

**SUBMISSION ON APPLICATION FOR RESOURCE CONSENT: RM23.819**

**To:** Otago Regional Council

**1. DETAILS OF SUBMITTER**

**Name of Submitters:** JP Clarke, KL Franklin and  
FG Works Limited

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**2. APPLICATION DETAILS**

**Resource Consent Number:** RM23.819

**Name of Applicant:** Hawkeswood Mining Limited

**Application Site Address:** 1346 – 1536 Teviot Road, Millers Flat

**Description of Proposal:** Resource consents (bore construction, water permits (take and use of groundwater and discharge to water), and discharge permit (to air)) to establish and operate an alluvial gold mining operation, including on-site processing of the gold bearing gravel 'wash' and progressive rehabilitation back to pasture.

**3. SUBMISSION DETAILS**

3.1. We **oppose** the application in its entirety.

3.2. We **are not** a trade competitor for the purposes of Section 308B of the Resource Management Act 1991.

3.3. We **are directly affected** by effects of the activity to which the application relates that adversely affect the environment and do not relate to trade competition or the effect of trade competition.

- 3.4. The specific parts of the application and the reasons for the submission are set out in full below.

#### **4. CONTEXT AND SUMMARY**

- 4.1. We reside at, and work from, the property at 1334 Teviot Road. Occupied buildings on this property will be located approximately 75m from the northernmost extent of the open mine pit (refer to **Appendix 1** of this submission). We are an immediate neighbour of the proposed mine, yet are not recognised in the Application except as “Receptor A” in a dust report.
- 4.2. We seek that the application be declined because the scale, industrial nature, lack of consistent application detail, lack of compliance in works to date, and immediate and cumulative effects of the operation are all well outside what might be considered acceptable under the Regional Plans and will cause unacceptable adverse effects on us. The application is inconsistent with the objectives and policies of the Partially Operative Otago Regional Policy Statement 2019 and the Proposed Otago Regional Policy Statement 2021.

#### **5. SCOPE OF ACTIVITY SOUGHT**

- 5.1. The volume of earthworks sought within the application to Central Otago District Council (CODC) is 12 million m<sup>3</sup> over 10 years across a total project area of 68 hectares, a maximum work area of 27 hectares, and an active pit area of 12 hectares.
- 5.2. The applications to ORC only provide cursory information relating to the scale of the mining operations while requesting a consent for the bore construction, and a take and use of groundwater for dredging and for dust suppression.
- 5.3. The extent of water to be taken is directly related to the extent of mining activity granted through the CODC land use consent. In addition to considering volumes of overburden, tracks, topsoil, and open ground needing dust suppression during dry periods and times of moderate wind intensity occurring anytime in a 24-hour period, the proposed rate of take will also need to be sufficient for processing of material. The application seeks to mine for alluvial gold and some processing of gravels is anticipated. The potential volumes of water to be used for this purpose are not identified, and this processing, while intended, is not explicitly mentioned in the application. The consumptive nature of the dust management proposal is also not recognised.
- 5.4. From the scale of (in large part unlawful) exploratory works undertaken to date we have an insight—by extrapolating our recent experience of activities on the site—into what lies ahead for us over many years. We have significant concerns about the scope of the activity that has been applied for, the scale of the likely adverse effects that will arise from the proposal, and whether those effects have been adequately assessed.

#### **6. DUST EFFECTS**

- 6.1. The proposal will result in significant adverse dust effects on the health and amenity values of our property.
- 6.2. Our property at 1334 Teviot Road has high sensitivity to the discharge of TSP, PM<sub>10</sub>, PM<sub>2.5</sub>, RCS and combustion products from the proposed mining and gravel processing activities. We are described as “Receptor A” in the assessment documents. Receptor A is downwind of the

Hawkeswood site approximately 33% of the time based on local meteorological data. A separation distance of at least 250m between the proposed activities and the dwelling curtilage is required to mitigate adverse effects. Any works occurring within 400m of the dwelling curtilage should be subject to best practice controls and continuous real-time PM<sub>10</sub> monitoring.

- 6.3. The application notes that dry works and surface works may occur on the site. The potential effects of this discharge have not been assessed, particularly in relation to health effects of RCS. Even if gravel processing was assessed as able to occur as a permitted activity, cumulative effects of this discharge with the other discharges from the site require assessment.
- 6.4. The potential effects of combustion sources operating on the site, particularly fixed plant, have not been assessed. An assessment of diesel combustion sources, including any generators and fixed processing plant should be undertaken. Regard should be had to separation from sensitive receptors.
- 6.5. Any gravel processing plant or fixed combustion sources should be located at least 400m from the dwelling curtilage of "Receptor A". The proposed location of such equipment should be clearly defined and considered in the assessment.
- 6.6. The proposal will also result in the generation of a significant amount of PM<sub>10</sub> pollution that has not been assessed within the application and is unmanaged and not monitored in the north of the site. The unmanaged generation of PM<sub>10</sub> pollution is likely to have significant adverse effects on health and wellbeing.
- 6.7. The Dust Management Plan dated 30 November 2023 (**DMP**) does not adequately manage these effects on dust receivers, including on our property. Dust emissions from the site will have a significant impact on our ability to collect potable water from rainwater and undertake other domestic activities. This is a different DMP than was submitted to CODC.
- 6.8. The peer review of the DMP<sup>1</sup> (which we understand to be a peer review of a different version of the dust management plan that has been lodged alongside the CODC land use application) simply recommends that (at minimum) two real-time dust monitors be deployed on the site at appropriate locations without providing any guidance on where those monitors should be sited. That this remains unspecified is unsatisfactory when we are likely to bear the effects of the dust generated so close to our property.
- 6.9. It is essential for at least one real-time dust monitoring station to be located on our property near its southern boundary, so that it provides for proactive dust management and avoid lag time for managing this issue. It is important for all potentially affected persons in this area and the two Councils to have access to the real-time data.
- 6.10. It is unclear what, if any, dust suppression will be undertaken outside of the proposed operational hours, particularly for stockpiled material. Further detail needs to be provided to ensure that dust is managed appropriately at all times without producing unacceptable noise effects.

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<sup>1</sup> Dust Peer Review, completed by Nigel Goodhue of Air Matters, titled Dust Management Plan – Peer Review – Hawkeswood Mining Limited, Teviot and dated 12 October 2023.

## 7. OTHER EFFECTS

7.1. We also consider that the effects on the following matters will be significant / unacceptable, and have not been assessed in the application:

7.1.1. **Biodiversity:** no assessment of biodiversity has been provided with the application. The National Policy Statement for Indigenous Biodiversity is now in force and must be given effect to in the Council's decision on the application. Policy 8 and Clause 3.16 require the management of adverse effects on indigenous biodiversity outside of significant natural areas. We regularly observe skinks on our property.

7.1.2. **Greenhouse Gas Emissions:** The proposal will result in the operation of multiple pieces of diesel-powered plant generating a significant volume of greenhouse gas emissions over the **duration** of the activity. No assessment of these emissions, or of sequestered carbon released as a consequence of earthworks, or of carbon not sequestered by lost grass, trees and crops removed from the local eco-system, or management options for the reduction in greenhouse gas emissions have been provided with the application.

7.1.3. **Effects on Water Quality and Quantity and section 102 of the Resource Management Act:** The proposal will result in dewatering once excavations reach the level of the **groundwater** table at the site, runoff from dust suppression, and potentially groundwater recharge from the dewatering process. We have concerns about the effects of discharges on groundwater.

## 8. INCONSISTENCY IN INFORMATION / DATA

8.1. We are concerned that there is inconsistency between the information and technical assessments provided with the current resource consent applications (RC230325 and RM23.819), and a reliance on technical assessments provided in support of previous applications to CODC (on-hold) and ORC (withdrawn) that sometimes purport to have been updated, but appear to continue with past assumptions and an assessment based on the former location, duration, and methodologies that have been significantly altered.

8.2. There are multiple distances quoted in various reports provided by the applicant in relation to the distance between the proposed activities and our property. Many using different boundaries —pit, bund, property, work site, occupied buildings. The only measurements included are found in the Air Matters Air Matters AEE (Fig 3 pg 8 and Table 2 pg 9).

## 9. PART 2 RMA

9.1. The proposal is inconsistent with Part 2 of the Resource Management Act 1991. In particular the following must be given particular regard to in the consideration of any assessment for resource consent:

9.1.1. Section 7(c) **requires** the maintenance and enhancement of amenity values.

9.1.2. Section 7(f) **maintenance** and enhancement of the quality of the environment.

9.1.3. Section 7(g) any finite characteristics of natural and physical resources.

9.1.4. Section 7(i) the effects of climate change

**10. A REACTIVE MANAGEMENT APPROACH**

- 10.1. The Application largely promotes a reactive management approach, with the applicant and the technical assessments rely heavily on the applicant being able to competently manage the operations and accurately monitor depths of extraction, volumes, hours of operation, separation distances and the like.
- 10.2. The Applicant's acknowledged (but under stated) non-compliance in the related land use consent application to CODC does not provide any confidence that what is presented in the application will be followed and adhered to if resource consent is granted. Behaviors to date by the applicant provide insight into how it intends to operate the mine. Demonstrating an inability to self-manage basic compliance, or at worst to simply ignore regulatory constraints through the current unlawful activities happening on the site suggests mitigation measures will need to be tightly observed and managed.
- 10.3. While the Applicant has sought retrospective land use consent for earthworks that exceeded permitted volumes under the district plan, it is clear from the CODC's compliance site visit photo in their s95 report that the test pit has exposed groundwater, and a bore has already been constructed. There is no acknowledgement *in the applications* to ORC that the application seeks retrospective approval for those works already completed to construct a bore and the associated dewatering activities. The only reference is at page 52 of a supporting report, being EAL's Technical Assessment of Proposed Groundwater Take and Discharge.

**11. RELIEF SOUGHT**

- 11.1. We seek that the application for consent be **declined** in full.
- 11.2. If consent is granted, we seek that the effects of the activity on 1334 Teviot Road be mitigated to the greatest extent practicable, including by ensuring that the assessment of effects addresses the inconsistencies, inaccuracies and incompleteness identified in this submission.
- 11.3. We also seek, at the very least:
- 11.3.1. A separation distance of at least 250m between our property boundary and any works (operational or construction). This distance is derived from advice on Air Quality, but this separation distance may need to be even greater to mitigate noise and vibration effects. An exact number cannot be sought at this point given the uncertain data and modelling in the ORC and CODC applications;
- 11.3.2. A staged approach to mining of the site so that the land in the vicinity of our property is mined first, and rehabilitated first, so that the duration that we have to live with the most significant effects from the activity is minimised to no more than 18 months;
- 11.3.3. Conditions to ensure that dust is managed appropriately at all times without producing unacceptable noise effects, including outside of the proposed operation hours, including but not **limited** to:

- 11.3.4. Any works occurring within 400m of the dwelling curtilage should be subject to best **practice** controls and continuous real-time PM<sub>10</sub> monitoring;
  - 11.3.5. At least one real-time dust monitoring station to be located on our southern boundary, so that it provides for proactive dust management and avoids lag time for managing **this** issue. Further, we request online access to that real-time data for consent authorities, neighbouring property owners (including ourselves), and other interested parties;
  - 11.3.6. Activities to be limited to (official) daylight times only, not exceeding 12 hours in any one workday and not exceeding 5 hours on Saturday morning, with one weekend every month to be completely work-free;
  - 11.3.7. Refurbishing of all buildings at 1334 Teviot Road with new window glazing and doors that are sealable against dust intrusion prior to commencement of mining and related works.
- 11.4. We also consider it to be necessary for the resource consent processes to be run jointly with the CODC consent process since the dependence of the applicant on water permits to mitigate the effects of dust means the outcome and duration of those water permits must be tied to the duration of any land use consent granted by the CODC.
- 11.5. We wish to speak in support of our submission.

**Signed:**

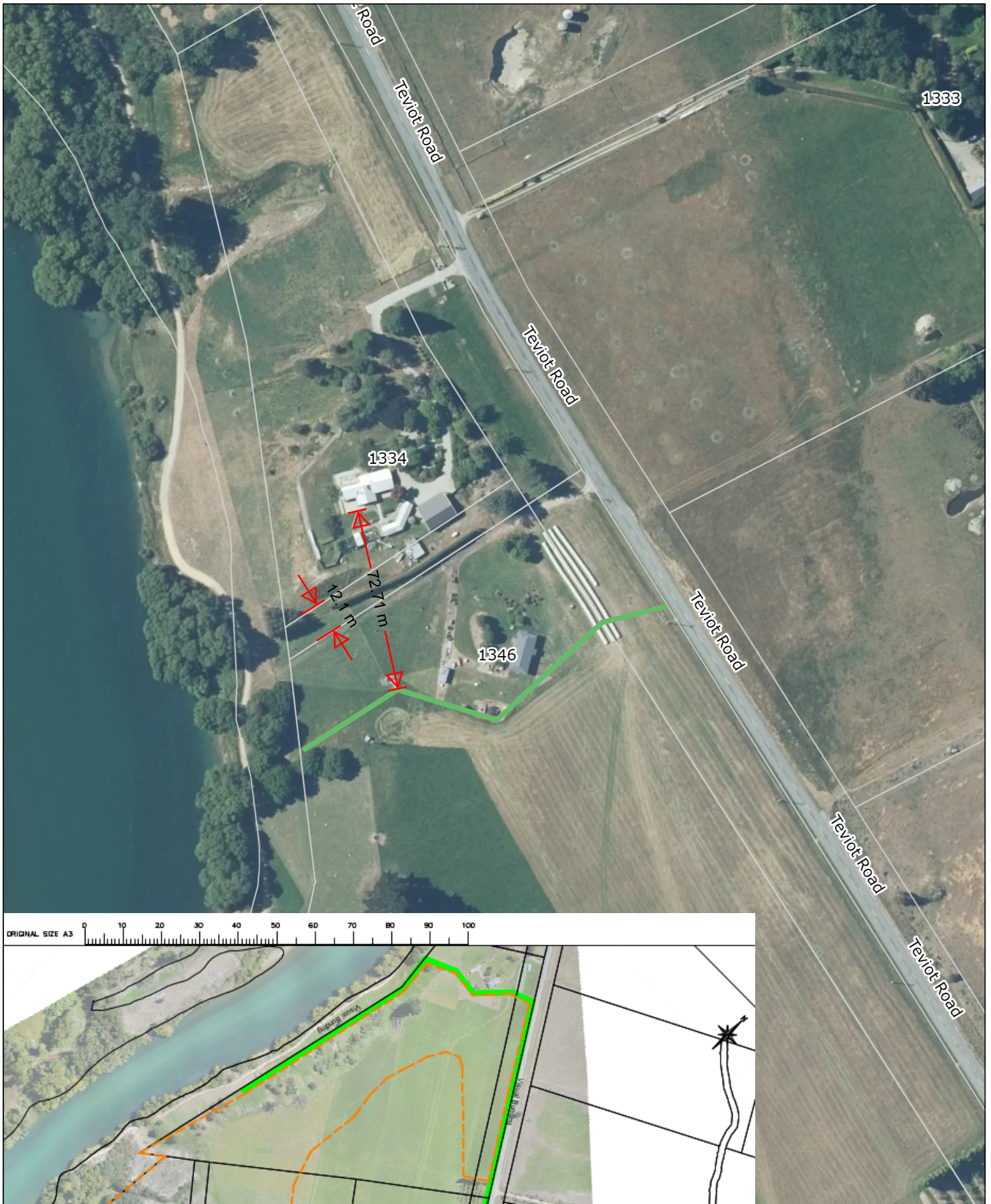


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**Name:** Sarah Scott on behalf of JP Clarke, KL Franklin and FG Works Ltd

**Date:** 19 February 2024

## Appendix 1: Proximity Diagram



# Appendix 1: Proximity Diagram



DISCLAIMER: This map/plan is illustrative only and all information should be independently verified on site before taking any action. Whilst due care has been taken, Grip gives no warranty as to the accuracy and plan completeness of any information on this map/plan and accepts no liability for any error, omission or use of the information.

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