

SUBMISSION ON APPLICATION FOR RESOURCE CONSENT: RC230325

RECEIVED 19/02/2024 CODC

To: Central Otago District Council

1. DETAILS OF SUBMITTER

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

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Electronic Address for Service: sarah.scott@simpsongrierson.com
ken@thefranklin.co.nz

Postal Address for Service: Simpson Grierson
Level 1, 151 Cambridge Terrace
Christchurch, 8140
Attention: Sarah Scott

Primary Address for Service: Our preference is electronic service to the email addresses
above.

Mobile: 027 307 4318

Contact Person: Sarah Scott

2. APPLICATION DETAILS

Resource Consent Number: RC230325

Name of Applicant: Hawkeswood Mining Limited

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

Description of Proposal: Land use consent to establish and operate an alluvial gold
mining operation in a Rural Resource Area

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 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 opposed Hawkeswood’s first application attempt (RC220350). We seek that this new application also be declined, in particular 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 District Plan and will cause significant and unacceptable adverse effects on us.
- 4.3. We are also concerned that the part of the application that seeks a retrospective consent to authorise the unlawful activities that have already been undertaken on the site, significantly down-plays the extent of unlawful activity already undertaken. This undisciplined approach demonstrates the clear disregard the applicant has to operate in a lawful manner.

5. SCOPE OF ACTIVITY SOUGHT

- 5.1. The application “estimates the total project volume of earthworks” to be approximately 12 million m³. The permitted District Plan threshold is just 45,000 m³ per annum (so a total of 450,000m³ across the 10-year duration sought). The 12 million m³ is sought to occur across a total project area of 68 hectares, a maximum work area of 27 hectares, an active pit area of 12 hectares, over 10 years. The size and scale of the operation is further reinforced by the information that has been provided about the mobile plant – including a total of 21 mobile vehicles and machinery.
- 5.2. Establishment of the gold mine, on-site processing and stockpiling of overburden will occur for 66 hours per week including across Saturdays from 7am-1pm. While no earthworks or processing work is proposed for Sundays or public holidays, some activities that will cause effects will continue.
- 5.3. The depth and volume of extraction at the proposed site and its associated works is significant, and the extent of breach of the permitted activity standards is immense. Because of the huge breach of the permitted activity standards, we do not accept that the activity can be argued to be anticipated by, or consistent with, the objectives and policies of the Zone.

6. DURATION

- 6.1. The applicant relies heavily on access to water to mitigate the effects of dust, and since a maximum duration for the water permit is 6 years, the land use consent must be aligned to that same duration and not for 10 years as proposed. The essentiality of water use to the proposed mine is such that, if the water permit is declined, the application for land use consent from CODC must also be declined.

7. EFFECTS ON RURAL CHARACTER AND AMENITY

- 7.1. The proposal is inconsistent with the objectives and policies of the District Plan relating to maintaining the amenity values of the rural environment through the management of adverse effects on open-space and natural character amenity values. In particular, the proposal is contrary to Policies 4.4.2 and 4.4.8 which seek to ensure that development is compatible with the amenity values of adjoining properties. There has been no attempt by the applicant to engage with us, since it received our submission in opposition to RM 220350.

- 7.2. The proposal will have a significant adverse effect on the amenity values of 1334 Teviot Road, being an adjoining property. By way of example:
- 7.2.1. The proposal will result in the complete loss of tranquil quality and value of this area;
 - 7.2.2. The proposed 4m high bunds will have adverse effects on rural character and amenity, and they will be clearly visible from our property (as a neighbouring property);
 - 7.2.3. Adverse effects associated with flood lighting on both amenity / ambience and on the dark sky natural character have not been adequately assessed; and
 - 7.2.4. Significant adverse noise and dust effects.
- 7.3. The suggestion that the change is temporary is misleading. A 10-year project for 5 and half days (66 hours) a week for mining operations (and 7 days a week for dust (but not noise) mitigation and mechanical maintenance activities) is not considered a temporary project. Even if considered temporary, temporary effects are relevant to whether the consent should be granted. Further, it is not clear that the mining operation can be completed within a ten-year duration.

8. NOISE EFFECTS

- 8.1. The proposal will result in an unacceptable level of adverse effects arising from noise. We support the conclusion drawn by the Reporting Officer in the Notification Decision to Hawkeswood's first consent application in relation to this goldmine (RC220350 17 July 2023, currently on-hold) that the permitted baseline in regard to noise should not be applied in this instance. The proposal will result in a noise environment that offers no respite for 12 hours / day during the week and from 7am for 6 hours on a Saturday.
- 8.2. We also support the point made in the Styles Group acoustic and vibration report dated 26 May 2023 (prepared for CODC), that while (as suggested by Hegley at that point) the proposed noise from the site might sit within the limits adopted within the District Plan, that Plan assumes maximum earthworks volumes not to exceed 3,000 and/or 2,000 cubic metres in any twelve month period. The size and scale of this proposal must therefore require a re-assessment of the noise levels expected to result, and the level of effects generated as a result.
- 8.3. There are multiple inconsistencies and errors in the Hegley Consulting Assessment of Noise Effects dated 20 March 2023 and varied on 22 September 2023 (**Noise Assessment**) meaning it cannot be relied upon. For example:
- 8.3.1. Special audible characteristics have not been applied within the noise assessment. Further consideration should be given to special audible characteristics of the noise and the impact this may have on the compliance with daytime noise limits at our property.
 - 8.3.2. The Noise Assessment appears to have modelled a 340m distance between the proposed mine boundary and the notional boundary of 1334 Teviot Road (this is confirmed in Mr Hegley's further info request). However, the current proposed mine boundary is only approximately 75m from the notional boundary. The District Plan noise limits may actually be exceeded.

- 8.3.3. The noise contours are inconsistent with source data provided in the Noise Assessment.
- 8.3.4. Terrain may reduce the effectiveness of the proposed noise barriers. Terrain data should have been used in the noise model.
- 8.3.5. The model inappropriately assumes soft ground (0.7 ground absorption) for all surfaces. The surface of the Clutha River will not provide this level of ground absorption.
- 8.3.6. The Noise Assessment does not account for an increase in equipment from the original application. (ie. 7 items of machinery plus moving trucks cf. 21 items of machinery which suggests up to 15 full time machine operators).
- 8.3.7. The Noise Assessment does not assess all potential noise effects (ie. noise generated from the land-based GRP or cumulative noise from supporting plant when this will be operating in the north of the site, the plant that has been identified as likely to operate on the site, and site management and mitigation activities outside of “operational hours”).

9. VIBRATION EFFECTS

- 9.1. The proposal will result in an unacceptable level of adverse effects arising from vibration. We have concerns with the level of vibration associated during both bund construction and then subsequently the closest land-based mining and mining-related activities, particularly since our dwelling is also our place of business for FG Works Ltd.
- 9.2. The vibration assessment by Hegley Acoustics Consultants appears to be inconsistent with the modelling in the Noise Assessment, in considering that bund construction will be within 35m of our dwelling and mining would be “just over 50m”.

10. DUST EFFECTS

- 10.1. The proposal will result in significant adverse dust effects on the health and amenity values of our property. No assessment of the likely dust effects has been provided as part of the resource consent application to CODC, rather a reactive management strategy has been proposed. We do not support an approach to dust that relies on responding when the effects occur.
- 10.2. Our property at 1334 Teviot Road has high sensitivity to the discharge of TSP, PM₁₀, PM_{2.5}, 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 PM₁₀ monitoring.
- 10.3. 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.

- 10.4. 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.
- 10.5. 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.
- 10.6. The proposal will also result in the generation of a significant amount of PM₁₀ 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 PM₁₀ pollution is likely to have significant adverse effects on health and wellbeing.
- 10.7. The Dust Management Plan dated 16 October 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. It should be noted that another Dust Management Plan was submitted to ORC dated as at 30 November 2023. The two plans differ.

11. OTHER EFFECTS

- 11.1. We also consider that the effects on the following matters will be significant / unacceptable, and have not been assessed in the application:
 - 11.1.1. **The Clutha Gold Trail:** The proposal will result in a significant loss of the amenity values of the trail and remove local and visiting public access to the adjoining stretch of the Clutha/Mata-Au River. 10 years is not a temporary effect.
 - 11.1.2. **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 have regularly observed skinks on our property.
 - 11.1.3. **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.
 - 11.1.4. **Archaeology and Heritage:** The proposed site includes archaeological sites G43/232 and G43/233. The application and assessment of environmental effects does not identify or include any assessment of the potential adverse effects on these sites or other unrecorded sites of archaeological/heritage value.

12. COUNCIL OWNERSHIP OF LAND WITHIN APPLICATION SITE

- 12.1. The application refers to the triangle of land owned by Council (refer Figure 3 of the AEE) as a “former gravel pit”. This is despite Section 4.1 of the AEE acknowledging Designation 236 – the purpose being “Green Waste Refuse Management Purposes” with CODC being the requiring authority. CODC closed this Green Waste Refuse Management facility in July 2023 without community consultation (refer **Appendix 2**). On 12 February 2024 Hawkeswood posted to its facebook page introducing the “Hawkeswood Resources Greenwaste Recycling Site” (**Appendix 3**). Hawkeswood cannot rely on the designation to operate this facility as it is not the requiring authority. No information has been included in the consent application about whether CODC as requiring authority has granted written notice under s176(1)(B) of the RMA. Are resource consents required for Hawkeswood’s new Greenwaste Recycling Site?
- 12.2. The operations on this part of the site may also require consent from ORC if permitted activity standards in the Otago Waste Plan relating to Greenwaste landfills and composting are not complied with. This has not been addressed in the application to ORC.
- 12.3. The Council should be transparent as to its relationship with the Applicant in relation to this part of the site owned by Council, and any financial incentive it might have in granting the application.

13. A REACTIVE MANAGEMENT APPROACH

- 13.1. The Application states that a “fundamental premise of this application is that adverse effects on significant environmental values and risks will be avoided or appropriately mitigated by design of the mining activity”. This contradicts, for example, the reactive management approach proposed for dust. 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.
- 13.2. Behaviours 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.

14. INCONSISTENCY IN INFORMATION / DATA

- 14.1. 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 and ORC 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.
- 14.2. 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—no measure is contained in any of the information in the CODC application.
- 14.3. For example, the location of bunds which are relied on for noise mitigation have been inconsistently shown on figures supporting the application. This lack of reliability in application statements (including those relating to earthwork volumes) undermines the

integrity of assessments that the application relies upon and makes it impossible to establish with confidence controls or mitigations that might otherwise enable the application to proceed.

15. PART 2 RMA

15.1. 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:

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

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

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

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

16. UNLAWFUL EXPLORATORY WORKS / RETROSPECTIVE CONSENT

16.1. Of further concern is the suggestion that the retrospective consent sought in relation to earthworks undertaken to date (referred to as exploratory works) acknowledges a total non-compliant volume of 5,118m³. Given that the majority of these works have been to a depth of at least 18m, the total volume of retrospective consent sought limits the surface area of the existing works to just 284m². Recent aerial photos of those works (refer Appendix 4) show they extend across an area measured in hectares, not 284m², suggesting the retrospective consent applied for is substantially understated as to volume. This is supported by the peer review of landscape visual effects undertaken by Jess McKenzie dated 13 December 2023 (for CODC). In this document J McKenzie describes the existing test pit to be of 4,000m² in area, and the ancillary settling ponds, office, workshops, bunding, and Vehicle access to cover an area of at least 8 hectares.

16.2. The non-compliant earthworks are included in the total earthwork's quantities proposed in the application. We seek that the correct amount of non-compliance be identified, and that the applicant should not benefit by then being granted a full further 12 million m³.

17. RELIEF SOUGHT

17.1. We seek that the application for consent be **declined** in full.

17.2. 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.

17.3. We also seek, at the very least:

17.3.1. 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 application. Noise to also be mitigated through the requested refurbishing in 17.3.2 below;

17.3.2. 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:

- Any works occurring within 400m of the dwelling curtilage should be subject to best practice controls and continuous real-time PM₁₀ monitoring;
- 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;
- Compliance with the above also includes refurbishing of all buildings at 1334 Teviot Road with new window glazing and doors to achieve a nominated certifiable standard of noise and thermal performance, sealable against dust intrusion prior to commencement of mining and related works (this condition is also relevant to noise effects mitigation);

17.3.3. 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;

17.3.4. A maximum duration for the land use consent that matches the duration of the water permit (RM23.819) if it is granted by Otago Regional Council (ie. up to but not exceeding 6 years);

17.3.5. 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.

17.4. We acknowledge and support the Notification Decision's observation that it is expected that the CODC resource consent processes will be run jointly with the ORC consent process where practicable.

17.5. We wish to speak in support of our submission.

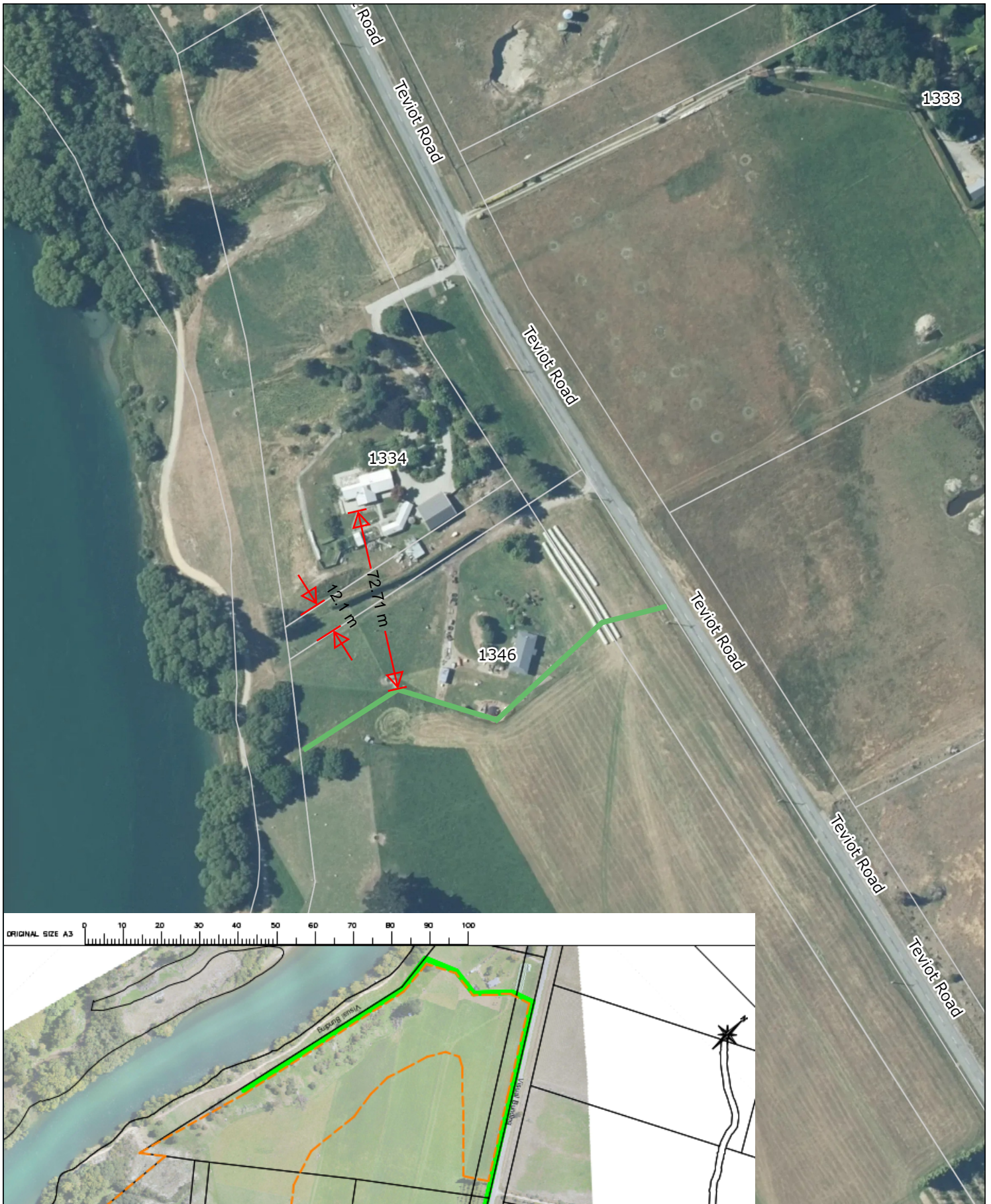
Signed:



Name: Sarah Scott on behalf of JP Clarke and 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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Appendix 2: CODC notification of closure of Green Waste Refuse Management facility



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Wāhi Tūpuna

Millers Flat greenwaste landfill to close

21 Nov 2022, 9:00 am News

The Millers Flat greenwaste landfill will close 30 June next year, ahead of the new organic waste collection being introduced to the district on 1 July.

After the closure of the Millers Flat refuse landfill in 1997, a consent was granted to provide the Millers Flat community with a greenwaste landfill with the capacity of 130 cubic metres per annum of uncompacted greenwaste. Now that Central Otago District Council (CODC) is introducing organics collection (greenwaste and foodscraps), the Millers Flat greenwaste landfill will no longer be needed.

Kerbside collections will allow just over 10 times more organic waste to be collected per household per year compared with what can be disposed of at the greenwaste landfill. The 240-litre wheelie bin that people will be provided with would have the capacity to collect over 12 cubic metres per year, CODC Infrastructure Manager Quinton Penniall said.

"That's a big win for the environment because organics recycling is by far the best way to reduce greenhouse gasses from disposal in a landfill.

"This move will also eliminate the risks associated with operating an unmanned greenwaste disposal facility, and the costs of ongoing management, bringing the level of service in Millers Flat into line with the rest of the district."

Kerbside collections also cut down on the travel time as the waste can be picked up from outside each property. Rural customers who sign up to the Council's kerbside service can bring their bins to the collection route, and larger quantities can still be taken to the Roxburgh transfer station, which is just 15 minutes from the current Millers Flat site.

The site has been earmarked for a proposed gold mining activity, along with the formation of four previously unformed and unnamed roads. The organics collection will be rolled out before this will be allowed to take place.

Appendix 3: Hawkeswood Facebook Post



Hawkeswood Resources Ltd

1h ·



Welcome to Hawkeswood Resources' Greenwaste Recycling Site!



GREENWASTE RECYCLING

Greenwaste will be used for rehabilitation and beautification.

- 8am - 5pm (Mon-Fri)
- 8am - 12pm (Sat)
- All Greenwaste welcome

LOCATION:

1484 Teviot Road, RD2, Millers Flat 9572

Come up the driveway to the offices and you will see the signage



Shayne Alach and 7 others

8



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Hawkeswood Resources Ltd

23 Jan 2024 ·



Shoutout to the boys at Cableprice Invercargill for

Appendix 4: Recent aerial photos of non-compliant works

Welcome to the new Google Earth!

A new look, designed to speed up how you create and share

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1403 Teviot Road, Millers Flat



Layers

Navigation controls including a person icon, a compass, a 3D view toggle, and zoom in (+) and zoom out (-) buttons.