
Form 13: Submission on application concerning resource consent**Resource Management Act 1991**

To: Otago Regional Council
Waitaki District Council
Dunedin City Council

Name of submitter: Director-General of Conservation (the **Director-General**)

This is a submission on applications from **Oceana Gold (New Zealand) Limited (OGL, the Applicant)** for resource consents.

Description of activity: **Otago Regional Council RM24.184:** Site wide expansion of mining activities at Macraes Gold Mine, for resource consents under the following statutory documents:

- Regional Plan: Water for Otago
- Regional Plan: Waste for Otago
- Regional Plan: Air for Otago
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020

Waitaki District Council 201.2024.2373: To expand various parts of the existing gold mine at Macraes, including extension of three open pits and their associated backfills and Waste Rock Stacks; tailings disposal; minor realignment of the Golden Bar Road; rehandling of waste rock; ancillary features; activities associated with the mitigation, remediation, and offsetting of the effects of the above activities (via the Murphys Ecological Enhancement Area); and subsequent variations to existing relevant consents including LUC 201.2011.35; 201.2013.360, 201.2016.779; 201.2022.2047; 07/63, 96/98.

Dunedin City Council LUC-2024-126 Extension of mining in the Coronation Pit comprising an ore and waste rock total of 28.9Mt. Back filling of the Coronation North Pit, storage and use of various hazardous substances, large scale earthworks, soil disturbance of a HAIL site, and variations of several existing resource consent conditions to accommodate the proposal.

Trade competition: I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991

My submission relates to: The whole of all applications

My submission is: I seek to ensure that if consents are granted the conditions are appropriate and enforceable; management plans follow best practice; offsetting and compensation for effects on biodiversity follow the effects management hierarchy, current policy, and best practice; there is robust monitoring and compliance; management actions included in the effects management package are funded, implemented, monitored, and subject to consent consequences to incentivise compliance; and this current development can be managed in an integrated manner in terms of the long-term overall mine development.

The Director-General's interest in the Applications

1. The Director-General of Conservation has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.¹ The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.² Section 2 of the CA defines 'conservation' to mean '*the preservation and protection*

¹ Refer section 53 Conservation Act 1987

² Conservation Act 1987, section 6.

of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generation’.

2. DOC is also the Crown management agency responsible for processing applications under the Wildlife Act 1953 and I understand that approvals under that Act may be required for the Proposal prior to construction commencing. DOC is also the Crown management regulatory agency for fish passage under the Freshwater Fish Regulations (1983).

Reasons for the Director-General’s submission

3. The Proposal could potentially have **significant adverse effects** on the environment without the application of appropriate conditions, in particular on terrestrial indigenous fauna, flora, habitats, and freshwater ecosystems and species.
4. The decisions sought in my submission are required to ensure that, the decision-maker:
 - a. recognises and provides for the matters of national importance listed in Section 6 of the Resource Management Act 1991 (the **Act**); and
 - b. has particular regard to the intrinsic values of ecosystems as required in Section 7(d) of the Act.
 - c. has regard to the National Policy Statement for Indigenous Biodiversity and the National Policy Statement for Freshwater Management.

Background

5. DOC has been involved in the various stages of development at the Macraes gold mine since its inception in the 1980s. OGL has consistently consulted with DOC when developing proposals, and has amended proposals as a result of that consultation. DOC has submitted on consent applications for most stages, generally seeking to ensure that conditions are appropriate and ecological impacts are adequately addressed.
6. This approach includes the current proposal, where pre-application consultation has included a series of meetings, interim updates, and site visits.
7. I commend OGL for continuing that positive collaborative approach.
8. However, it is also the case that recent compliance reviews by the three consent authorities have shown shortcomings in the implementation of previous consent requirements. This

unfortunately means that impacts on conservation values have often not been addressed as required under consent conditions.

9. DOC wishes to continue to work proactively with OGL, but also seeks to ensure that any consents granted have robust conditions and that measures to address adverse effects including offsetting and compensation will be effective and enduring.
10. The following comments focus on those matters, and I anticipate that DOC may continue to be involved in further iterations of reporting and conditions prior to hearing.
11. Currently, without a set of conditions, it is not clear how OGL will manage the effects of this proposal.
12. For completeness, I note that DOC is also engaged in the current review of the Waitaki District Plan, including the relevant provisions which will apply to the Macraes gold mine.

Conservation values which could be affected by this proposal

13. The area of the Macraes mine is home to a wide range of indigenous vegetation and fauna, including At Risk and Threatened species, some of which are endemic to the Otago region. There are also rare and threatened ecosystem types. Although the current proposal would largely occur within 'brownfield' areas, (i.e. land where some form of mining activity has already occurred), many of those indigenous values remain, and are potentially affected by the proposed development.
14. These values include:
 - Habitat for native lizards, including the At Risk species Tussock skink and Kōrero gecko;
 - 12 native fish species, including Taieri flathead galaxias (Threatened - Nationally Vulnerable), tuna / shortfin and longfin eels (longfin At Risk – Declining);
 - Large endemic parastacid invertebrate - kōura/freshwater crayfish (At Risk – Declining);
 - Tuna (shortfin and longfin eel) and kōura are considered Taonga, of significant cultural importance to tangata whenua, and as mahika kai;
 - Freshwater quality, extent, and natural form and function;
 - Habitat for native birds;
 - Terrestrial and freshwater invertebrates, potentially including the Threatened - Nationally Vulnerable moth species *Orocrambus sophistes*;

- Indigenous vegetation (mainly tussock, shrubland, riparian and wetland species, including some At Risk and Naturally Uncommon species). The area supports a diverse range of native flora, with at least 350 documented native plant species, many of which are endemic to the area;
 - Wetlands, including ephemeral wetlands which are a Critically Endangered ecosystem type;
 - Significant heritage values, including European, Polynesian and pre-human sites;
 - There are also Public Conservation Land and conservation covenant areas in the vicinity of the proposed development.
15. It is important to recognise that the effects of this development cannot be treated in isolation as they will be cumulative to the effects of existing mine development. Also, given the presence of threatened species with limited distribution, there should be an absolute bottom line of not increasing the risk to any of these species.

Management of effects

16. The Applicant's Assessment of Effects on the Environment proposes a range of measures to address effects.
17. For sedimentation and other contaminant discharge effects on water quality, various measures are proposed to reduce the volume and contamination levels of discharges, which will reduce the direct effects.
18. For fish passage (especially for tuna), measures will need to comply with the National Policy Statement for Freshwater Management and the National Environmental Standard for Freshwater. Note that if fish passage is not provided, separate approval would be required under the Freshwater Fisheries Regulations 1983.
19. 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.

20. 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.
21. 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.
22. 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.
23. 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.
24. This applies to both the direct effects of this development, and the cumulative effects which arise in conjunction with the existing mine operation.
25. It is also unclear how well the proposed measures will integrate into the management of the overall operation – this is particularly an issue in terms of lizard management, where a long-term approach across the entire development is required.

Wildlife Act Authority

26. I note that separate approvals will be required under the Wildlife Act 1953 where the development could impact on protected native lizards. As I understand the OGL proposals, those approval applications will come after consideration of the resource consents. It will therefore be important that relevant consent conditions and the Lizard Management Plan are consistent with the requirements of the Wildlife Act.

Decision sought

27. I seek the following decision from the Councils:
28. If the consent authorities are minded to grant the applications, that they impose the following requirements:

- the conditions are appropriate and enforceable;
- management plans follow best practice;
- offsetting and compensation for effects on indigenous biodiversity follow the effects management hierarchy, current policy, and best practice;
- there is robust monitoring and compliance;
- all management actions included in the effects management package requiring funding are made transparent in the conditions, and consequences for non-compliance are outlined, including in perpetuity for action by third parties where necessary; and
- the effects of this current development are managed in a coordinated way with the long-term overall mine development.

29. I also seek such alternative and/or additional relief as may be necessary and appropriate to address my concerns.

I do wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Gabriel Davies

Manager Operations

Coastal Otago

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation³

Date: 1 May 2025

Address for service:

³ Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House / Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Attn: Murray Brass, Senior RM Planner

mbrass@doc.govt.nz and cc to: RMA@doc.govt.nz

027 213 3592

Department of Conservation

PO Box 5244

Dunedin 9054

cc: socialperformance.macraes@oceanagold.com