frasers Backfill Stage 2 Design To Support Resource Consent Application	2
PSM (2024b) Project Element 4.3.2: Open Pit Stability Assessment For Frasers TSF	7
EGL (2024a) Oceana Gold (New Zealand) Limited Frasers Tailings Storage Facility – Stage 1 And Stage 2 Tsf Peer Review Comments	3
EGL (2023) Golden Bar Waste Rock Stack – Stage 2 Design Report	4
EGL (2024b) Trimbells Waste Rock Stack Closure Stability Report	5
EGL (2024c) Erosion and Sediment Control Report	10
PSM RFI Response dated 15 August 2024	N/A
EGL RFI Response dated 23 August 2024	N/A

Table 4. Reports Peer Reviewed by Mr Macdiarmid.

92. The AEE states: "Block sliding along adversely oriented geological structures is a known instability within the open pits at Macraes, and OceanaGold actively manages such instability during mining through routine geotechnical mapping, stability monitoring and Trigger Action Response Plans ("**TARPs**") via the site's geotechnical principal hazard management plan."

93. Therefore, pit stability issues are subject to adaptive management.

94. Mr Macdiarmid after receiving responses for his s92 questions, stated in his peer review:

Pit Stability

"Overall, I had no concerns around the modelling of pit stability carried out by PSM and their general conclusions and recommendations." and

"It should be noted that the pit stability could be improved considerably by buttressing the pit walls on completion with waste rock. This is proposed for the Coronation North pit and to a lesser extent for the Coronation and Golden Bar pits and there is no technical reason this could not be adopted for the other pits;" and

"It is worth noting that 2 public roads are within 100m of the pits, which is within the preliminary offset distance. As these roads are used by the public, my view is that these roads should ideally have a minimum FOS of 1.5 at all times during the operation of the mine and this should be reflected in the consent conditions."

Waste Rock Stacks

"Overall, the geotechnical assessments carried out to date are robust and any geotechnical effects can be mitigated."

Frasers Tailings Impoundment

"The report fully explains all data inputs and they are considered appropriate.

Seepage and stability analysis are carried out. Both are considered appropriate.

The dam has been designed in accordance with current good practice. The dam has been categorised as low PIC, which seems reasonable given that it is contained entirely within a pit."

95. It is important that pit wall stability is monitored carefully and that waste rock stacks and the Frasers tailings facility are constructed according to their design.

96. Mr Macdiarmid recommended consent conditions to address factors of safety and other issues, and these have been incorporated into the WDC/DCC conditions document.

97. Otago Fish and Game Council raised a concern about geotechnical stability and the potential consequences of dam failure. This concern was raised in the context of 'incomprehensibly long' timeframes for rehabilitation and the responsibility for undertaking rehabilitation and maintenance work over these timelines.

98. These concerns are shared by Mr Macdiarmid, who considers that the mitigations proposed by the Applicant to manage long-term instability are geotechnically reasonable, but the practicalities of maintaining such measures must be considered.

99. The Tailings dam will also require a Building Consent under the Building Act 2004 that will address stability issues.

Buffer Areas

100. Colin Mcdiarmid in his evidence states.

> "There is a risk of instability in areas beyond the pit crest in all the pits post-closure and this risk is proposed to be mitigated through the creation of exclusion zones to ensure the factor safety (FOS) is 1.5 outside the exclusion zone. This FOS is appropriate as slopes with FOS above this have an acceptably low risk of failure. The exclusion zones are to be confirmed at a later stage, but are likely to range from 100 to 150 m. From a geotechnical perspective this is a reasonable mitigation (although the practicalities of this in perpetuity should be considered by others e.g. ongoing maintenance of any fences, signage etc.)"

101. It is appropriate once mining ceases that the area of exclusion zones around the pits is included as a covenant on the land titles that contain the pits, for future land owners to be aware of the instability issues.

Terrestrial Ecology

Setting

102. The entire mine is within the Macraes Ecological area, that is characterised by the medium altitude geography and climate.

103. The information provided shows that much of the Macraes Ecological District is highly modified with 75% of the district dominated by exotic vegetation. It also shows that most of the remaining vegetation is also modified from the predicted original dryland forest and shrubland cover to a short tussock grassland and subalpine tall tussock with areas of forest and shrubland.

Terrestrial Ecology Affected by Proposal

104. The terrestrial ecological values within the various areas of the MP4 expansion were undertaken by two ecological consultancies Whirika Consulting (formerly Ahika) and Bioresearches. Whirika has characterised vegetation and avifauna values while Biosciences assessed the herpetological and invertebrate values. The assessment included a 100m buffer area being a Zone of Influence ("ZOI") where some impact on ecological features might be expected. The ecology reports were reviewed by Glenn Davis from e3scientific on behalf of the three Councils.

105. Although effects on wetlands are an ORC matter, the ecological issues are closely aligned for land use, and they are referred to in the discussion below.

Coronation Mine

105. The proposed Coronation Stage 6 Pit ("CO6") consists of an approximate 250m expansion to the southeast. The new pit area will disturb 6 hectares. This area is predominantly tussock land and three small natural inland wetlands that will be destroyed. There are rock tors that provide habitat for lizards. Three species of skink were found in this area. The three lizards are McCanns skink (not endangered), the Tussock Skink (at risk, declining) and the Korero gecko (at risk, declining).

Frasers Pit Tailings Storage.

106. The new dam and tailings storage in Frasers Pit does not affect any areas with terrestrial ecological values as the work is entirely within the existing pit.

Innes Mills Pit

107. Innes Mills Pit is currently being mined. Expansion to both sides of the pit was authorised as part of the Frasers Co-Disposal Project in July 2023. Further expansion was authorised as part of the Continuity Consents Project. The MP4 Project proposes more extension at the east and west to enable the recovery of downdip ore. This is an increase to the Innes Mills Pit footprint of approximately 12.5ha increasing the total pit footprint to approximately 71ha – an increase of 21%.

108. The proposed extension footprint is over existing mine haul roads and part of Golden Bar Road. Mining will be in disturbed areas and remnant patches of rank pasture/tussock. A small area of natural wetland is within 100m of the proposed eastern extension and this area may be completely or partially drained as a result of the proposed pit extension. There is little description of the size or values of the wetland. No skinks were found in this area.

Golden Point Backfill and Northern Gully WRS rehandle

109. The backfilling of the pit with material from Innes Mills pit and the Northern Gully WRS will have no effect on terrestrial ecological values.

Golden Bar Road Realignment

110. The indicative realignment has been identified within a 300m wide corridor. Construction of the road platform will require removal of vegetation and topsoil from the alignment to expose a stable rock base.

111. The new road will potentially be located within 100m of a natural inland wetland that is fenced and protected in accordance with the WDC land use consent for MP3. The AEE states no drainage effects are anticipated on the wetland, and that no works will occur within 10m of any natural inland wetlands.

Golden Bar Extension

112. The Golden Bar pit was mined from 2004 – 2006 and has been partially rehabilitated. The pit lake discharges into a stream, and the waste rock stack is covered in vegetation including tussocks. The Golden Bar Pit extension and associated WRS extension covers an area of approximately 40ha, increasing the total disturbance area to approximately 68ha.

113. Development of Golden Bar Pit extension will lead to the permanent loss of 27.3ha of narrow-leaved tussock grassland, with some effect on the 36.135.9 ha in the 100m buffer. In addition, Further, 0.06ha of shrubland is expected to be permanently lost from the area. There are rock tors in the footprint that will be destroyed.

114. In addition, the Golden Bar Pit activities are expected to result in the permanent loss of 0.8ha of riparian / wetland vegetation mosaic which includes approximately 0.008ha of natural wetland vegetation. Dewatering is likely to result in changes to around 0.1ha of riparian similar vegetation in the buffer area. This will shift the vegetation community in this area towards a drier community, with a higher dominance of pasture grasses, and reduction and eventual loss of more water dependent species.

115. The non-endangered skink (McCanns skink) was found in the pit extension area. In the Golden Bar WRS footprint the highest recordings of two skinks and one gecko were recorded for any of the MP4 components. The three lizards are McCanns skink (not endangered), the Tussock Skink (at risk, declining) and the Korero gecko (at risk, declining).

116. The Bioresearches report states that across 90 hectares for MP4 project components, a “potentially large but unquantified” number of lizards will be affected.

117. Bioresearches consultants conducted an invertebrate survey that reported a large number of indigenous species, including one specimen of a rare and endangered moth *Orocrambus sophistes* that was found on the existing Golden Bar WRS. Council’s ecology peer reviewer Glenn Davis has stated that invertebrate assessment is limited and more work in this area is required to fully understand the effect on invertebrates.

Birds

118. Birds were surveyed. The bird survey recorded a total of 23 bird species within the ZOI. Ten of the species recorded are indigenous. The Ahika report stated that bird species and numbers are typically low in this environment due to the lack of forest cover and degraded wetland habitat.

119. A total of 3 bird species are listed as threatened (eastern falcon) or at risk (NZ pipit and banded dotterel).

120. Mr Davis (see below) commented on the bird information:

> "The methods undertaken to collect avifauna information consisted of a single walk through of the Innes Mills, Golden Bar and Coronation project components in April and May 2022. Ahika considers a more intensive sampling effort such as 5- minute bird counts was not required given the low species diversity and low abundance of birds. While I consider this approach was reasonable for the site, it would have been helpful to complete additional survey work during different times of the day and year in order to get a better understanding of the variability of species present and bird abundance."

Review of Information

121. The ecological reports in the application were reviewed by Glenn Davis of e3Scientific Limited on behalf of the councils. He reviewed the following:

a) Macraes Phase 4 Project. Resource Consent Application and Assessment of Environmental Effects. OGL 28 March 2024.

b) Appendix 15: Ahikā - Assessment of Effects on Vegetation & Avifauna.

c) Appendix 16: Ahikā - Macraes Phase 4 Project – Ecological Impact Management Plan. I note this document was amended with the new document dated 17 February 2025.

d) Appendix 17: Bioresearches - Herpetofauna Survey & Assessment – Macraes MP4.

e) Appendix 18: Bioresearches - Lizard Management Plan – Macraes MP4 Projects.

f) Appendix 19: Bioresearches - Invertebrate Survey & Assessment – Macraes MP4.

i. MP4 consent application – s92 requests for additional information from DCC

and WDC. Prepared by Ahika dated 24 August 2024.

ii. Responses to s92 requests prepared by Bioresearches in respect of terrestrial ecology matters. This also included an updated Lizard Management Plan dated 30 July 2024.

iii. Clarifications on s92 responses, MP4 project. Prepared by Whirika Consulting dated 5 February 2025.

iv. MP4 ORC further information response – Planning and overarching responses dated 7 February 2025.

122. Mr Davis has also reviewed and had input to the DCC and WDC conditions that have been updated from what was produced by OGL, and yet to be provided by the district councils.

123. Mr Davis's report is helpful, and includes for the description of what is present and affected by the application:

"In summary, I find the ecological values of the site are well understood for vegetation, birds and lizards. The invertebrate information is weaker and lacks detail largely due to the limitations of the timing of the survey and any understanding of the relevance of the finding of a single specimen of the nationally threatened moth *Orocrambus sophistes*. "

124. For the application assessment of ecological effects Mr Davis disagrees with the Ahika/Whirika assessment that ecological effects are moderate or moderate-low. He states:

"I do not consider this statement accurately reflects the Ahika assessment especially considering the largest area of effect is associated with tussock land, rock tors and riparian vegetation in the Golden Bar WRS and mine expansion. These areas are the largest project components of the MP4 project with respect to direct and indirect effects on indigenous vegetation and habitat and supports at-risk plant species, threatened invertebrates, high numbers of lizards and the at-risk NZ pipit.

While I disagree with the general characterisation of the mine expansion causing a "low to moderate effect" I agree with Ahika's view that an extensive suite of mitigation, remediation, offset and compensation measures are required to mitigate the effects of the mine expansion as set out in the Whirika Consulting (2025) Macraes Phase 4 Project Impact Management Plan V3 (IMP)."

Terrestrial Ecological Mitigation, Offsetting and Compensation Proposed

Background

125. OceanaGold currently manages 13 ecological covenants and eight protected wetlands near the Macraes site, covering a total of 655 ha. Other protected areas in the vicinity of the Project site include the Deighton Creek Nature Reserve (590 ha), the Redbank Scenic Reserve (1,452 ha) and the Manuka Stream Conservation Area (332 ha). These areas are identified in the figure below. Combined, these areas provide for a total of 3,029ha of legally protected land in the Macraes Ecological District. This protected land equates to 2.4% of the Macraes Ecological District.

126. Mr Parata in his submission was critical of the management of some of the protected areas:

> "Recent Audits showed blatant breaches of RMA and QE2 Covenants with no sanctions.....these audits were under reported.....we have FACTUAL EVIDENCE BACKED BY LEGAL AUTHORITY BREACHES EVIDENCE"

127. Mr Parata wishes to be heard and may present the evidence he refers to.

Figure 9: Protected Areas by Covenants (source OGL AEE)

128. A further 7ha enhancement area on the Deepdell Waste rock stack is proposed in an application currently being processed.

129. For the MP4 project, a number of proposals are suggested, and are shown in the draft conditions provided by the applicant. This comprises:

130. "Prior to undertaking any clearance of indigenous vegetation at the site of the Coronation Stage 6 Pit Extension, the Consent Holder must
    a) identify, set aside, and ensure legal access is secured and maintained to:
        i. an area of land capable of containing ephemeral wetland(s) covering a combined area of at least 0.3ha known as the Ephemeral Wetland Creation Site at or near the location as shown on the Map 1 annexed to this consent for the purpose of providing ecological offsetting for ephemeral wetland values in perpetuity.
        ii. an area of land containing at least 1.5ha of suitable lizard habitat that must be enclosed by a predator proof fence in perpetuity;
        iii. an area of land containing at least 0.5ha of riparian and wetland vegetation mosaic;
        iv. an area of land containing at least 6ha of existing tussock grassland that is currently at 15% or less tussock cover that is capable of having average tussock cover increased to 50%.

131. "Prior to undertaking any clearance of indigenous vegetation at the site of the Innes Mills Pit Extension or the Golden Bar Road Realignment, the Consent Holder must:
    a) identify, set aside,

        i. an area of land at capable of containing a wetland covering at least 0.1ha known as the Wetland Offset Site at or near the location shown on the Map 1 annexed to this consent for the purpose of providing ecological offsetting for wetland values in perpetuity.
        ii. an area of land containing at least 6ha of suitable lizard habitat that can be enclosed by a predator proof fence in perpetuity;
        iii. an area of land containing at least 1ha of riparian and wetland vegetation mosaic;
        iv. an area of land containing at least 6ha of existing tussock grassland that is currently at 15% or less tussock cover that is capable of having average tussock cover increased to 50%.

132. Prior to undertaking any clearance of indigenous vegetation at the site of the Golden Bar Pit Extension or the Golden Bar Waste Rock Stack Extension, the Consent Holder must
    a) identify, set aside,

i. an area of land containing at least 27.7ha of suitable lizard habitat that must be enclosed by a predator proof fence in perpetuity;
ii. an area of land containing at least 1.8ha of riparian and wetland vegetation mosaic;
iii. an area of land containing at least 31ha of existing tussock grassland that is currently at approximately 15% tussock cover that is capable of having average tussock cover increased to 50%.

133. The conditions offered include details of creating a new wetland area, and how that is to be done.

134. The application also includes in summer, moving tussocks from the Golden Bar area, that are assumed to have *orocrampus sophistes* larva in them to another area where they will be sustained, in order to protect the moth. At the end of Golden Bar mining the tussocks are to be moved back to the Golden Bar area.

135. In the AEE and supporting reports, the application discusses the creation of the Murphys Ecological Enhancement Area (MEEA). This is an area on the side of a hill that will be fenced to keep out stock and large mammalian pests. There will be an area within the perimeter fence that is enclosed in a predator proof fence to keep out predators. The area within the predator proof fence will be where lizards are moved to, that are in danger of being destroyed by the extension of pits and waste rock stacks. OGL did not include a condition that specifically provides for this. The offsets listed above for the 3 pit extension areas comes to a total of the following habitats to be created/protected. It is not clear in the application or OGL conditions if these cumulative totals are the MEEA, or not.

- Lizards - 38.5ha
- Tussocks - 43ha
- Wetland/riparian margins - 3.3ha.

136. In recent meetings, OGL have indicated that the MEEA will be staged, and more details will be produced in evidence for the hearing. They also said that a further moth survey is being done, the results to be produced in hearing evidence.

137. Mr Davis discusses each of the offsetting proposals in detail, and concludes:

> "In summary I generally support the offsets proposed with the exceptions discussed above, particularly with respect to the ephemeral wetland offset. I

note the IMP sets out the framework for the Ecological Enhancement Area Management Plan (EEAMP) and includes all of the elements that I would expect to see in a document that directed the project implementation.

I am of the view that for a project of this scale this document should have been part of the consent application package as it will include critical information to assist with the assessment of effects and provide council with confidence that the objective of the offsets can be achieved.

I note that I have requested this information from OGL through the s92 process, however this was not provided. Without this information, drafting of consent conditions becomes very important and very difficult to ensure the project commitments and performance objectives are captured accurately and monitored effectively over the life of the project which is likely to extend beyond the life of the mine."

Submissions

138. DOC in their neutral submission, mentioned the species that have been found in the project areas, and state:

"However, for ecological effects the AEE largely relies on offsetting or compensation measures away from the impact sites, as the nature of mining means there is little ability to avoid, remedy, or mitigate effects on-site. These measures include creation of new wetland and stream habitat to make up for loss of freshwater extent and values, and ecological offsetting and compensation measures at the Murphys Ecological Enhancement Area (MEEA) to address loss of terrestrial ecological values. It also includes some salvage and relocation of affected fish, birds, and lizards.

The approach taken for managing effects is heavily reliant on the conditions of consents, and the content of management plans. Although the notified application included some proposed management plans (Ecological Impact Management Plan and Lizard Management Plan), it did not include the Ecological Enhancement Area Management Plan (EEAMP); which contains details of the offset and compensation package, nor consent conditions that those plans would operate under.

Resource consent conditions requiring a management plan should have a clear objective and appropriate performance standards in the conditions to enable subsequent management plans to be implemented effectively. As those

conditions were not available at the time of preparing this submission, I have not been able to consider whether they will be appropriate.

The Cultural Impact Assessment for the proposal was also not available at the time of submissions, and it is unclear what effects the development will have on cultural values.

In summary, this means that at the time of lodging this submission there can be no certainty that the combination of conditions and management plans will be able to adequately address effects on the environment.

This applies to both the direct effects of this development, and the cumulative effects which arise in conjunction with the existing mine operation."

139. Note Mr Davis agrees with the DOC concerns about the outcome and sustainability of the offset provisions in the application.

140. Forest and Bird opposes all of the application and states:

"There is substantial uncertainty about the scale of effects.

The use of biodiversity compensation for the threatened moth species is inappropriate under the NPS-IB.

The health and wellbeing of freshwater bodies and freshwater ecosystems are not adequately prioritised in accordance with the NPS-FM.

Effects on specified highly mobile species like the NZ Falcon and pipit and other indigenous birds and species are not sufficiently mitigated."

141. Note that Mr Davis agrees with the Forest and Bird submission concerning the uncertainty about the appropriateness, and/or outcome of measures to address the endangered moth, wetlands and birds.

Conclusion on Ecological Matters

142. For several species and features, avoiding remedying or mitigation of effects is not available as habitats and specimens of plant and fauna will be destroyed. OGL proposes some offset proposals. For tussocks and the rare moth, the extent of the moths in the area is yet to be determined. Moving of tussocks may be successful, but much more detail is required as to how that would happen to address the uncertainty of this proposed method to remedy the effects on moth habitat.

143. For the wetlands, the proposal is experimental and cannot be considered an offset under the NPSIB as it is doubtful there will be a net gain in biodiversity.

144. For relocation of lizards to the MEEA, there is no firm detail about the size of the area, with original proposals in reports being changed. There is no details about the objectives and measures for the offsetting. There is also no detail about long term governance of the land, how the offsetting continues to be funded, and long-term outcomes. No condition was offered to establish the MEEA even though it was detailed in reports supporting the application. (noting that cumulative offset areas indicated for each pit area cumulatively may be the MEEA.

145. These matters are discussed in detail by Mr Davis, and by DOC and Forest & Bird in their submissions.

146. OGL needs to produce details of all of the values that are to be offset, including the extent of the rare moth; objectives for offsetting, baseline data for offset areas, timing for offsetting to occur and funding arrangements for offset areas in perpetuity. This detail should be embedded in consent conditions and not left to an Environmental Management Plan.

147. An alternative offsetting for destruction of wetlands to creating new wetlands.

Annual Reporting and Bonds

148. There is a well-established process of Annual Work Projections for the mine that is produced in a report by the end of March each year, for the year starting 1 July. The report includes the information about matters the councils would have to attend to if consent conditions were not met. That information forms the bond that is reviewed each year.

Statutory Considerations

Part II of the Act

149. The purpose of the RMA through Section 5 is to promote the sustainable management of natural and physical resources. Section 5 defines "sustainable management" as:

"*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 wellbeing 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."

150. The MP4 Project must achieve the purpose of the Act which is to promote the sustainable management of natural and physical resources. In considering the narrative of Section 5, in consideration of subsections (a), (b) and (c) of Section 5 a significant part of matters to consider is the state of the air, land and water resources while mining is happening and once mining ceases, and the impact of that on the community.

151. The WDC District Plan is a significant consideration under Section 5. The WDC District Plan recognises and provides for mining within the Macraes Mining Project Mineral Zone. Note that the proposed District Plan also provides for a special zone for mining at this location. The Proposed District Plan has little weight at present.

152. The WDC District Plan has purposely retained discretion over the development of the pits and other mining related structures in the MMPMZ and Rural Scenic Zone, and the Panel needs to determine whether the actual or potential adverse effects of this proposal can be appropriately avoided, remedied or mitigated and the end-of-mine-life rehabilitation and community strategy is appropriate to the area. Similarly, the Regional Plans: Air, Waste and Water require the avoidance, mitigation or remedying of effects on the resources they regulate. None of the Regional Plans specifically address mining as an activity, but the effects of mining are regulated.

153. In terms of (b) and (c) of section 5, the applicant has provided information to address the effects, which include remedying, mitigation, offsetting and compensation.

154. Section 6 states that in achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance i.e.:

"*(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:*

(b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development:

(c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna:

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

(e) The relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.

(f)The protection of historic heritage from inappropriate subdivision, use, and development.

(g) The protection of recognised customary activities."

155. Sections 6 (a) and (c) are relevant and the loss of habitat associated with a number of wetlands as well as indigenous vegetation and fauna is an issue for this application. The Panel must decide if sufficient methods are available to safeguard the natural values.

156. In terms of (e) and (g) of section 6, the three runanga have produced a Cultural Impact report that raises several issues. The applicant has said that relevant conditions will be produced in its evidence to address the issues raised.

157. Section 7 states that in achieving the purpose of the RMA, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to a range of matters, i.e

"*(a) kaitiakitanga:*

(aa) the ethic of stewardship:

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

(ba) the efficiency of the end use of energy:

(c) the maintenance and enhancement of amenity values:

(d) intrinsic values of ecosystems:

(e) repealed.

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

(g) any finite characteristics of natural and physical resources:

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

(i) the effects of climate change:

(j) the benefits to be derived from the use and development of renewable energy."

158. In respect of 7(a) and (aa), the Iwi submission was opposed to all of the consent applications with concerns about the effects on their people, biodiversity, land restoration and long-term outcomes once mining ceases.

159. Section 8 requires all persons acting under the Act to take into account the principles of the Treaty of Waitangi. The Panel will consider the submissions of Iwi in coming to its decision and the OGL proposed conditions that address the CIA, that are yet to be finalised at the time of this report.

National Policy Statement for Indigenous Biodiversity 2023 (NPSIB) – amended October 2024	
Provision	**Assessment**
(1) The objective of this National Policy Statement is: *a) to maintain indigenous biodiversity across Aotearoa New Zealand so that there is at least no overall loss in indigenous biodiversity after the commencement date; and* *b) to achieve this:* *i. through recognising the mana of tangata whenua as kaitiaki of indigenous biodiversity; and* *ii. by recognising people and communities, including landowners, as stewards of indigenous biodiversity; and* *iii. by protecting and restoring indigenous biodiversity as necessary to achieve the overall maintenance of indigenous biodiversity; and* *iv. while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.*	**Contrary** The MP4 proposal, if undertaken as proposed, will result in an overall loss in indigenous biodiversity. There will be a net loss in wetland extent, lizard populations and habitat, and vulnerable moth population and habitat because these losses cannot be adequately offset. This loss would result from all three pit mining areas, but the largest losses would result from the Golden Bar proposal, followed by Coronation, and then Innes Mills.
Policy 1: Indigenous biodiversity is managed in a way that gives effect to the decision making principles and takes into	**Inconsistent** The submission from Kā Runaka, the approach taken to progressively consent the MP4 project in stages, and the

account the principles of the Treaty of Waitangi.	updates of the MP4 application material made throughout the consenting process (in response to s92 RFIs and additional changes made by the Applicant) has hindered the ability of Kā Rūnaka to holistically assess the cultural impacts of the proposal. Based on this, the ability to exercise rakatirataka and carry out kaitiakitaka obligations in respect to Iwi concerns have only been recognised to a limited extent. Further, the mauri, intrinsic values, and wellbeing of indigenous biodiversity have not been adequately prioritised, as the MP4 activities would result in degradation of indigenous biodiversity in a manner that cannot be redressed.
Policy 2: Tangata whenua exercise kaitiakitanga for indigenous biodiversity in their rohe, including through: *(a) managing indigenous biodiversity on their land; and* *(b) identifying and protecting indigenous species, populations and ecosystems that are taonga; and* *(c) actively participating in other decision-making about indigenous biodiversity.*	**Inconsistent** The CIA states that the ability to exercise rakatirataka and carry out kaitiakitaka obligations in respect to te taiao is an important contributor to upholding the mana of mana whenua. Kāi Tahu have significant concerns about the limited extent to which this has been recognised in the Macraes Gold Project to date. The ongoing modifications to the whenua and the wai increase the difficulty of maintaining and restoring connections with these places. On this basis, the ability of tangata whenua to exercise kaitiakitaka for indigenous biodiversity is limited.
Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity.	**Inconsistent** Clause 3.7 states: *Local authorities must adopt a precautionary approach toward proposed activities where:* *(a) the effects on indigenous biodiversity are uncertain, unknown, or little understood;* (b) *but those effects could cause significant or irreversible damage to indigenous biodiversity.* There is significant residual uncertainty about the potential effects on the threatened moth, rock tor habitat of at risk – declining gecko, and the naturally uncommon critically endangered ephemeral wetlands, and these effects could cause irreversible damage to indigenous biodiversity. These effects should be avoided.
Policy 4: Indigenous biodiversity is managed to promote resilience to the effects of climate change.	**Partially consistent** The Applicant has considered the likely effects of a changing climate on indigenous biodiversity at the Macraes site. The effects on indigenous biota are largely unknown but may result in alteration of vegetation communities to a drier form which may be unable to support the currently widespread narrow-leaved tussock. Fragmentation of habitat is likely to increase which will disproportionately affect rare species with restricted

	distribution. It is not clear how this has been taken into account in relation to management of indigenous biodiversity. The MP4 activities will disturb and remove important areas of habitat, particularly in the Golden Bar and Coronation areas. Fragmentation of habitat is already evident at the mine site, particularly in the Central Mining Area where only small pockets of indigenous biodiversity remain. The proposal to create the MEEA which will provide protection for species and increased density of important habitat may promote resilience to climate change in that local area, but details are unknown at this time.
Policy 5: Indigenous biodiversity is managed in an integrated way, within and across administrative boundaries.	**Consistent** The potential effects on indigenous biodiversity are assessed in an integrated way and the Applicant sought joint notification/bundling of the applications to the three councils. The administrative boundaries do not affect the integrated management of indigenous biodiversity.
Policy 8: The importance of maintaining indigenous biodiversity outside SNAs is recognised and provided for.	**Inconsistent** The Applicant has considered the significance criteria set out in Appendix 1 of this NPS-IB and determined that certain vegetation communities at all three main project areas meet the significance criteria and would qualify as SNAs, noting that this does not formally make then SNAs. Despite this recognition, the MP4 proposal will not provide for the maintenance of indigenous biodiversity, as it will result in a net loss in wetland extent, lizard populations and habitat, and vulnerable moth population and habitat because these losses cannot be adequately offset. This loss would result from all three key mining areas, but the largest losses would result from the Golden Bar proposal, followed by Coronation, and then Innes Mills.
Policy 10: Activities that contribute to New Zealand's social, economic, cultural, and environmental wellbeing are recognised and provided for as set out in this National Policy Statement.	**Inconsistent** Clause 3.5 states that local authorities must consider that the protection, maintenance, and restoration of indigenous biodiversity contributes to these wellbeings but this does not preclude subdivision, use and development in appropriate places and forms. I do not consider the MP4 development takes an appropriate form, in that it will result in a net loss of indigenous biodiversity which is wholly inconsistent with the objective of this NPS-IB.
Policy 15: Areas outside SNAs that support specified highly mobile fauna are	**Consistent**

identified and managed to maintain their populations across their natural range, and information and awareness of highly mobile fauna is improved.	Two species have been identified that are highly mobile fauna as per Appendix 2 of this NPS-IB. These are the New Zealand Falcon and the pipit. The Applicant considers that none of the habitats on site would be considered a Highly Mobile Fauna Area that would be set under clause 3.20. Despite the loss of habitat that will result from MP4, Mr Davis considers that it is likely that the predator proof fencing at MEEA (required by recommended conditions) and other bird enhancement measures may lead to an uplift in populations.

Regional Policy Statement

Otago Regional Policy Statement 2019 (**ORPS 2019**)	
Provision	**Assessment**
Objective 1.1 Otago's resources are used sustainably to promote economic, social, and cultural wellbeing for its people and communities	**Partially consistent** The MP4 project will provide for the economic wellbeing of people and communities, as well as social wellbeing insofar as that is connected with providing work and business . The Applicant has not demonstrated that this can be done in a manner that safeguards the life-supporting capacity of water, soil, and ecosystems, nor that adverse effects can be adequately avoided, remedied, or mitigated with any certainty.
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.	**Inconsistent** The Macraes Mine has provided significant economic benefit to northeast Otago, metropolitan Dunedin, and the Otago region as well as national economic benefit. The MP4 proposal will extend this contribution out until approximately 2030. However, the lack of detail around anticipated adverse effects and the offsetting of them brings doubt that this can be done sustainably.
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 communities when undertaking the subdivision, use, development and protection of natural and physical resources by all of the following: 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;	**Partially Consistent** The economic benefits of the Macraes Mine including this MP4 proposal will have associated social benefits, promoting community resilience, maintaining population levels in northeast Otago, and maintaining the quality of some central government services. Significant adverse effects on human health will be avoided. Based on the submission and CIA, at this stage Kāi tahu values have not been adequately recognised and provided for as the application was put forward and progressed without an assessment of cultural impacts endorsed by Rūnaka.

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.	
Objective 1.2 Recognise and provide for the integrated management of natural and physical resources to support the wellbeing of people and communities in Otago.	**Partially consistent** The Applicant recognises the interconnectedness of land, water, and air resources, and that the use of one resource may affect another, and this is reflected in the practical management of the site, where many different activities are managed as one interconnected operation. This is somewhat undermined by the fragmented approach that has been applied to consenting the mining activities which has resulted in an extremely complex consented environment and ultimately difficulty managing the effects of the mine in a holistic manner. This MP4 application does promote integrated management to an extent, with technical assessments presenting one integrated proposal for simultaneous processing by three Councils. However, the MP4 does not particularly promote healthy ecosystems nor does it sufficiently promote methods to reduce the risk of exceeding sustainable resources, particularly in regard to cumulative biodiversity impacts.
Policy 1.2.1 Integrated resource management Achieve integrated management of Otago's natural and physical resources, by all of the following: a) Coordinating the management of interconnected natural and physical resources; b) Taking into account the impacts of management of one natural or physical resource on the values of another, or on the environment; c) Recognising that the value and function of a natural or physical resource may extend beyond the immediate, or directly adjacent, area of interest; d) Ensuring that resource management approaches across administrative boundaries are consistent and complementary; e) Ensuring that effects of activities on the whole of a natural or physical resource are considered when that resource is managed as subunits. f) Managing adverse effects of activities to give effect to the objectives and policies of the Regional Policy Statement. g) Promoting healthy ecosystems and ecosystem services; h) Promoting methods that reduce or negate the risk of exceeding sustainable resource limits.	
Objective 2.1 The principles of Te Tiriti o Waitangi are taken into account in resource management processes and decisions	**Inconsistent** Based on the submission from Kā Rūnaka and CIA, at this stage Kāi tahu values, including wāhi tūpuna, have not

Objective 2.2 Kāi Tahu values, interests and customary resources are recognised and provided for.	been adequately recognised and provided for as the application was put forward and progressed without an assessment of cultural impacts endorsed by Rūnaka. It is not clear if the adverse effects on cultural values can be adequately avoided, remedied, or mitigated by consent conditions that OGL is yet to provide.
Policy 2.2.1 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.	
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.	
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	
Objective 3.1 The values (including intrinsic values) of ecosystems and natural resources are recognised and maintained, or enhanced where degraded.	**Partially consistent** The values of ecosystems and natural resources has generally been recognised by the Applicant. However, details around how adverse effects are to be addressed is limited or uncertain.
Policy 3.1.8 Soil Erosion Minimise soil erosion resulting from activities, by undertaking all of the following: a) Using appropriate erosion controls and soil conservation methods; b) Maintaining vegetative cover on erosion prone land; c) Remediating land where significant soil erosion has occurred;	**Consistent** Erosion and sediment control measures will continue to be implemented on site, including during the proposed MP4 works. The matters listed in this policy will be covered in erosion and sediment control plans.

d) Encouraging activities that enhance soil retention.	
Policy 3.1.9 Ecosystems and indigenous biodiversity Manage ecosystems and indigenous biological diversity in terrestrial, freshwater and marine environments to: a) Maintain or enhance: i. Ecosystem health and indigenous biological diversity including habitats of indigenous fauna; ii. Biological diversity where the presence of exotic flora and fauna supports indigenous biological diversity; b) Maintain or enhance as far as practicable: i. Areas of predominantly indigenous vegetation; ii. Habitats of trout and salmon unless detrimental to indigenous biological diversity; iii. Areas buffering or linking ecosystems; c) Recognise and provide for: i. Hydrological services, including the services provided by tall tussock grassland; ii. Natural resources and processes that support indigenous biological diversity; d) Control the adverse effects of pest species, prevent their introduction and reduce their spread.	**Inconsistent** In the terrestrial environment, ecosystem health and indigenous biodiversity will not be maintained or enhanced because the MP4 proposal would result in a net loss in wetland extent, lizard populations and habitat, and vulnerable moth population and habitat. These losses cannot be adequately offset. These are considered to be significant adverse effects.
Objective 3.2 Otago's significant and highly-valued natural resources are identified and protected, or enhanced where degraded	**Inconsistent** These resources are generally well identified by the Applicant but not protected or enhanced with any certainty in this application
Policy 3.2.1 Identifying significant indigenous vegetation and habitats Identify areas and values of significant indigenous vegetation and significant habitats of indigenous fauna, using the attributes detailed in Schedule 4.	**Consistent** The Applicant has considered the significance criteria set out in Schedule 4 of this ORPS 2019 and determined that certain vegetation communities at all three main project areas meet the significance criteria of this ORPS. These are: • Ephemeral wetlands, riparian vegetation, tussock land at Coronation.

	• Tussock land, riparian vegetation at Frasers-Innes Mills • Tussock land, riparian vegetation, shrublands at Golden Bar • Ephemeral wetland near Golden Bar Road Realignment
Policy 3.2.2 Managing significant indigenous vegetation and habitats Protect and enhance areas of significant indigenous vegetation and significant habitats of indigenous fauna, by all of the following: a) In the coastal environment, avoiding adverse effects on: i. The values that contribute to the area or habitat being significant; ii. Indigenous taxa that are listed as threatened or at risk in the New Zealand Threat Classification System lists; iii. Taxa that are listed by the International Union for Conservation of Nature and Natural Resources as threatened; iv. Indigenous ecosystems and vegetation types that are threatened in the coastal environment, or are naturally rare; v. Habitats of indigenous species where the species are at the limit of their natural range, or are naturally rare; vi. Areas containing nationally significant examples of indigenous community types; and vii. Areas set aside for full or partial protection of indigenous biological diversity under other legislation; c) Beyond the coastal environment, and in the coastal environment in significant areas not captured by a) above, maintaining those values that	**Inconsistent** Where these areas of vegetation will be disturbed and are unable to be adequately remediated or offset, the values that made them significant, such as rarity, representativeness, habitat of rare species, distinctive, diversity will not be maintained. This is the case for the ephemeral wetlands at Coronation. Remediation and offsetting for tussock land should achieve no net loss in respect of extent of those vegetation communities; however, the removal of tussocks that may provide habitat for the threatened moth at the Golden Bar WRS will not enable the 'habitat of rare species' to be maintained.

contribute to the area or habitat being significant; d) Avoiding significant adverse effects on other values of the area or habitat; e) Remedying when other adverse effects cannot be avoided; f) Mitigating when other adverse effects cannot be avoided or remedied; g) Encouraging enhancement of those areas and values that contribute to the area or habitat being significant; h) Controlling the adverse effects of pest species, preventing their introduction and reducing their spread.	
Policy 3.2.5 Identifying highly valued natural features, landscapes and seascapes Identify natural features, landscapes and seascapes, which are highly valued for their contribution to the amenity or quality of the environment but which are not outstanding, using the attributes in Schedule 3.	**Inconsistent** The application does not identify any highly valued natural features or landscapes. The landscape assessment provided with the application focuses on physical landscape changes and the visual effects that manifest from these. As stated in the CIA, it does not appear to consider any associative or perceptual values of importance to Kāi Tahu in relation to this wāhi tīpuna landscape.
Policy 3.2.6 Managing highly valued natural features, landscapes and seascapes Maintain or enhance highly valued natural features, landscapes and seascapes by all of the following: a) Avoiding significant adverse effects on those values that contribute to the high value of the natural feature, landscape or seascape; b) Avoiding, remedying or mitigating other adverse effects; c) Encouraging enhancement of those values that contribute to the high value of the natural feature, landscape or seascape.	**Partially consistent** The landscapes in this area are not ONL The rural scenic areas are noted for openness. The MP4 does not have significant effects on the landscapes that have already been significantly altered by pervious mining. Kā Rūnaka may be able to provide details on how effects on values may be avoided, remedied, or mitigated.
Objective 4.1 Risks that natural hazards pose to Otago's communities are minimised.	**Consistent** Mining activities can exacerbate natural hazard risks. The risk of most relevance is seismic risk. Geotechnical assessments provided with the application and reviewed by Mr Macdiarmid on behalf of the three Councils, find that the pit walls, waste rock stacks, and FTSF will be appropriately stable under both static and seismic conditions, provided the recommended consent conditions are implemented. The mitigation measures, such as the establishment of an exclusion zone and
Policy 4.1.1 Identifying natural hazards Identify natural hazards that may adversely affect Otago's communities, including hazards of low likelihood and high consequence by considering all of the following: a) Hazard type and characteristics;	

b) Multiple and cascading hazards; c) Cumulative effects, including from multiple hazards with different risks; d) Effects of climate change; e) Using the best available information for calculating likelihood; f) Exacerbating factors.	ensuring an appropriate Factor of Safety for public roads within that zone, that have been proposed to manage the risk of instability in beyond the pit crests are considered geotechnically reasonable, although difficulties in ensuring these measures are maintained *in perpetuity* have been raised. In my opinion, ensuring that these mitigation measures are recorded in consent conditions provides a reasonable level of surety. Additionally, the bond condition that is included in the relevant resource consents provides additional certainty that these measures will be implemented and maintained, should the Consent Holder be unable or unwilling to manage these in the long-term.
Policy 4.1.4 Assessing activities for natural hazard risk Assess activities for natural hazard risk to people, property and communities, by considering all of the following: a) The natural hazard risk identified, including residual risk; b) Any measures to avoid, remedy or mitigate those risks, including relocation and recovery methods; c) The long-term viability and affordability of those measures; d) Flow-on effects of the risk to other activities, individuals and communities; e) The availability of, and ability to provide, lifeline utilities, and essential and emergency services, during and after a natural hazard event.	
Policy 4.1.5 Natural hazard risk Manage natural hazard risk to people, property and communities, with particular regard to all of the following: a) The risk posed, considering the likelihood and consequences of natural hazard events; b) The implications of residual risk; c) The community's tolerance of that risk, now and in the future, including the community's ability and willingness to prepare for and adapt to that risk, and respond to an event; d) Sensitivity of activities to risk; e) The need to encourage system resilience; f) The social costs of recovery.	
Objective 4.6 Hazardous substances, contaminated land and waste materials do not harm human health or the quality of the environment in Otago	**Consistent** Mine process tailings are considered hazardous waste. Storage of tailings within the FTSF will result in creation of contaminated land, noting that this is already provided for by the Stage 1 FTSF (previously consented). Discharge of
Policy 4.6.4 Identifying contaminated land	

Identify sites of known or potentially contaminated land in Otago. Policy 4.6.5 Managing contaminated land Ensure contaminated or potentially contaminated land does not pose an unacceptable risk to people and the environment, by: a) Assessing and, if required, monitoring contaminant levels and environmental risks; b) Protecting human health in accordance with regulatory requirements; c) Minimising adverse effects of the contaminants on the environment.	additional tailings into the Stage 2 pit (this application) will not result in any new contaminated land. This Central Mining Area of the site is already identified as a HAIL site (HAIL.01146.01). The contaminated land will result in groundwater contamination via seepage from the FTSF. This is not considered to present an unacceptable risk in the wider context of the site. Other Hazardous substances are stored and managed in accordance with relevant regulations.
Objective 5.3 Sufficient land is managed and protected for economic production	**Consistent** The mine is established in a rural area and has a functional need to locate there.
Policy 5.3.1 Rural activities Manage activities in rural areas, to support the region's economy and communities, by: a) Enabling primary production and other rural activities that support that production; b) Providing for mineral exploration, extraction and processing; c) Minimising the loss of significant soils; d) Restricting the establishment of incompatible activities in rural areas that are likely to lead to reverse sensitivity effects; e) Minimising the subdivision of productive rural land into smaller lots that may result in a loss of its productive capacity or productive efficiency; f) Providing for other activities that have a functional need to locate in rural areas.	**Consistent** The proposal is mostly within the MMPMZ that specifically provides for mining.
Policy 5.3.4 Mineral and petroleum exploration, extraction and processing Recognise the functional needs of mineral exploration, extraction and processing activities to locate where the resource exists.	**Consistent** The proposed open pit extensions and ancillary activities such as construction of waste rock stacks have a functional need to locate as proposed, and are within the MMPMZ
Objective 5.4 Adverse effects of using and enjoying Otago's natural and physical resources are minimised	**Inconsistent** While some adverse effects, such as geotechnical and noise effects, can be minimised, there remain substantial adverse effects on terrestrial ecology that are not adequately minimised.

Policy 5.4.2 Adaptive management approach 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: a) Setting appropriate indicators for effective monitoring of those adverse effects; and b) Setting thresholds to trigger remedial action before the effects result in irreversible damage.	**Consistent** An adaptive management approach is considered reasonable to manage the potential adverse effects on pit stability, and to a lesser extent, offsetting. Such an approach is recommended in consent conditions.
Policy 5.4.3 Precautionary approach to adverse effects 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.	**Inconsistent** OGL has not taken a precautionary approach to the effects on terrestrial ecology. The proposal could result in effects on indigenous biodiversity that are potentially significant or irreversible. These activities should be avoided in accordance with the effects management hierarchy.
Policy 5.4.6 Offsetting for indigenous biological diversity Consider indigenous biological diversity offsetting, when: a) Residual adverse effects of activities cannot be avoided, remedied or mitigated; b) The offset achieves no net loss and preferably a net gain in indigenous biological diversity; c) The offset ensures there is no loss of individuals of Threatened taxa other than kānuka (Kunzea robusta and Kunzea serotina), and no reasonably measurable loss within the ecological district to an At Risk-Declining taxon, other than mānuka (Leptospermum scoparium), under the New Zealand Threat Classification System ("NZTCS"); d) The offset is undertaken where it will result in the best ecological outcome, preferably; i. Close to the location of development; or ii. Within the same ecological district or coastal marine biogeographic region;	**Partially consistent** The Applicant's proposal for offsetting is generally in accordance with this policy, except there is a lack of certainty about the outcome of what is proposed for the endangered moth, and the Murphys offset area. The Offset proposed by creating a new wetland is experimental and cannot predict no net loss of wetland habitat. The MEEA referred to in the application is not provided for in OGL draft consent conditions with any certainty as to objectives, management, funding and outcomes.

e) The offset is applied so that the ecological values being achieved are the same or similar to those being lost; f) The positive ecological outcomes of the offset last at least as long as the impact of the activity, preferably in perpetuity; g) The offset will achieve biological diversity outcomes beyond results that would have occurred if the offset was not proposed; h) h) The delay between the loss of biological diversity through the proposal and the gain or maturation of the offset's biological diversity outcomes is minimised.	
Policy 5.4.6A Biological Diversity Compensation Consider the use of biological diversity compensation: a) When: i. Adverse effects of activities cannot be avoided, remedied, mitigated or offset; and ii. The residual adverse effects will not result in 1. The loss of an indigenous taxon (excluding freshwater fauna and flora) or of any ecosystem type from an ecological district or coastal marine biogeographic region; 2. Removal or loss of viability of habitat of a threatened or at risk indigenous species of fauna or flora under the New Zealand Threat Classification System ("NZTCS"); 3. Removal or loss of viability of an originally rare or uncommon ecosystem type that is associated with indigenous vegetation or habitat of indigenous fauna; 4. Worsening of the NZTCS conservation status of any threatened or at risk indigenous freshwater fauna. b) By applying the following criteria: i. The compensation is proportionate to the adverse effect;	**Partially consistent** The Applicant's proposal for compensation is generally in accordance with this policy, except for: • the compensation for effects on population and habitat of *Orocrambus sophistes* could result in the loss of an indigenous taxon from the ecological district • the compensation for effects on population and habitat of *Orocrambus sophistes* could result loss of viability of habitat for this threatened species • the compensation for the loss of 12 rock tors (lizard habitat) could result in loss of habitat for an at risk - declining species (korero gecko) This policy does not provide for compensation that results in these effects.

ii. The compensation is undertaken where it will result in the best practicable ecological outcome, preferably; 1. Close to the location of development; 2. Within the same ecological district or coastal marine biogeographic region; iii. The compensation will achieve positive biological diversity outcomes that would not have occurred without that compensation; iv. The positive ecological outcomes of the compensation last for at least as long as the adverse effects of the activity; and v. v. The delay between the loss of biological diversity through the proposal and the gain or maturation of the compensation's biological diversity outcomes is minimised.	
Policy 5.4.8 Adverse effects from mineral and petroleum exploration, extraction and processing Manage adverse effects from the exploration, extraction and processing of minerals and petroleum, by: a) Giving preference to avoiding their location in all of the following: i. Areas of significant indigenous vegetation and significant habitats of indigenous fauna in the coastal environment; ii. Outstanding natural character in the coastal environment; iii. Outstanding natural features and natural landscapes, including seascapes, in the coastal environment; iv. Areas of significant indigenous vegetation and significant habitats of indigenous fauna beyond the coastal environment;	**Inconsistent** It is not possible to avoid the areas of significant vegetation and habitats of indigenous fauna due to the functional need for the activities to locate as proposed, nor is it possible to avoid the adverse effects on the values contributing to the significance. The measures proposed to remedy or mitigate the adverse are not sufficient to adequately manage effects on indigenous vegetation and habitat features meeting significance criteria. Biodiversity offsetting and compensation are proposed but are considered deficient in light of the issues set out in the assessment against policies 5.4.6 and 5.4.6A above. Health and safety effects will be avoided. It is not known if cultural effects in respect of wāhi tīpuna can be avoided, remedied, or mitigated. Staging and progressive rehabilitation are already proposed and do not further reduce effects. The approach taken by the Applicant is not considered precautionary as it will result in significant and potentially irreversible adverse effects.

v. Outstanding natural character in areas beyond the coastal environment; vi. Outstanding natural features and landscapes beyond the coastal environment; vii. Outstanding water bodies or wetlands; viii. Places or areas containing historic heritage of regional or national significance; ix. Areas subject to significant natural hazard risk; b) Where it is not practicable to avoid locating in the areas listed in a) above because of the functional needs of that activity: i. Avoid adverse effects on the values that contribute to the significant or outstanding nature of a) i-iii; ii. Avoid, remedy or mitigate, as necessary, adverse effects on values in order to maintain the outstanding or significant nature of a)iv-viii; 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; iv. Minimise any increase in natural hazard risk through mitigation measures; v. Consider environmental compensation if adverse effects described in b) ii, other than on indigenous biological diversity, cannot practically be avoided, remedied or mitigated; ba) Avoid significant adverse effects on natural character in all other areas of the coastal environment; c) Avoiding adverse effects on the health and safety of the community; 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; e) Considering biological diversity offsetting or compensating for residual adverse effects on other values; f) Reducing unavoidable adverse effects by: i. Staging development for longer term activities; and ii. Progressively rehabilitating the site, where possible; 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. 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.	
Waitaki District Plan	
1.3.1 Objective A Recognition of a partnership between the Council and the manawhenua in the management of the District's natural and physical resources.	**Consistent** OGL commissioned a CIA for the application . That and the submission are considered in processing the application
Policies A 1. To recognise the Treaty of Waitangi as providing a foundation document for relationships between the Council and Kai Tahu as manawhenua. 2. To recognise Kai Tahu Whanui as the manawhenua of all land within the District and to recognise Te Runanga o Moeraki as exercising this manawhenua from the Waitaki River south to the Waihemo (Shag) River, and Te Runanga o Kati Huirapa ki Puketeraki exercising	**Consistent** OGL commissioned a CIA for the application . That and the submission are considered in processing the application

this manawhenua south of the Waihemo (Shag) River. 3. To ensure an appropriate level of iwi input into resource management matters guided by the principles of the Treaty of Waitangi.	
12.2.2 Objective Avoid or mitigate adverse environmental effects arising from the use, storage, transportation, manufacture, and disposal of hazardous substances. 12.2.3 Policies 1. To avoid, remedy or mitigate any adverse effect on the environment caused by accidental spillages of hazardous substances, during the use, storage, manufacture, transportation and disposal of hazardous substances. 2. To avoid or mitigate the potential for adverse effects to the environment from the use of land for the manufacture, storage, disposal and use of hazardous substances; while recognising that the quantities of hazardous substances, which are acceptable in different areas of the District, will vary depending on the proximity of residential use, on community expectation and the sensitivity of the surrounding environment.	**Consistent .** The hazardous substances used on the site are managed in accordance with relevant regulations. The contaminated soils are registered as a HAIL site. There will be no effects on human or ecosystem health from hazardous substances.
"16.5.1 Objective 4 - Rural Amenity A level of rural amenity that is consistent with the range of activities anticipated in the rural areas, but which does not create unacceptably unpleasant living or working conditions for the District's residents and visitors, nor a significant	**Consistent.** For the small part of MP4 that is in the Rural Scenic Zone, there will be minor effects on rural amenity. This incudes part of a pit and a waste rock stack, that are not expected in the rural zone, but with the MMPMZ adjacent they will not be out of place.

deterioration of the quality of the rural environment.	
16.7.1 **Objective 6** **Extractive industries are given the ability to access minerals but in a way that avoids, remedies or mitigates adverse effects on the environment.** **16.7.2** **Policies 6** 1. To acknowledge the importance of known mineral deposits in the District by, where appropriately, discouraging the establishment of future activities or developments that are likely to compromise access to these mineral deposits. 2. To recognise the potential adverse effects of extractive operations, including mineral exploration, on the rural environment, and to control such operations in order that an assessment may be made as to the sensitivity of an existing area and the degree to which an operation will avoid, remedy or mitigate any adverse effects on the amenity and environment of the rural area. 3. To provide for a mining zone at Macraes Flat in recognition of the scale and intensity of the mining operation while ensuring the adverse effects of mining operation are avoided, remedied or mitigated.	**Inconsistent** OGL has been mining in this area for more than 30 years. The current MP4 proposal is to increase the size of existing pits and waste rock stacks that are authorised by consent. The NPSIB has taken effect and provides for offsetting where effects cannot be avoided, remedied or mitigated. In this case the extent of effect is yet to be known for the rare moth, and the details around offsetting are also uncertain, especially for long term outcomes and sustainability. OGL must come up with more information and certainty around offsetting.

4. To ensure that after mining, sites are rehabilitated sufficiently to enable the establishment of activities appropriate to the area. 5. To avoid, remedy or mitigate adverse effects on the rural amenity and environment by, where appropriate, encouraging extractive industries to continue in existing locations.	

160. **The Proposed District Plan** has the following relevant provisions:

Objectives

- ECO-01 – Halt the decline of indigenous biological diversity;
- ECO-2 – Identify and protect Significant Natural Areas; and
- ECO-03 – Restore or enhance Significant Natural Areas.

Policies

- ECO-P1 – Evaluation of Significant Natural Areas;
- ECO-P2 – Protection of Significant Natural Areas;
- ECO-P3 – Appropriate activities within Significant Natural Areas;
- ECO-P4 – Inappropriate activities within or near to Significant Natural Areas;
- ECO-P5 – Managing indigenous vegetation outside Significant Natural;
- ECO-P6 – Supporting the maintenance, restoration, and enhancement of indigenous biodiversity;
- ECO-P7 – National priorities for protection;
- ECO-P8 – Impacts of climate change on resilience of ecosystems;
- ECO-P9 – Hutia te Reo: Recognise the role of mana whenua as kaitiaki of indigenous biodiversity within their rohe, providing for mana whenua involvement in the management of indigenous biodiversity and ensuring that Hutia te Rito is recognised and provided for.
- APP3 – Criteria for evaluating the significance of indigenous vegetation and habitats of indigenous fauna.

161. As mentioned above, the Proposed District Plan was notified after the MP4 application was lodged. Submissions closed on the Proposed Plan on 16 May 2025, and hearings are yet to be held. The policies in the Proposed Plan can be given regard, but they have little weight at this early stage of the process.

S104D assessment.

162. This section states:

> "Despite any decision made for the purpose of notification in relation to adverse effects, a consent authority may grant a resource consent for a non-complying activity only if it is satisfied that either—
>
> (a) the adverse effects of the activity on the environment (other than any effect to which section 104(3)(a)(ii) applies) will be minor; or
>
> (b) the application is for an activity that will not be contrary to the objectives and policies of—
>
> (i) the relevant plan, if there is a plan but no proposed plan in respect of the activity; or
>
> (ii) the relevant proposed plan, if there is a proposed plan but no relevant plan in respect of the activity; or
>
> (iii) both the relevant plan and the relevant proposed plan, if there is both a plan and a proposed plan in respect of the activity."

163. To be granted, the effects of the activities proposed by the application must either be minor OR not contrary to the objectives and policies of the relevant plan.

164. In this case the effects of the entire application are more than minor.

165. The applicant and Glenn Davis agree that to address the more than minor effects, there must be remedying, mitigation offsetting or compensation to address those effects. The information and draft conditions provided by the applicant do not adequately address the adverse effects, and until more information is forthcoming this means the entire application is contrary to Objective 16.7.1 and Policies 16.7.2 (4) & (5) of the WDC District Plan.

166. There is also inconsistency with several policies of the NPSIB and RPS.

167. The entire application therefore fails both limbs of s104D.

Conclusion.

168. Given the uncertainty around compensation or offsetting for the effects on ecology, by expanding pits and waste rock stacks, I can only recommend that two elements of the proposed application could be granted that would satisfy the criteria in s104D:

- The creation of the tailings dam in Frasers Pit, but materials to do this would need to come from existing waste rock and not the new expansion of any pit.
- The buttressing of Golden Point Pit with material from the Northern Gully Waste Rock Stack.

Marian Weaver

Resource Management Consultant.

9 June 2025

Appendix 1. Changes to Conditions of Existing Consents Sought.

(Additions are underlined and deletions are ~~struck out~~.)

Refer OceanaGold's response to the District Council's s92(1) Request for Further Information, dated 15 October **Coronation Project Land Use Consent**
WDC Reference: 201.2013.360 DCC Reference: LUC-2013-225

Condition 13.1	Within 12 ~~6~~ months of all stages of Coronation Pit, Coronation North Pit, Coronation WRS, Coronation North WRS and Trimbells WRS excavation and rehabilitation ~~pit excavations~~ ceasing, the consent holder shall reinstate for public use that part of Golden Point Road south of Horse Flat Road shown on "~~Coronation Project October 2013 WDC/DCC LUC Consents Map 1~~"the map titled "Macraes Gold Project Coronation Area Roading" annexed.
Condition 13.3	The consent holder shall provide unformed legal public access of a width not less than 15m that generally follows the blue line, and orange line north of Horse Flat Road shown on ~~"Coronation Project October 2013 WDC/DCC LUC Consents Map 1"~~ the map titled "Macraes Gold Project Coronation Area Roading" annexed.
Condition 13.4	The consent holder shall provide unformed pedestrian access that generally follows the orange yellow dashed line south of Horse Flat Road shown on the map titled "Macraes Gold Project Coronation Area Roading" ~~"Coronation Project October 2013 WDC/DCC LUC Consents Map 1"~~ annexed.

Coronation North Project Land Use Consent
DCC Reference: LUC-2016-234 and LUC-2013-225A WDC Reference: 201.2016.779 and 201.2013.360.1

Condition 13.1	Within 12 months of all stages of Coronation Pit, Coronation North Pit, Coronation WRS, Coronation North WRS and Trimbells WRS excavation and rehabilitation ceasing, ~~the Coronation North and Coronation Pits ceasing excavation~~ the consent holder shall reinstate for public use that part of Golden Point Road south of Horse Flat Road shown on ~~"Coronation Project 2013 WDC/DCC LUC Consents Map 1"~~the map titled "Macraes Gold Project Coronation Area Roading" annexed. At the same time the consent holder shall define and take steps to vest to the Council (and make lawfully available to the Council pending completion of vesting) the legal road.
Condition 13.3	Within 6 months of completion of mining operations in associated with all stages of Coronation North and Coronation Pits and rehabilitation of the project areas to the point of decommissioning silt ponds, the consent holder shall define and take steps to vest to the respective

	Councils (and make lawfully available to the Councils pending completion of vesting) a legal road of no less than 20 m wide that approximately follows the ~~green~~purple line shown as "Post Mining Matheson Road" on the map titled "Macraes Gold Project Coronation Area Roading" annexed ~~Figure 2~~ (as a replacement for the unformed Matheson Road). Depending on the extent of pit excavations, the road may be modified to be south or southwest of the ~~green~~purple line. The grade of Matheson Road shall be no more than 1 Vertical, 6 Horizontal at any location of the alignment. Prior to vesting, the road shall be graded to a standard enabling it to be used as a fine weather track for four-wheel drive vehicles. The consent holder shall not have any ongoing responsibility to maintain the track or any form of public access along this unformed road as a consequence of this grading.
Condition 13.4	Within six months of completion of mining operations in associated with all stages of Coronation North and Coronation Pits ceasing and rehabilitation of the project areas to the point of decommissioning silt ponds, the consent holder shall define and take steps to vest to the Waitaki District Council (and make lawfully available to the Council pending completion of vesting) a legal road of no less than 20 metres wide that approximately follows the Coronation haul road alignment (as indicatively shown marked in orange as "Post Mining Golden Point Road" on the map titled "Macraes Gold Project Coronation Area Roading" annexed ~~Figure 2)~~ between Horse Flat Road and Matheson Road (as a replacement for the unformed Golden Point Road). Prior to vesting, the road shall be graded to a standard enabling it to be used as a fine weather track for four-wheel drive vehicles. The consent holder shall not have any ongoing responsibility to maintain the track or any form of public access along this unformed road as a consequence of this grading.
Condition 13.5	The consent holder shall provide unformed access that generally follows the ~~orange~~yellow dashed line south of Horse Flat Road shown on the map titled "Macraes Gold Project Coronation Area Roading" ~~"Coronation Project 2013 WDC/DD LUC Consents Maps"~~ annexed.

Condition 4.5	Backfilling of Coronation North pit shall achieve a minimum Factor of Safety for the southwest pit slope of 1.0 under Maximum Design Earthquake seismic loading. Confirmation of this Factor of Safety must be provided in the form of peer reviewed findings of a geotechnical assessment submitted to the consent authority as part of the Site Decommissioning Plan required by Condition 5.1 ~~occur in the west section of the pit to a minimum height of mRL 575 as shown on 'Macraes Gold Project Coronation North Extension Figure 1' attached to and forming part of this consent.~~
Condition 13.1	Within 12 months of all stages of Coronation Pit, Coronation North Pit, Coronation WRS, Coronation North WRS and Trimbells WRS excavation and rehabilitation ceasing, ~~the Coronation North ceasing excavation~~ the consent holder shall reinstate for public use that part of Golden Pint Road south of Horse Flat Road shown on ~~Coronation North Extension WDC/DCC LUC Consent Map 1"~~ Macraes Gold Project Coronation Area Roading" Annexed
Condition 13.3	Within six months of completion of mining operations in associated with all stages of Coronation North and Coronation Pits and rehabilitation of the project areas to the point of decommissioning silt ponds, the consent holder shall define and take steps to vest to the respective Councils (and make lawfully available to the Councils pending completion of vesting) a legal road of no less than 20 m wide that approximately follows the ~~blue~~purple line shown as "Post Mining Matheson Road" on the map titled "Macraes Gold Project Coronation Area Roading" annexed Figure 2 (as a replacement for the unformed Matheson Road). Depending on the extent of pit excavations, the road may be modified to be south or southwest of the ~~blue~~purple line. The grade of Matheson Road shall be no more than 1 Vertical, 6 Horizontal at any location of the alignment. Prior to vesting, the road shall be graded to a standard enabling it to be used as a fine weather track for four-wheel drive vehicles. The consent holder shall not have any ongoing responsibility to maintain the track or any form of public access along this unformed road as a consequence of this grading.

Condition 13.4	Within six months of completion of mining operations in associated with all stages of Coronation North and Coronation Pits ceasing and rehabilitation of the project areas to the point of decommissioning silt ponds, the consent holder shall define and take steps to vest to the Waitaki District Council (and make lawfully available to the Council pending completion of vesting) a legal road of no less than 20 metres wide that approximately follows the Coronation haul road alignment (as indicatively shown marked in orange as "Post Mining Golden Point Road" on the map titled "Macraes Gold Project Coronation Area Roading" annexed ~~Figure 2)~~ between Horse Flat Road and Matheson Road (as a replacement for the unformed Golden Point Road). Prior to vesting, the road shall be graded to a standard enabling it to be used as a fine weather track for four-wheel drive vehicles. The consent holder shall not have any ongoing responsibility to maintain the track or any form of public access along this unformed road as a consequence of this grading.

Deepdell North Stage 3 Project Land Use Consent
WDC 201.2019.1454

Condition 15.1	Within 6 months of all stages of Coronation Pit, Coronation North Pit, Coronation WRS, Coronation North WRS, Trimbells WRS, Coronation North Extension and Deepdell North Stage III pit and Deepdell East WRS excavations and rehabilitation ceasing, the consent holder shall reinstate for public use that part of Golden Point Road south of Horse Flat Road shown on ~~"Appendix I – Map 1 –~~ Deepdell North Stage III proposal areas" the map titled "Macraes Gold Project Coronation Area Roading" annexed to this consent.