IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on the applications for resource consent by Waikaka Gold Mines Limited to establish and operate a mineral extraction activity (APP-20242608 and LU 24035)

COMBINED DECISION OF THE HEARING COMMISSIONERS APPOINTED BY SOUTHLAND REGIONAL COUNCIL AND GORE DISTRICT COUNCIL PURSUANT TO SECTION 34A OF THE RESOURCE MANAGEMENT ACT 1991

<u>Independent Commissioners:</u>

Dr Ian Boothroyd (Chair)

Stephanie Dijkstra

Rosalind Day-Cleavin

27 February 2026

APPOINTMENTS

[1] Pursuant to section 34A of the Resource Management Act 1991 (RMA), independent commissioners Dr Ian Boothroyd (Chair), Rosalind Day-Cleavin and Stephanie Dijkstra have been appointed by Southland Regional Council (SRC) and Gore District Council (GDC) to hear and determine the application lodged by Waikaka Gold Mines Limited (the Applicant) to establish and operate a mineral extraction activity, to take groundwater and surface water, to use land for a bore and riverbed disturbance and to discharge to air, water and land for the purpose of gold mining and processing at 972 Waikaka Road, Catterton North, Southland.

PROCEDURAL MATTERS

Directives

[2] SRC issued a hearing notice and timeframes for pre-circulation of the Section 42A report and evidence in accordance with Section 103B of the RMA. Our Directive#1, set out the manner in which the hearing was to be conducted. In addition, the Directive addressed an advisory from the Council that one of the Council's experts was unable to provide a brief of evidence until 13 November 2025. The panel accepted this short delay in delivery of this brief of evidence. Directive#2 granted permission for several expert witnesses to appear online.

[3] In Directive#3 we advised that we had received additional material filed by the applicant on 28 November 2025. The corrected evidence made editorial amendments to internal document links, internal paragraph cross references and a typographical error, and no other changes were made to the content of the evidence.

[4] Having adjourned the hearing at 12.41 pm on 4 December 2025, Directive#4 set out the timetable for additional deliverables to the panel as agreed during the hearing, and to receive the Applicant's right of reply. Directive#5 advised that the time specified in section 115(2)] of the RMA for the issue of the decision be extended until Friday 13 February 2026.

[5] On receipt of the agreed deliverables and the Applicants' right of reply and having considered we had all the information we required, we closed the hearing (on 23 January 2026) by way of Directive#6.

[6] Directive#7 advised that the period for the release of the decision had been extended until 27 February 2026, as agreed with the Applicant. This extension allowed for adequate time for the panel to review the new material provided, right of reply, and the revised draft conditions of consent.

Site visit

[7] We undertook a site visit to the Waikaka Stream catchment on 2 December 2025 to familiarise ourselves with the stream, location of proposed diversions and the surrounding environment. As explained in Directive#1, our site visit was self-guided following advice from the hearing participants on key locations to visit. For completeness we record that Ms C Ongko, the hearing administrator for SRC, also accompanied us on the site visits.

Decision format

[8] This combined Decision report contains our decisions on the consents sought from both councils.

[9] We have had regard to the requirements of Section 113 of the RMA when preparing this decision. We note that we have acted in accordance with Section 113(3) which states:

> "A decision prepared under subsection (1) may, -
> (a) instead of repeating material, cross-refer to all or a part of -
> (i) the assessment of environmental effects provided by the applicant concerned:
> (ii) any report prepared under section 41 C, 42A, or 92; or
> (b) adopt all or a part of the assessment or report and cross-refer to the material accordingly."

[10] We acknowledged the true Te Reo name of Waikakahi Stream but for consistency within documentation and for avoidance of any doubt we refer to the watercourse as Waikaka Stream in our Decision and suite of consent conditions.

THE APPLICATION PROCESS

[11] Town Planning Group, on behalf of the Applicants, lodged a resource consent application with SRC on 22 August 2024 and with GDC on 30 August 2024, for a suite of resource consents to establish and operate a gold mining and processing operation on the site, with supporting ancillary activities. The Applicant anticipates a mine life of seven to eight years based on the predicted gold processing capacity, although a 20-year resource consent duration is sought with no restriction on the duration of mining within that period.

[12] SRC requested further information from the applicant on 20 December 2024. Responses were received on 4 and 8 April 2025; 7, 9, and 12 May 2025; and 8 October 2025 all of which were included in the SRC S42A report.[1]

[13] GDC requested further information from the applicant on 22 January 2025. Responses were received from the Applicant on 8 November 2025. The S42A report records that there was insufficient opportunity to undertake a full review prior to finalising this report, and thus, it was not incorporated into the GDC s42A assessment.[2]

[14] The application was notified on 23 June 2025.

[15] GDC received 27 submissions: 5 were in opposition, and 22 were in support (two submissions in support are noted to be from the same individual.)

[16] SRC received 30 submissions: 5 were in opposition, and 25 were in support.

[17] We record that several submitters subsequently withdrew their submission or their right to be heard. Thus at 10 November 2025, submissions for GDC totalled 3 in opposition and 22 in support; and for SRC 3 in opposition and 25 in support.

[1] SRC Section 42A Report, Attachments 5, 7 and 9.
[2] GDC Section 42A Report, Para 52.

[18] We record that the hearings administrator was notified in writing dated 25 November 2025, that Hokonui Rūnanga Kaupapa Taiao had formally changed their submission position from opposition to neutral and longer wished to be heard at the hearing.

[19] We record that we read the submissions in full and have had regard to them as part of our evaluation of the application.

[20] Several Joint Witness Statements (JWS) were filed:

- JWS – Ecology dated 28 November 2025
- JWS – Acid and Metalliferous Drainage (AMD) dated 1 December 2025
- JWS – River Engineering and Flood Hazard dated 26 November 2025
- JWS – Landscape Matters dated 27 November 2025
- JWS – Hydrogeology and Geochemistry dated 25 November 2025

[21] We record that we read all of the evidence and have taken it into account as part of our evaluation of the application.

THE HEARING and ATTENDANCES

[22] The hearing commenced at the GDC offices, Council Chambers, 29 Civic Avenue, Gore on 3 December 2025, at 9.00am. The hearing continued on 4 December 2025, with the hearing being adjourned at 12.41pm on 4 December 2025. As set out in Directive#4 the reason for the adjournment being to provide the opportunity and time for expert conferencing on conditions, for agreed deliverables to be submitted to the Panel, and for the Applicant's right of reply in writing. We record that those responses were duly filed in accordance with the time frames set out in Minute #4.

[23] The attendances at the hearing were as follows.

Applicants

[24] For the Applicants:

- Ms A Davidson – Legal Counsel for the Applicants;
- Mr W Batt – Operations, geology and consultation;
- Mr Heller – Hydrogeology and water quality;
- Mr Weber – Acid Mine Drainage (AMD);
- Mr R Dungey – Aquatic ecology;
- Mr R Strong – Flood Hazard;
- Mr Espie - Landscape; and
- Ms A Collie - Planner.

Submitters

[25] The following submitters:

- Mr J Stringer;
- Mr J Gardyne;
- Department of Conservation
  - (a) Mr M Pemberton – Legal Counsel;
  - (b) Ms J Bowen – Freshwater ecology; and
  - (c) Ms J Macleod – Planning; and
- Mr J Smyth – Ranger, Fish and Game Council.

For Council

[26] For SRC:

- Ms A Smith - Planner for SRC;
- Ms A Badenhop – Groundwater and Acid Mine Drainage;
- Mr M Hamer – Freshwater ecology; and
- Mr Stoker – River engineering and flood hazard.

[27] For GDC

- Ms J Skuse – Consultant Planner for GDC – The Property Group.
- Mr Mike Moore - Consultant Landscape Architect for GDC.

[28] Section 42A Reports were prepared by Ms A Smith for SRC, and by Ms J Skuse for GDC.

[29] We were assisted in an administrative capacity by Ms C Ongko, Hearing administrator at SRC.

[30] The parties provided additional material in response to our directions and questions at the hearing.

[31] All of the material presented by the above parties is held on file at SRC and/or GDC. We took our own notes of the verbal presentations and any answers to our questions. For the sake of brevity, we do not repeat that material in the decision. However, we do refer to relevant matters raised in the material in subsequent parts of the decision.

LOCATION and SURROUNDING AREA

[32] The location and surrounding area were fully described in section 2 of the application including description of the Waikaka Stream Catchment, the geophysical features and existing consents and wells[3]. Additional information included in the relevant Section

[3] Section 2, AEE dated 26 August 2024.

92 of the RMA responses. We adopt that description. The location of the proposal is shown in Figures 1 and 2 below.

[33]

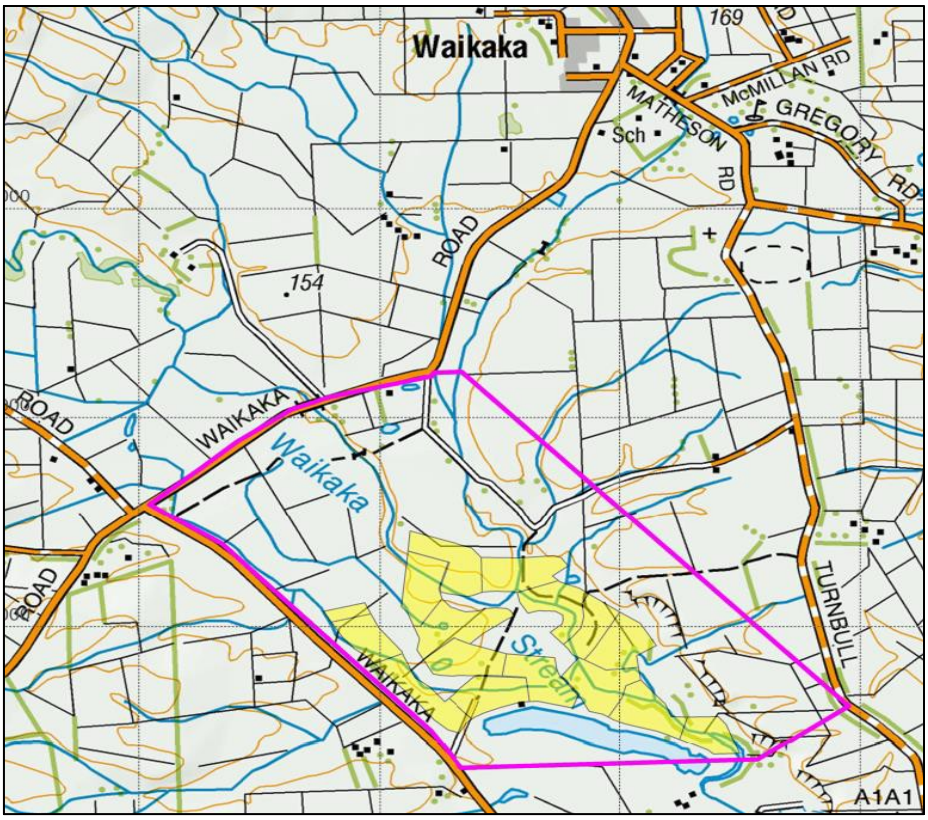

Figure 1: General location map showing Waikaka township to the north.

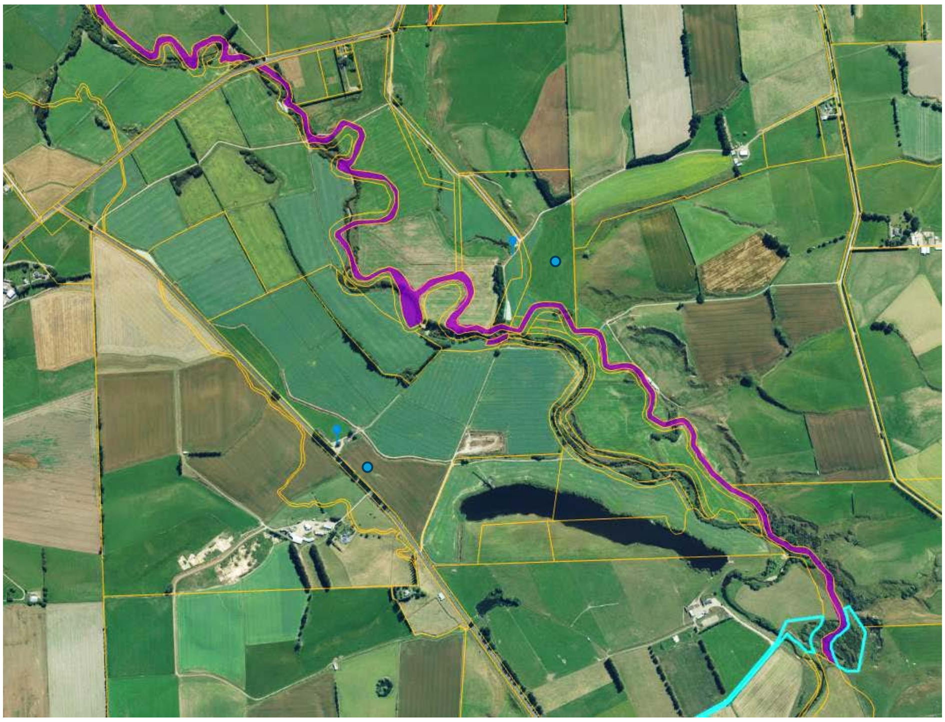

Figure 2: Map depicting the proposed mine site, with parcel boundaries in orange, marginal strip land in purple, Gore District Council land to the south in turquoise, landfill site next to Shepherds Creek indicated with a blue pin, and the potential sheep dip site by Waikaka Road with a blue pin (from SRC Section 42A report).

THE PROPOSAL

[34] The proposal was described in a series of documents that formed the application[4], the Section 92 responses and was summarised in the Section 42A Reports prepared by Ms Skuse[5] and Ms Smith[6] and the Applicant in response to matters raised by submitters leading up to the issuance of the Section 42A Report.

[35] We find it useful to set out the summary of the main aspects of the proposal that was the focus of our decision, which we record as follows.[7]

[36] Mine gold bearing wash on the application site at depths between approximately 20m to 44m below ground level. The absolute maximum depth of excavation will be 50m below ground level. The mine pit will be dewatered to enable the operation of a dry, open-cut mine. Overburden will be stripped and progressively replaced in the mine void, creating a moving mine-cell up to a maximum area of 5ha, requiring movement of around 20.7 million bcm (bank cubic metres) of material. The total area of mining is approximately 85ha, which will occur over a period of seven to eight years. Ancillary activities will occupy a further 10ha of land. The overall application site area is approximately 95ha.

[37] Process 300,000 bcm of wash per year. The wash will be fed into a conventional land-based Gold Recovery Plant ("GRP") located within the application site, with the operation further supported by on-site workshops, storage, office, staff amenities and other ancillary activities. The GRP and ancillary activities will form part of the overall Site Infrastructure Area.

[38] Stockpile approximately 446,000 bcm of overburden up to a maximum height of 10m above existing ground level on the site. A dedicated stockpile area will be created, and other smaller stockpiles may be created on a temporary basis on top of backfill or marginal to the mined area.

[39] Temporarily divert four sections of the Waikaka Stream and Shepherds Creek, with each diversion lasting approximately one year. The streams will be returned to their current alignment, and the Applicant will undertake enhancements of the rehabilitated stream channels, including riparian plantings, a higher proportion of native species and cobble substrate with minimal sediment cover.

[40] Discharge water from the site to the Waikaka Stream.

[41] Undertake full rehabilitation of the site and return it to a similar or improved state.

[4] Resource Consent Application and Assessment of Environmental Effects – Waikaka Gold Mines Limited: Various consents relating to the establishment and operation of a gold mine at 972 Waikaka Road, Chatton North, Southland, dated 26 August 2024.
[5] GDC Section 42A Report, Ms Skuse, Section 2.2
[6] SRC Section 42A, Ms A Smith, Paras 17 - 42
[7] Ibid.

GORE DISTRICT COUNCIL CONSENTS

[42] The application to GDC seeks land use consent to establish and operate an alluvial gold mining operation at 972 Waikaka Road, Chatton North, Southland. The application seeks consent from Gore District Council for mining and associated activities within the Rural Zone under the Operative Gore District Plan, and for indigenous vegetation clearance and land disturbance under the Proposed Gore District Plan. Consent is also sought under the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS).

Operative Gore District Plan

[43] We were informed that the subject site area is located within the Rural Zone under the Operative Gore District Council jurisdiction.

[44] As set out in the s42A Report[8], resource consent is required for the following:

a. A discretionary consent pursuant to Rule 4.2.4 for mineral extraction which is not listed as a permitted activity within the rural zone.

b. A restricted discretionary consent pursuant to Rule 4.10.1 (3) as proposed signage does not comply with standard 4.10.1(2)(b) for the rural zone.

c. A restricted discretionary consent pursuant to Rule 4.9.1(2) in relation to site coverage. Structures forming the Infrastructure Area will likely have a combined footprint exceeding the 1500m^2 threshold.

d. A restricted discretionary consent pursuant to Rule 4.13.1(1) for any land use that involves earthworks or results in the disturbance of the ground where the period from the commencement of such earthworks or disturbance until the completion of rehabilitation work exceeds twelve months.

e. A restricted discretionary consent pursuant to Rule 6.9(2) for the storage of hazardous substances as the proposed storage or use of hazardous substances exceeds the quantities specified in Table 6.2.

f. A restricted discretionary consent pursuant to Rule 5.9.4 as the proposal does not comply with Rule 5.9.2 in relation to landscaping of off-street parking.

Proposed Gore District Council Plan

[45] We were informed that the subject site area is located within the General Rural Zone under the Proposed District Plan.

[46] As set out in the 42A Report[9], resource consent is required for a discretionary consent pursuant to Rule ECO-R1(3) as the activity does not comply with ECO-R1(1) and ECO-R1(2) but is located outside of a Significant Natural Area. We understand that ECO-R1 has immediate legal effect.

[8] Joanne Skuse, s42A Report, 12 November 2025, section 4.1.
[9] Joanne Skuse, s42A Report, 12 November 2025, section 4.1.

National Environmental Standard for Assessing Contaminants in Soil to Protect Human Health (NES-CS)

[47] It was common ground that consent is required as a discretionary activity, pursuant to clause 11 of the NESCS as a detailed site investigation (DSI) does not exist for the site.

Activity Status Summary

[48] Ms Skuse in her s42A Report advised that applications involving multiple activity statuses can be bundled together, with the most restrictive activity classification applied to the overall proposal. In this instance, she explained that the activity has a discretionary activity status in respect to activities requiring consent from GDC and under the NES-CS, and a non-complying activity for approvals sought from ES under the Regional Plan. On this basis, she accepted the Applicant's approach to bundle the consents as a non-complying activity.[10]

[49] Having considered the s42 Report and all evidence presented to us at the Hearing, we find the proposal requires resource consent as a non-complying activity, noting that we received no evidence to the contrary.

Effects Assessment

Permitted baseline

[50] When forming an opinion for the purposes of section 104(1)(a) of the RMA we may disregard an adverse effect of an activity on the environment if a national environmental standard or a plan permits an activity with that effect.[11]

[51] Ms Skuse, in her s42A Report, considered there was no applicable permitted baseline for the proposed mineral extraction or indigenous vegetation clearance and land disturbance activities[12], a position agreed to by Ms Collie for the Applicant.[13]

[52] Having considered the above matters, we find there is no useful permitted baseline under the operative or proposed district plans.

Highly Productive Land

[53] Parts of the subject site is identified as comprising LUC 2 and LUC 3 and is therefore subject to the NPS-HPL. Ms Skuse concluded that, subject to conditions, the temporary and permanent loss of highly productive land is minimised and effects no more than minor[14]. In her evidence statement, Ms Collie agreed with the conditions put forward by Ms Skuse to provide certainty that the loss of productive land is not permanent.

[54] We accept the consistent evidence of the planners, and find that subject to conditions of consent, effects will be no more than minor, and do not weigh against a grant of consent. We further address the NPS-HPL in Para 214 of this Decision.

[10] Joanne Skuse, s42A Report, 12 November 2025, section 4.3.
[11] Section 104(2) of the RMA.
[12] Joanne Skuse, s42A Report, 12 November 2025, paras 72-75.
[13] Anita Collie, Statement of Evidence, 19 November 2025, para 49.
[14] Joanne Skuse, s42A Report, 12 November 2025, paras 76-84.

Visual Amenity and Landscape Character

[55] From our understanding of the proposal and the landscape in question, the key landscape considerations for maintaining and enhancing landscape values relate to:

I. Effects on views and visual amenity from Waikaka Road, public land including the esplanade area either side of the Waikaka Stream, and residential properties in the vicinity of the proposed mining activity; and
II. Natural character effects resulting from the proposed stream diversions and reinstatement, and particularly the proposed riparian plantings;

[56] A Joint Witness Statement (JWS) was provided prior to the Hearing on 27 November 2025 which confirmed that the landscape experts reached agreement on all relevant matters, including:

I. Any adverse effects of the proposal on landscape values and visual amenity will be of a low-moderate degree at most;
II. In terms of natural character of waterways, stream rehabilitation represents an opportunity for long term natural character and biodiversity enhancement;
III. In the absence of planting adjacent to Waikaka Road, the degree of visual effect when viewed from the road will remain at a low-moderate level until approximately year 5, after which the effects will reduce to low until the site is remediated; and
IV. With reference to the draft riparian rehabilitation plan, additional wording is recommended to ensure appropriate and effective riparian vegetation eventuates.

[57] We acknowledge the consensus between the landscape experts (Mr Espie for the Applicant, and Mr Moore for Council) and we have found this useful in our considering of key matters. We find all matters are satisfactorily resolved, noting that Ms Skuse in her supplementary s42A Report accepted that given the Council as landowner does not support the boundary planting adjacent to Waikaka Road, any residual visual effects are low-moderate and acceptable subject to the mining rehabilitation measures being implemented progressively.[15] Overall we accept that subject to conditions, landscape and visual amenity effects will be adequately managed, and do not weigh against a grant of consent.

Ecology and Biodiversity

[58] The submission from Hokonui Rūnanga highlighted the importance of indigenous biodiversity and native vegetation within the Waikakahi (Waikaka) Stream and its margins. The submission from DoC highlighted the importance of riparian vegetation in providing shading, habitat, and ecological function, which reinforces the need for a robust Rehabilitation Management Plan.

[59] As set out in Ms Skuse's s42A Report, from a district council perspective a relevant effect for our consideration is the clearance of indigenous vegetation along stream margins.[16] While we understand aquatic outcomes to be primarily regional matters, riparian planting conditions imposed at the district level through the rehabilitation plan can indirectly support shading, habitat quality, and biodiversity values.

[15] Joanne Skuse, Supplementary s42A Report, 4 December 2025, paras 19-23
[16] Joanne Skuse, s42A Report, 12 November 2025, paras 120-136.

[60] Ms Skuse concluded in her s42A Report[17] that subject to recommended conditions (Rehabilitation Management Plan and Survey of Indigenous Vegetation) any adverse effects in relation to the removal of indigenous vegetation would be acceptable. In her supplementary evidence, Ms Skuse raised a concern that there is a gap in the conditions and the Council's management of the consent in relation to the natural character of stream margins and the replacement of indigenous vegetation lost through diversions. She sought that conditions relating to stream rehabilitation provide the Council with input on planting, and that the condition links directly to the indigenous vegetation survey.[18] The Applicant included a condition to this effect in its Reply condition set. We find this condition to be acceptable.

[61] We have discussed the additional conditions put forward by the Applicant relating to the Stream Diversion and Rehabilitation Plan in Paras 173-185 where we find that these are acceptable.

[62] We find there is a sufficient degree of consensus between the experts on the likely degree of effects on ecology and biodiversity effects insofar as they relate to district planning matters. Given our findings in Paras 173-185, we accept that, subject to conditions, effects will be adequately managed, and do not weigh against a grant of consent.

Transport

[63] Both Ms Skuse and Ms Collie, relying on the evidence of Mr Hasler (GDC Roading Asset Manager) conclude that subject to conditions, the transport effects of the proposal will less than minor and acceptable. We agree. Subject to the conditions of consent, we consider that any adverse transport effects will be less than minor and appropriately addressed.

Servicing

[64] Ms Skuse concluded that, subject to conditions, the Applicant's proposed approach for potable water, wastewater, and stormwater is feasible and acceptable. We agree, noting we received no evidence to the contrary.[19] Subject to the conditions of consent, we consider that any adverse servicing effects will be appropriately managed so as to be less than minor and acceptable.

Signage

[65] Ms Skuse concluded that, subject to conditions, the proposed signage is appropriate in scale and appearance and is necessary and proportionate to the nature of the activity. She concluded that any effects of the signage on amenity and road safety are less than minor.[20] We agree, noting we received no evidence to the contrary. Subject to the conditions of consent, we consider that any adverse signage effects will be appropriately managed so as to be less than minor and acceptable.

Public Access

[66] A matter of uncertainty at the Hearing relating to whether formal access agreements can be secured with landowners.

[17] Ibid
[18] Joanne Skuse, Supplementary s42A Report, 4 December 2025, para 26.
[19] Joanne Skuse, s42A Report, 12 November 2025, paras 120-136.
[20] Joanne Skuse, s42A Report, 12 November 2025, paras 172-181.

[67] Initially, Ms Skuse was concerned that while the majority of the site is located on private farmland (where formal access agreements have been secured with the landowners) some areas of the site are owned by Gore District Council (including being vested as Local Purpose Reserve (Esplanade) and unformed legal road) for which formal access agreements were not yet secured.[21] Ms Skuse subsequently revised her position and acknowledged in her Supplementary s42A Report[22] that while this is an outstanding matter, it is not strictly a Resource Management Act issue and does not preclude the granting of consent. We accept her revised evidence and agree that the matter is a risk borne by the Applicant in terms of the practical implementation of the Proposal.

[68] DOC's submission commented that part of the site includes public conservation land in the form of a marginal strip associated with the Waikaka Stream and explained that permission from DOC will be required for access to this land, and this sits outside the jurisdiction of the district council. In the Applicant's Reply, it confirmed that an access agreement had been secured and signed by DoC and MBIE.[23] Correspondence confirming the access arrangement was provided. On this basis, we are satisfied this matter is now resolved.

[69] We are satisfied that all public access matters have been appropriately addressed.

Cultural, heritage and archaeology

[70] The submission received from Hokonui Rūnaka cites the Waikākahi Stream as having cultural significance. They highlighted concern with the potential adverse effects on taonga species, ecological health, and mana whenua values.

[71] As set out in Ms Skuse's Supplementary s42A Report, Hokonui Rūnaka amended their position on the proposed from opposition to neutral. Ms Skuse concluded that on the basis of the CIA, and the agreed framework for ongoing engagement, she was now satisfied that sufficient information has been provided to conclude that mana whenua values can be appropriately recognised and provided for.[24] We did not hear from the Rūnaka at the Hearing.

[72] We accept Ms Skuse's assessment and agree that conditions of consent, including an Accidental Discovery Protocol, provide confidence that potential adverse effects on heritage/archaeology will be appropriately managed and reduced to an acceptable level.

[73] Overall, subject to conditions of consent, we find that any adverse effects on cultural and heritage values will be appropriately managed and mitigated so as to be acceptable.

Noise, Lightspill, Dust

[74] Ms Skuse concluded overall that subject to conditions, any adverse effect from noise, lighting and dust will be no more than minor and acceptable. We accept her evidence on these matters, noting we received no evidence to the contrary.

[21] Joanne Skuse, s42A Report, 12 November 2025, paras 182-190.
[22] Joanne Skuse, Supplementary s42A Report, 4 December 2025, para 9.
[23] Reply Submissions, 19 December 2025, para 57 and Attachment C.
[24] Joanne Skuse, Supplementary s42A Report, 4 December 2025, paras 10-14.

[75] Subject to conditions of consent, we find that any adverse effects from noise, lighting and dust will be no more than minor and acceptable.

Hazardous Substances

[76] Having considered the evidence on this matter, we adopt Ms Skuse's assessment and agree that subject to recommended conditions, any potential adverse effects relating to the storage of hazardous substances will be acceptable.

Earthworks and Geotechnical

[77] The application included a Geotechnical Assessment undertaken by Tonkin and Taylor Ltd (T&T). In reliance on the expert advice contained in the Report, Ms Skuse concluded that adverse effects in relation to earthworks and geotechnical consideration will be acceptable subject to appropriate conditions. We agree, noting that the technical assessment on this matter was not challenged by any party.

[78] Subject to conditions of consent, we find that any effects relating to earthworks, and any geotechnical issues will be appropriately managed on site.

Flood Hazard

[79] The site is located within a recognised floodplain and the Applicant sought expert advice from flood engineers R.J. Hall Limited on the design of channels and the mitigation of flood hazards. Additionally, the Applicant engaged Mr Strong's expertise to provide advice on submissions and consent conditions. In her evidence, Ms Collie confirmed the Applicant accepts the recommended conditions of consent put forward by Ms Skuse to address flood mitigation, including the preparation of a flood management plan. She considered the effects of flood hazard to be no more than minor and acceptable overall.

[80] Ms Skuse reached a similar conclusion, noting that given the overlap with Environment Southland on this matter, it may be preferable for the certification and monitoring of the Flood Management Plan to sit with the regional council with the district council conditions requiring compliance with the Flood Management Plan. We agree and find the conditions of consent to be appropriate.

[81] Subject to conditions of consent, we find that any effects will be appropriately mitigated and are no more than minor.

Contaminated Land

[82] The potential contamination of the application site by former land uses has been considered by Geosciences Limited in the Preliminary Site Investigation Report lodged with the application. A detailed site investigation does not exist for the site therefore consent is required as a discretionary activity pursuant to Section 11 of the NES-CS.

[83] Overall, in reliance on the expert advice provided, Ms Skuse considered adverse effects on human health in relation to the soil disturbance on a HAIL site will be less than minor. We agree and note we received no evidence to the contrary.

[84] We note that Ms Smith in her s42A Report for the SRC identified an historic sheep dip site which was not assessed in the Preliminary Site Investigation Report.[25] Relying on the technical input of Scott Fellers[26] as part of the Council's review, she recommended a condition of consent which would require a detailed site investigation and, should contamination exceed the applicable standard, a site management plan to be submitted to the consent authority.

[85] Subject to conditions of consent, we find that any effects will be appropriately mitigated and are less than minor.

Positive Effects

[86] We heard from Mr Batt who spoke to the positive economic and social benefits of the proposal. We received no evidence to substantiate the dollar amounts he quoted and placed little weight on those figures in our decision. However, we accept that there will be reasonably significant local employment opportunities on site, flow on effects to local businesses and the wider economy including royalty payments, and potential benefits for the wider Southland community through the investment arm of the Southland Community Trust.[27] We note that Mr Batt's evidence appears to generally align with the views of numerous submitters who expressed their support for the proposal.

[87] We accept Ms Collie's evidence, relying on Mr Dungey's assessment, that there will be benefits to indigenous biodiversity through native planting along the riparian margin.

[88] We further accept Ms Skuse's assessment of positive effects in her s42A Report where she states the proposal provides an opportunity for ecological enhancement of the Waikaka Stream and may also reduce localised flooding associated with breaches of the existing channel.

Overall findings on effects

[89] In light of the preceding assessments, our overall finding is that with regard to the land use consents required from the GDC, effects are either no more than minor or can be suitably avoided, remedied or mitigated by the imposition of appropriate conditions of consent.

[90] We find the positive effects relating to improved biodiversity and ecological enhancement weigh in favour of granting the consent.

National Environment Standards and other regulations

[91] As previously established, the activity includes disturbing the soil described in clause 5(4) of the NES-CS and a change of use, and the land is described by both clause 5(7)(c) and 5(8)(d) of the NES-CS. Consent is required as a discretionary activity, pursuant to clause 11 of the NES-CS, as a detailed site investigation (DSI) does not exist for the site.

[92] We discuss matters relating to hazardous substances in Para 76 of this Decision where we consider that, subject to conditions of consent, any adverse effects associated with hazardous substances will be acceptable. Given our finding on the effects of the proposal, we consider the proposal to be consistent with the NES-CS.

[25] Alexandra Smith, s42A Report, para 3.3.4.
[26] Scott Fellers, e3Scientific, Contaminated Land Review, 19 November 2024.
[27] Warran Batt, Statement of Evidence, 18 November, paras 68-78.

[93] We discuss relevant national environment standards and other regulations pertaining to the consents required by ES in Paras 209-230 of this Decision.

National Policy Statements

[94] The Applicant's Reply submissions helpfully addressed the Government's recent national direction package.[28] The submissions stated that:

I. The amendments to the NPSFM and National Environment Standards-Freshwater that relate to quarrying and mining affect natural inland wetlands and are not applicable to the current application.
II. The amendments to the National Policy Statement on Indigenous Biodiversity are applicable to mining, however this relates to mining in a significant natural area. There are no such areas on the subject site.
III. Changes to the NPS-HPL mean that LUC 3 is not defined as "highly productive land" prior to regional mapping if a consent for subdivision, use or development for any activity other than rural lifestyle is lodged after 17 October 2022 (cl 3.5(7)(b)(iii)). There is a very small amount of LUC3 land within the project area and around 50% LUC2. While the very small section of LUC 3 would no longer be defined as HPL, the assessment under the NPS-HPL remains unchanged.

[95] We accept Ms Davidson's submission in this regard. On this basis, we accept that Ms Skuse's assessment and conclusions remain relevant and that the proposal is consistent with the provisions of all relevant national direction instruments. Ms Skuse considered the NPS-IB, NPS-FM, and NPS-HPL are relevant to our decision. We discuss each instrument in turn below.

NPS-IB

[96] In terms of the NPS-IB the proposal will involve some disturbance to indigenous biodiversity, primarily through works near waterways, however notably there are no identified areas of Significant Indigenous Vegetation within the Waikaka Gold Mine site. Ms Skuse considered that the proposal aligns with the NPS-IB hierarchy provided that robust conditions are imposed to secure remedy, mitigation, and potentially offsetting.

[97] We have discussed effects on ecology and biodiversity in Paras 58-62 where we conclude that the proposal is expected to have a positive impact on indigenous biodiversity. We discuss the Applicant's proposed management of effects and whether offsetting is required later in our Decision.

NPS-FM

[98] Ms Skuse adopted the applicant's AEE in relation to an assessment of the proposal under the NPS-FM as it relates to district consenting matters. We also adopt this assessment for the purposes of our Decision, noting we have discussed the NPS-FM in relation to regional matters.

[28] Reply Submissions, 19 December 2025, paras 52-56.

NPS-HPL

[99] We adopt Ms Skuse's assessment of the proposal under the NPS-HPL and agree that the proposal has a pathway through the NPS-HPL and is consistent with the relevant objective and policies.

Regional Policy Statements

[100] The relevant objectives and policies of the Southland Regional Policy Statement 2017 were assessed in the Applicant's AEE and adopted by Ms Skuse in her assessment of the proposal as it relates to district consenting matters. We also adopt this assessment for the purposes of our Decision, noting we discuss the NPS-FM in relation to regional matters in Paras 215-219. Ms Skuse concluded that the proposal is consistent with the RPS objectives and policies provided conditions are imposed to secure progressive rehabilitation and protect productive value of the soil, and ensure cultural concerns are addressed. We accept her opinion on this matter, noting that in her Supplementary s42A Report Ms Skuse concluded that cultural matters were appropriately addressed.

Gore District Plan

[101] Ms Skuse assessed the proposal against both the operative and proposed district plans. She stated that a weighting assessment in relation to the ODP and PDP is only required if the conclusions reached under either planning document are different (i.e. the assessment under one plan concludes that consent can be granted and the other concludes that consent should be refused). She concluded that the proposal in relation the district plan matters, is in accordance with the relevant objectives and policies under both the PDP and the ODP, and therefore no weighting exercise is required. While she initially expressed reservations relating to the mana whenua objectives and policies, we note that in her Supplementary s42A Report Ms Skuse concluded that cultural matters were appropriately addressed.

[102] Having carefully considered the objective and policy framework of the operative and proposed district plans, and in light of our findings with regard to adverse effects of the proposal on the environment under section 104(1)(a), we are satisfied there is sufficient evidence to conclude that proposal is consistent with all relevant objectives and policies.

Offsetting or compensation measures

[103] Under s104(1)(ab) we are required to have regard to any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity.

[104] Ms Skuse noted that in the context of section 104(1)(ab), it is important to distinguish between biodiversity offsetting and compensation. Offsetting requires measurable ecological gains that achieve at least no net loss, and preferably a net gain, of the same biodiversity values that are adversely affected, while compensation is broader and may provide alternative environmental or community benefits where offsetting is not possible.

[105] We have considered whether offsetting or compensation measures are required. We have found (see Paras 126-142) that the proposed remediation means that there are no residual effects that would require offsetting or compensation. However, the

Applicant's Reply submissions tabled the applicant's willingness to provide funding for ecological improvement on an *augier* basis in recognition of DoC and ES's concerns around the temporary effects associated with the diversions.

[106] We accept the Applicant's legal submissions and accordingly, we do not consider the offer of a condition requiring funding for ecological improvement to represent a formal "offset" or "compensation" in terms of s104(1)(ab) but rather a positive effect from the proposal in terms of s104(1)(a). Regardless, we consider it is a significant positive effect that assisted us in making our final decision.

Section 104(1)(c) other matters

[107] The Te Tangi a Tauira – The Cry of the People (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008) is a relevant other matter. By the close of Hearing, Ms Skuse concluded that subject to conditions of consent, the proposal is generally consistent with key policies. Overall, she concluded that the proposal is not contrary to Te Tangi a Tauira, with respect to mining in the Southland Plains. We agree.

[108] DoC's planning evidence asserted that the Southland Murihiku Conservation Management Strategy (SMCMS) is a relevant document for the purposes of 104(1)(c) and that the proposal is not consistent with it. We address this in Paras 233-236 of the Decision where we find that the SMCMS has limited relevance to the application.

Section 104D

[109] As a non-complying activity, the application must go through a two-step process. First it must be assessed against the gateway test of section 104D of the RMA; only if it satisfies one or other of those two tests can it then proceed to be fully assessed on its merits against the other provisions of section 104 of the RMA.

[110] Section 104D states:

> *(1) Despite any decision made for the purpose of section 95A(2) 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.*

[111] Given our conclusion on effects above, we find that the application passes the first gateway test of Section 104D(1)(a) because, based on the evidence, all effects are either no more than minor or can be suitably avoided, remedied or mitigated by the imposition of appropriate conditions of consent.

[112] Given our conclusions above on the objectives and policies of the Operative and Proposed district plans, we find that the application satisfies the second gateway test

of Section 104D. Having met both gateway tests the application can therefore proceed to full assessment under Section 104 and 104B.

Part 2

[113] Ms Skuse included an assessment of the proposal against Part 2 where she concluded that subject to consent conditions, and further input from the Hokonui Rūnaka, the proposal is in general accordance with Part 2.

[114] Ms Collie in her Statement of Evidence[29], did not consider that an assessment of Part 2 matters was required. Ms Davidson in her Reply submissions did not consider it necessary to resort to Part 2.[30]

[115] We are aware of the case law which outlines that if the lower order statutory instruments appropriately deal with Part 2 matters, then no further assessment of Part 2 matters is required.

[116] We agree with Ms Collie and Ms Davidson that it is unnecessary to resort to Part 2 in this case.

Consent duration and lapsing

[117] A 20 year resource consent duration is sought with no restriction on the duration of mining within that period. Given our overall effects conclusion, we are satisfied that a 20 year consent duration is appropriate.

Consent conditions

[118] Ms Skuse recommended a suite of consent conditions in her s42A Report. The Applicant's submissions in Reply attached a set of conditions containing several amendments as discussed throughout this Decision. We have generally adopted the Reply version of conditions except where otherwise discussed throughout this Decision.

[119] Should the applicant or GDC identify any minor mistakes or defects in the attached conditions, then we are prepared to issue an amended schedule of conditions under s133A of the RMA correcting any such matters. Consequently, any minor mistakes or defects in the amended conditions should be brought to our attention prior to the end of the 20-working day period specified in section 133A of the RMA.

Determination

[120] We approve the resource consents sought by Waikaka Gold Mines Limited from the Gore District Council.

[121] Our reasons are detailed in the body of this Decision, but in summary they include:

- Potential adverse effects of the proposal are either minor; minimised to the extent practicable or are otherwise suitably avoided, remedied or mitigated by the imposition of appropriate conditions of consent; and
- The proposal is consistent with the relevant statutory instruments.

[29] Anita Collie, 19 November, Statement of Evidence, para 284.
[30] Asher Davidson, Reply Submissions, 19 December 2025, para 25.

ENVIRONMENT SOUTHLAND CONSENTS

[122] The application to ES seeks consent to establish and operate an alluvial gold mining operation at 972 Waikaka Road, Chatton North, Southland. The application seeks consent from ES for mining and associated activities for water permits (Take, dam and divert water), discharge permits and land use consents as follows:

Water Permits:

- To take, dam and divert surface water from Waikaka Stream;
- To take and use groundwater for the purpose of dewatering the mine pit, gold processing, dust suppression and site rehabilitation;

Discharge Permits:

- To discharge cleanfill onto land;
- To discharge treated stormwater, gold processing return water, and dewatering water into the Waikaka Stream;
- To discharge stormwater, gold processing return water, and dewatering water into land through settlement ponds;
- To discharge contaminants to air from mineral extraction processes and associated overburden storage;

Land Use Consents:

- To install, use, maintain and decommission a bore;
- To disturb the bed of Waikaka Stream and Shepherds Creek to dam and divert water flow, and the rehabilitation of a channel.

STATUTORY PROVISIONS

[123] This application falls to be considered as a non-complying activity under Part 2 and Sections 104, 104B, 104D, 105, 107, 108 and 108AA, of the RMA.

PRINCIPAL ISSUES IN CONTENTION

[124] The principal issues in contention, as we have determined them, include:

- Temporary versus residual effects
- Extent of watercourse
- Acid and Metalliferous Drainage
- Fish passage
- Trout spawning and habitat
- Sedimentation and sediment management
- Hydrogeology
- Rehabilitation of aquatic values
- Monitoring
- Bond for stream rehabilitation

We address these issues in the following sections.

Temporary and residual effects

[125] In her opening submissions, Ms Davidson draws attention to temporary effects of the proposal and considers that the seriousness of any temporary adverse effect needs to be considered against the long-term outcomes to be achieved.[31]

[126] In considering temporary effects, or adverse effects that arise in the interim period before final rehabilitation achieves the desired outcome[32], Ms Davidson emphasises the need to weigh short term outcomes against long term ones.[33]

[127] In this Ms Davidson submits that full rehabilitation [of ecological effects] is proposed as remedy for temporary effects, and that it is not correct to suggest that effects need to be mitigated or offset in real time, and as it will be achieved in a reasonable timeframe there will be no 'residual' effect.[34]

[128] Ms Davidson outlines the application of the effects management hierarchy by the applicant, noting in particular the reduction in scale of the proposal to avoid a permanent stream diversion.[35]

[129] Ms Davidson goes on to address the test of 'material harm'. We do not repeat the submission detail here except to note the reference to the Supreme Court case for Trans-Tasman which reflects that 'The assessment of what is a reasonable time must take into account not only the duration of any recovery once the activity has ceased but also the total duration of the projected harm before remediation will occur'.

[130] Ms Davidson continues to reflect on what the statutory documents aim to achieve, i.e., to ensure appropriate environmental outcomes at a national, regional and ecological district level and not a zero effects outcome at any particular point in time.[36]

[131] As set out above, Ms Skuse considered that the stream works are intended to reinstate the streams following temporary diversion and to "make good" the areas disturbed, with potential to enhance riparian margins and habitat values beyond their baseline condition. We understood this to mean that the stream will be remediated, and residual effects remain (especially noting that Ms Skuse did not consider this to be offsetting.

[132] In his submission, Mr Pemberton addresses the views of Ms Macleod and Ms Smith that the applicant has not demonstrated how each step of the effects management hierarchy has been applied[37], and that more than minor residual adverse effects remain.[38]

[133] In his evidence, Mr Dungey sets out how the proposal meets the effects management hierarchy, referring to minimising effects where others refer to remediation.[39] However, at no point does Mr Dungey refer to any residual effects resulting from the proposal.

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[31] Legal submissions, Ms A Davidson, Para 29.
[32] Ibid, Para 20(b)
[33] Ibid, Para 30.
[34] Ibid, Para 29.
[35] Ibid, Paras 65-70.
[36] Ibid, Para 48
[37] EIC, Ms Macleod, Para 30.
[38] ES s42A Report, Para 2.4.17
[39] EIC, Mr Dungey, Paras 81 – 89.

[134] We draw on the legal submissions in reply[40], acknowledging the clarification of the Ecology JWS referred to by Mr Pemberton in his legal submission.[41]

[135] We understand the JWS statement to mean that residual effects occur only if the quality of the rehabilitation (i.e., remediation) fails to deliver on the expected ecological values which we understand to be the existing (or better) aquatic ecological values of the Waikaka Stream.

[136] We do not consider that any failure to meet the conditioned rehabilitation of Waikaka Stream is a residual effect in terms of the effects management hierarchy. Rather it is a matter of compliance to the proposed consent condition and rehabilitation plan.

[137] We accept Ms Davidson's clarification of temporary versus residual effects, and their application in the effects management hierarchy: following the avoidance, mitigation and remediation steps proposed and secured by consent conditions, there will be no residual effects.[42]

[138] Ms Davidson goes on to summarise the views of DOC and ES that rehabilitation 'might not' be successful and that there 'might' be residual effects for which no offset or compensation has been put forward.

[139] We formed a view that any failure or inability of the rehabilitation to be 'successful' is a matter of compliance to relevant consent conditions setting out the requirements of rehabilitation, and that any failure is not a residual effect in terms of the effects management hierarchy.

[140] Accordingly, we find that the rehabilitation of the Waikaka Stream is a remedy (as per the effects management hierarchy), and no residual effects result from the proposal. Any matters arising from the quality of the rehabilitation is a matter of compliance with the implementation of the agreed consent conditions.

[141] We discuss the rehabilitation of Waikaka Stream further on in our decision.

Extent of watercourse

[142] We considered the question of loss of extent of watercourse noting the proposed phased diversion and rehabilitation approach. In his project overview Mr Batt described that four diversions of the Waikaka Stream, plus one related to the lower reach of Shepherds Creek are planned at approximately one-year intervals.[43] Some 2 kms of the Waikaka Strem will be affected over the life of the project.[44]

[143] In his evidence, Mr Batt described the progressive and overlapping nature of the mining activity and stream diversions, such that the first stream diversion is scheduled to be restored to its original course before commencement of the third diversion and so on.[45]

[144] When questioned, and confirmed in his legal submission, Mr Pemberton confirmed that no case law exists on the matter of loss of river extent.[46] Mr Pemberton helpfully directed the panel to the guidance provided by the Ministry for the Environment that

[40] Legal submissions in reply, Ms A Davidson, Para 21.
[41] Legal submissions, Mr Pemberton, Para 57.
[42] Reply submission, Ms A Davidson, Para 22.
[43] EIC, Mr W Batt, Para 40.
[44] Ibid, Para 66.
[45] Ibid, Para 67.
[46] Legal submissions (response to questions raised), Mr M Pemberton, Paras 16-19.

refers to extent as the length of the river and the area it occupies (noting that the Guidelines are not legally binding).[47]

[145] In response to the comments of Mr Hamer, Mr Dungey confirms that the temporary diversion channels will be shorter in length than the existing stream length.[48] We refer to our discussion on temporary effects elsewhere in our Decision, and we find that Mr Dungey's view that any loss of habitat is temporary is acceptable. We make this finding on the view that Waikaka Stream will be rehabilitated to its full extent and values as the permanent remediated outcome.

[146] Ms Bowen raised a question of the width of the temporary diversion channels as being narrower than the average width of Waikaka Stream.[49] In his supplementary evidence, Mr Batt confirms that the temporary diversions will be designed with a low flow channel but with a much greater overall width.[50]

[147] We refer to our deliberations on temporary effects elsewhere in our decision, and record that given the operational overlap and construction of the temporary diversions, we find no material loss of river extent (as referred to as length of river and area it occupies) will occur to Waikaka Stream on a permanent basis.

[148] We consider the effects on and the rehabilitation of ecological values further in our decision.

Acid and Metalliferous Drainage

[149] Mr Weber for the applicant[51], Ms Badenhop for Environment Southland[52] and the Department of Conservation[53] raised the risk of acid and metalliferous drainage (AMD) arising from the excavation, processing, or stockpiling of potentially acid forming gore lignite measures and the associated dewatering regime of the mine pit.

[150] The key areas of contention were:

1. The potential of overburden to generate acidic drainage and mobilise dissolved materials
2. If the management controls proposed by the applicant adequately control the risk of AMD development
3. If the proposed monitoring plan is appropriate to ensure the management of AMD is appropriate and if the proposed monitoring parameters are suitable to detect AMD development.

[151] Joint witness conferencing was undertaken on the 1st December between Ms Badenhop and Mr Weber in which consensus was reached on these areas of contention[54].

[152] On the matter of the potential for overburden to cause AMD Mr Weber and Ms Badenhop accept that the oxidation of gore lignite measures has the potential to

[47] Ibid.
[48] EIC, Mr R Dungey, Para 105.

[49] EIC, Ms J Bowen, Para 28.
[50] Supplementary evidence, Mr W Batt, Para 12.
[51] EIC, Mr Weber, Para 15
[52] EIC Ms Badenhop, Para 5.6
[53] EIC, Ms McLeod, Para 58
[54] JWS, Acid and Metalliferous Drainage, Dated 1st December 2025

generate acidic drainage and mobilise dissolved metals, which, if mobilised to surface or groundwater may result in a more than minor effect[55].

[153] On the matter of management controls Mr Weber and Ms Badenhop agreed that the management strategies proposed by Mr Weber are reasonable to avoid and minimise AMD effects if executed properly[56]

[154] On the matter of the monitoring plan, Mr Weber and Ms Badenhop agree that the proposed monitoring plan provides a method to ensure the management of AMD is appropriate and added the requirement that trigger action response plans be developed to prescribe what actions should be taken should AMD be detected[57].

[155] On the matter of monitoring parameters, Mr Weber and Ms Badenhop agreed on a set of parameters, along with a condition to reduce monitoring requirements if after six months of operation where gore lignite measures are being excavated concentrations of potential constituents of concern are low[58]. We accept this evidence and confirm it is addressed in consent conditions.

[156] The expert witnesses agreed that a suitable AMD Management Plan, inclusive of management controls, monitoring and trigger action response plans will ensure the risk of AMD are well managed[59].

[157] We accept this evidence and confirm the inclusion of a consent condition that requires the development and lodgement of the AMD Management Plan.

Fish passage

[158] Both DOC[60] and Fish and Game[61] raised the matter of fish passage in their submissions. Mr Dungey addresses the concerns of Fish and Game and considers that instream works carried out within the timeframe of November to March inclusive are necessary for the protection of freshwater fish migrations, spawning habitat and spawning/incubation.[62]

[159] Ms Bowen's concerns related to stream crossings and the impact of fords and the potential for impacts on fish passage.[63] In his supplementary evidence, Mr Batt confirms that, whilst final designs have not been completed, the stream crossing can be designed and constructed in compliance with permitted activity rules in the regional plans and NES-FW.[64]

[160] We accept this evidence and confirm the inclusion of a consent condition that requires that haul road crossings shall be via a bridge or culverted crossing, and not by a ford.

Trout spawning and habitat

[161] In his evidence, Mr Smyth confirms the importance of Waikaka Stream for trout spawning and juvenile habitat, and as a recreational fishery.[65] This is not in dispute and we are satisfied that this is specified in consent condition and incorporated by intent into the Indicative Table of Contents of the Stream Diversion and Rehabilitation Management Plan.

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[55] Ibid, Para 5(a)i
[56] Ibid, Para 5(a)iii
[57] Ibid, Para 5(a)iv
[58] Ibid, Para 5(d)
[59] Ibid, Para 5(b)
[60] DOC submission, Para 22-24.
[61] F&G submission, Para 2(e).
[62] EIC, Mr R Dungey, Paras 95-97.
[63] EIC, Ms J Bowen, Para 61.
[64] Supplementary evidence, Mr W Batt, Para 11.
[65] EIC, Mr Smyth, Paras 22-37

[162] Mr Smyth also raised the matter that crack willows (*Salix x fragilis L.)* are a seasonal food source for trout species and therefore should be utilised in planting the reinstated reaches of Waikaka Stream. We acknowledge Mr Symth's concerns regarding the removal and non-replacement of crack willows, however given the pest status of this species we support the inclusion of condition 44 that excludes crack willow from the planting plan.

Sedimentation and Sediment Management

[163] Both DoC[66,67], Fish and Game[68], and Mr Hamer on behalf of Environment Southland raised the matter of the potential release of sediment to Waikaka stream through entrainment in stormwater flows, the livening of the stream diversions and subsequent rehabilitated reaches, and discharge from the treatment ponds.

[164] In their application, the applicant discussed management controls that will mitigate the risk of sediment mobilisation, including the diversion of site stormwater into the mine pit where it will then be pumped to the settling ponds for treatment[69], and the stepwise livening of diversion channels to reduce erosion[70]. An erosion and sediment control plan will also be prepared.

[165] The Sec 42A reports from ES[71] and GDC[72], by Ms Smith and Ms Skuse respectively, agree that with the proposed mitigation and construction methodology implemented, sediment is unlikely to give rise to adverse effects.

[166] We agree and confirm the inclusion of consent conditions that require the development of an erosion and sediment control plan as well as sediment discharge limits.

Hydrogeology

[167] There was disagreement between Ms Badenhop[73] and Mr Heller[74] as to the potential effects of mine pit dewatering on groundwater volumes and water well levels, groundwater interactions with surface water, and aquifer integrity following the replacement of overburden and rehabilitation of the mine pit area.

[168] Joint witness conferencing between Ms Badenhop and Mr Heller was undertaken on the 25th November[75], during which the above matters were agreed upon.

[169] On the matter of mine pit dewatering reducing groundwater volumes and potential impacts on neighbouring water wells, it was determined that a consent condition should be included that requires monitoring and provision of alternate water supplies beyond the mining activity until there has been sufficient recovery of aquifer head. We confirm the inclusion of this condition.

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66 EIC, Ms MacLeod, Paras 55-57
67 EIC, Ms Bowen, Paras 31, 61
68 EIC, Mr Smyth, Para 56
69 Application for resource consent, Appendix H, Waikaka Mining Methodology, Pg 49
70 Application for resource consent, Pg 44
71 Alexander Smith, Sec 42A report, Sec 3.3.45, 3.6.2
72 Joanne Skuse, Sec 42A, Paras 169-170, 243, 246, 266
73 EIC, Ms Badenhop, Paras 6.1-8.6
74 EIC, Mr Heller, Para16
75 JWS, Hydrogeology and geochemistry

[170] On the matter of groundwater interactions, it was recommended that the stream diversion management plan include stream flow retention and water table aquifer outcomes. We confirm the inclusion of this condition.

[171] On the matter of aquifer integrity, Ms Badenhop and Mr Heller acknowledged that the actual engineering required to recreate the existing confined aquifers was outside of their respective disciplines, but recommended that, as far as practicable, aquifers should be reinstated. This will be incorporated within the Geotechnical Management Plan (Condition 113e)

Rehabilitation of aquatic ecological values

[172] The confidence in, the magnitude, and the type of rehabilitation for aquatic ecology of Waikaka Stream was most in contention amongst the parties. We record these items as helpfully set out by Ms Davidson.[76]

1. For Waikaka Stream and Shepherd's Creek - Whether the diversions will provide appropriate habitat for freshwater species on a temporary basis, and whether the rehabilitation of the (Waikaka) Stream will successfully remedy any relevant effects
2. For the ditches – whether there is confidence that appropriate habitat for displaced Gollum galaxias will be provided; and
3. For the ponds – whether a replacement pond is to be formed and will provide appropriate habitat for species currently occupying the ponds.

[173] We acknowledge the good faith conferencing that occurred amongst the ecology experts, but we record that we found the resultant JWS less than helpful, as it expressed continuing differing views on the ability to rehabilitate the stream and the other matters listed in our Para 68 above.[77]

[174] In his evidence, Mr Batt confirms that objective of the Company's proposed rehabilitation is '*to minimise its impacts on the Waikaka Stream and to shorten the road to full recovery of the current state in substantially less time than the historic recovery'.*[78]

[175] Mr Batt also pointed to the historic dredging and mining activities that have occurred in the Waikaka Stream, and that the current course and ecological value of the Waikaka Stream has recovered with little or no human intervention.[79]

[176] Mr Batt also referred to the previous experience of sister company Waikaia Gold Limited, noting their development of the Waikaia and Island Block mines being regarded for the high standards of post mining rehabilitation.[80] The latter rehabilitation was also supported by several submissions.

[177] In his evidence, Mr Dungey explains that the section of Waikaka Stream within the proposed mine site is an unusually good example of a lowland stream which supports healthy populations of fish[81], and that the aim of the rehabilitation is to establish a good

[76] Legal submission, Ms A Davidson, Para 12.
[77] JWS Aquatic Ecology, dated
[78] EIC, Mr W Batt, Para 88.
[79] Ibid., Para 85-87.
[80] Ibid, Paras 7-8.
[81] EIC, Mr R Dingey, Para 15.

or better habitat than currently exists.[82] Mr Dungey goes on to detail the habitat quality, opportunities and limitations and feasibility of rehabilitations.[83]

[178] Ms Bowen raised the risk of longer-term effects if the restoration effects were unsuccessful, noting that she had not seen the level of scoping, planning and design that such a complex project would require.[84] In her evidence, Ms Bowen recommends, amongst other things, that a complete and detailed restoration plan be required[85], a response also supported by Mr Hamer and Mr Smyth.[86]

[179] Despite the outline of rehabilitation provided in the evidence and presentation of Mr Dungey, we agree with Ms Davidson that the proposed mitigation is not highly speculative or that the rehabilitation will completely fail.[87] However, we do find that the absence of a complete Waikaka Stream rehabilitation plan was unhelpful in ascertaining confidence that the essential attributes would be incorporated and maintained to lead to a successful and enduing rehabilitation of Waikaka Stream.

[180] In his evidence, Mr Dungey acknowledges a time lag from the point of the rehabilitated channel construction to when habitat, food webs and colonisation to occur, and for riparian shading to provide benefits like the mature riparian vegetation of the current Waikaka Stream.[88]

[181] In response to the agreed deliverable required from Directive#4, the Panel received the requested 'Indicative Table of Contents of the Stream Diversion and Rehabilitation Management Plan' with an outline of intended content. As recorded by Ms Davidson, the plan contents were drafted by the applicant team under guidance from Mr Dungey and circulated for input from Ms Bowen, Mr Hamer and Mr Smyth.[89]

[182] We acknowledge the time constraints in preparing and responding to the indicative plan, and the short turnaround time to respond as indicated particularly by Ms Bowen.[90]

[183] We found that the Indicative Table of Contents of the Stream Diversion and Rehabilitation Management Plan was helpful in laying out the intent and requirements for the rehabilitation of the Waikaka Stream. Accordingly, we have included the Stream Diversion and Rehabilitation Management Plan as a founding document as a condition of consent requiring that such a plan is developed and implemented.[91]

[184] Noting the comments from Ms Bowen and Mr Hamer regarding the turnaround time to comment on the Indicative Table of Contents of the Stream Diversion and Rehabilitation Management Plan, we are satisfied that the table of contents contains sufficient detail, and as a result we don't consider it necessary for DOC and F&G to be consulted in the detailed design of the diversion and rehabilitation plan.

Monitoring

[185] In his evidence, Mr Dungey outlined the proposed monitoring parameters to assess the progression of habitat, ecological and water quality restoration in the Waikaka

[82] Ibid, Para 57.
[83] Ibid, Paras 58-76
[84] Summary statement, Ms J Bowen, dated 2 December 2025.
[85] EIC, Ms J Bowen, Para 40.
[86] EIC, Mr J Smyth, Para 46.
[87] Legal submissions, Ms A Davidson, Para 24.
[88] EIC, Mr R Dungey, Para 84.
[89] Legal submissions in Reply, Ms A. Davidson, Para 57(d).
[90] E-mail from Ms J Bowen directed to Ms Collie, dated 18 December 2025.
[91] Referred to as Indicative Stream Diversion and Rehabilitation Management Plan, in reply submissions, dated 19 December 2025.

Stream, and that these will be able to be compared with the pre-mining ecological state of the stream.[92]

[186] We also note that instream and riparian margins are included in the Indicative Table of Contents of the Stream Diversion and Rehabilitation Management Plan, and condition of consent specifying monitoring objectives, parameters and frequency.

[187] We are satisfied that appropriate monitoring is specified and sufficient to address whether objectives of rehabilitation have been reached, and consent condition 46 sets out the requirements should objectives of rehabilitation not be met.

Bond for stream rehabilitation

[188] We raise the matter of bond here as it is germane to our consideration of residual effects.

[189] In his supplementary evidence, Mr Batt sets out that there will be two bonds: one addressing land reinstatement, and progressive bonds relating to stream rehabilitation.[93]

[190] Ms Davidson sets out the significance of the rehabilitation bond condition, which is established to enable ES to retain an equivalent amount to that needed to complete the (Waikaka Stream) rehabilitation, should the quality of the rehabilitation not reach the objective as set out in the consent condition.[94]

[191] As we have set out in Para 140 of our decision, our finding is that any failure to reach the objective of the agreed and consented rehabilitation is a matter of compliance and not a response to the application of the effects management hierarchy.

[192] Accordingly, further actions that may be required to meet compliance with the purpose of consent and consent condition allows for drawdown on the bond as required to meet this consent requirement.

[193] Turning to the matter of an offer of environmental compensation from the applicant[95], in the finding of no residual effects, we agree there is no requirement for compensation, and Ms Davidson is clear that such an offer is made on an *Augier* basis.[96]

Cultural Values and effects

[194] There were no submissions that challenged the cultural values set out in the application or in the evidence presented.

[195] Hokonui Rūnanga Kaupapa Taiao confirmed that following the opportunity to review the revised proposed consent conditions, that they were broadly supportive of the amendments, and did not identify any issues that give rise to specific concerns.[97]

[196] Hokonui Rūnanga Kaupapa Taiao went on to comment that a riparian planting plan has been developed collaboratively between themselves and Waikaka Gold Mines Ltd.

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[92] EIC, Mr R Dungey, Paras 69-71.
[93] Supplementary evidence, Mr Batt, Paras 13 – 16.
[94] Legal submission, Ms A Davidson, Paras 65-70.
[95] Supplementary evidence, Mr Batt, Para. 89.
[96] Reply submissions, Ms A Davidson, Paras 13-16.
[97] E-mail from Ms L Dennison directed to Ms A Collie, dated 19 December 2025.

In addition an ongoing relationship agreement has been signed, ensuring that Hokonui Rūnanga Kaupapa Taiao is actively engaged for the duration of the mining and remediation operation.[25]

[197] In his evidence, Mr Batt clarified the constructive engagement process and the outcomes described in para [82] above.[98]

[198] In summary, having considered the application and evidence on this matter, and subject to the imposition of the agreed conditions, we find no adverse effects on cultural values.

POSITIVE EFFECTS

[199] In her opening submissions, Ms Davidson outlined the significant positive benefits of the proposal[99], and the economic and community benefits are expanded upon by Mr Batt.[100] Ms Davidon also notes the local support for the project.

[200] The positive effects of the proposal are set out in the application[101] and summarised as follows:

- Provision of social and economic benefits by providing work and socio-economic activity in the local area.
- After rehabilitation, Waikaka Stream and Shepherds Creek will be reinstated to at least the same, and preferably better habitat value, ecological value and flood carrying capacity.
- The proposal will ensure that the rehabilitated Waikaka Stream and Shepherds Creek channel has a minimum 1 in 20-year flood carrying capacity, which may reduce local flooding from breaches of the existing river channel where flood carrying capacity is not uniform.
- Removal of a number of old dredge ponds with particularly low water quality. The former dredge ponds will be rehabilitated to farmland. If a terminal pond eventuates, it will likely have better water quality due to design and riparian planting and provide for better farming efficiency as a single consolidated pond.
- Rehabilitation involves contouring the land to provide for land drainage, resolving some pre-existing drainage issues that were previously managed on an ad hoc basis.

[201] In her s42A report, Ms Smith considered that the proposal resulted in positive and adverse effects, with adverse effects ranging in scale from less than minor to more than minor[102].In her presentation, Ms Smith considered the decision to grant consent to be finely balanced, but did not elaborate further on positive effects, except noting that detailed rehabilitation and fish management plans would provide more certainty.

[202] Given that we have received an acceptable Indicative Table of Contents of the Stream Diversion and Rehabilitation Management Plan, we are satisfied that any adverse effects can be remedied, and condition 41 sets an objective of a net gain, but at least a no net loss, in ecological value.

[98] Supplementary evidence, Mr Batt, Paras 3 – 8.
[99] Legal submission, Ms A Davidson, Paras 2-4.
[100] EIC, Mr W Batt, Paras 68-78.

[101] Section 5.23, Application AEE document.
[102] SRC S42A Report, Para 3.3.102

[203] Accordingly, we consider that overall effects of the proposal will be positive.

Overall findings on effects

[205] After considering our assessment our overall finding is that with regard to the regional consents required from the ES, effects are either no more than minor or can be suitably avoided, remedied or mitigated by the imposition of appropriate conditions of consent.

[206] We find the positive effects relating to improved biodiversity and ecological enhancement from the proposed rehabilitation of Waikaka Stream weigh in favour of granting the consent.

SECTION 104 RMA

[207] Section 104 (1) of the RMA requires that a consent authority:

> *(1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to–*
>
> *(a) any actual and potential effects on the environment of allowing the activity; and*
>
> *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment to offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
>
> *(b) any relevant provisions of—*
>
> *(i) a national environmental standard:*
>
> *(ii) other regulations:*
>
> *(iii) a national policy statement:*
>
> *(iv) a New Zealand coastal policy statement:*
>
> *(v) a regional policy statement or proposed regional policy statement:*
>
> *(vi) a plan or proposed plan, and*
>
> *(c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.*

[208] We have discussed the significance of any actual or potential effects on the environment of allowing the activity in the above sections and turn now to the statutory provisions requirement of Section 104(1)(b).

National Environmental Standards (NES) and other regulations

[209] Ms Smith identifies in her s42A Report[103] that the **Measurement and Reporting of Water Takes Regulations 2010** apply to a water permit for freshwater takes at a rate of 5 litres per second or more, unless the water abstraction is non-consumptive. She advised that these regulations can be implemented through conditions of consent. In respect to the location of groundwater monitoring, Ms Collie commented that because the mine pit and associated dewatering infrastructure is mobile, it is more practical to install the water meter at the inlet to the settlement ponds, rather than in the mine pit. She considered that permission can be sought (under Regulation 10 for approval to install the meter near (instead of at) the water take location) at the time of water meter design.[104] We accept her opinion on this matter.

[103] Alexandra Smith, s42A Report, Southland Regional Council, para 3.4.3.
[104] Anita Collie, Statement of Evidence, 19 November 2025, para 40.

[210] We accept Ms Smith's assessment of the proposal against the **NES Sources of Human Drinking Water 2007** that any adverse effects of the mining activities are not likely to affect drinking water supply quality at Waikaka School or the Gore District Council registered drinking water supply. [105] We find the condition of consent requiring that the applicant inform both Gore District Council and Southland Regional Council in the event of spill or other contamination event that may affect a downstream drinking water site to be appropriate.

[211] In terms of the **NES for Freshwater** , we understand that no activities applied for require consideration for resource consent under the NES-F. Ms Smith advised that the NES-F does contain regulations for the provision of information about structures and fish passage, including specific additional information for listed types of structures. She stated that the applicant will need to be aware of this and provide this information once the stream crossing structures have been determined. Ms Davidson in Reply[106] noted that the recently amended national direction relating to the NES-F are applicable to quarrying and mining that affect natural inland wetlands and are not applicable to the current application. We were advised by Ms Smith that the NES for Freshwater regulations do apply to some specified crossing types.

National Policy Statements (NPS)

[212] As previously established, the Applicant's Reply submissions helpfully addressed the Government's recent national direction package[26]. For the reasons set out in our Decision, we accept Ms Davidson's submission in this regard. On this basis, we accept that Ms Smith's assessment and conclusions remain relevant and that the proposal is consistent with the provisions of all relevant national direction instruments.

[213] Ms Smith considered the NPS-HPL, NPS-FM, and the NPS-IB to be relevant to our decision. We discuss each instrument in turn below.

NPS-HPL

[214] As previously, addressed, we agree that the proposal has a pathway through the NPS-HPL and is consistent with the relevant objective and policies of the NPS-HPL.[107]

NPS-FM

[215] In her initial assessment, Ms Smith considered the proposal to be inconsistent with Policies 7, 9 and 10 of the NPS-FM.[108] These policies state:

Policy 7 The loss of river extent and values is avoided to the extent practicable.
Policy 9 The habitats of indigenous freshwater species are protected.
Policy 10 The habitat of trout and salmon is protected, insofar as this is consistent with Policy 9.

[216] Additionally, she stated that clause 3.24 of the NPSFM requires that the loss of extent and values must be avoided unless the decision maker is satisfied that there is a functional need for the activity in this location, and the effects are managed by applying the effects management hierarchy. She was of the view that there is a functional need

[105] Alexandra Smith, s42A Report, Southland Regional Council, paras 3.4.4-3.4.5
[106] Submissions in Reply, 19 December 2025, para 53.
[107] Alexandra Smith, s42A Report, Southland Regional Council, paras 3.4.8-3.4.9
[108] Alexandra Smith, s42A Report, Southland Regional Council, para 3.4.12

for the activity at this location, however, that the application does not demonstrate how each step in the effects management hierarchy will be applied to the loss of extent or values of the river (clause 3.24(a)(i).[109] She concluded that *"more than minor residual adverse have not been avoided, minimised, or remedied remain. These include the loss of river extent and habitat value during diversion, and the loss of habitat within ponds and drainage waterways that are to be filled."*

[217] Ms Smith concluded that whilst the absolute avoidance of effects is not possible, proposed management plans and adaptive management conditions may ensure that the adverse effects are minimised or remedied. Management plans and adaptive conditions have not yet been provided by the applicant. Depending on the detail of these and the significance of residual adverse effects, Ms Smith considered that offsetting or compensation may also be required.[110]

[218] We have discussed the Applicant's refined package of management plans and conditions of consent in the course of our Decision. We have also discussed the difference between temporary and residual effects and whether there is a requirement for offset or compensation in Paras 125-141. Given our findings on these matters, we accept the Applicant's Reply submissions and agree that neither offsetting nor compensation is warranted as no temporary or residual effects have arisen. However, we accept the Applicant's offer to include a condition on an *augier* basis to address the concerns of DoC and ES requiring that prior to undertaking any diversion, the consent holder shall provide confirmation to ES of a financial payment to fund works that contribute to aquatic and associated terrestrial ecological values in the Waikaka Stream catchment.

[219] Having carefully considered the evidence, we are satisfied that given the consultation since the hearing, the updated package of management plans, and updated set of conditions, the proposal is consistent with the relevant provisions of the NPS-FM.

NPS-IB

[220] We understand the NPS-IB applies only to the terrestrial environment, excluding land covered by water, waterbodies and freshwater ecosystems. Indigenous biodiversity within freshwater ecosystems is provided for in the NPS-FM. We adopt Ms Smith's assessment and agree that the application is generally consistent with the NPS-IB.[111]

Southland Regional Policy Statement 2017 ("the SRPS")

[221] Ms Smith considered the application is generally consistent with the majority of the SRPS, however that is not consistent with the Biodiversity Chapter. In particular, Policy BIO.9 states:

> ***Policy BIO.9 – Biodiversity offsets and environmental compensation***
> *In addressing significant residual adverse effects (i.e. those effects left after all the appropriate avoidance, remediation, or mitigation actions have been taken), local authorities will consider the use of any biodiversity offset and/or environmental compensation measures offered by an applicant.*

[109] Alexandra Smith, s42A Report, Southland Regional Council, para 3.4.17.
[110] Alexandra Smith, s42A Report, Southland Regional Council, para 3.4.25.
[111] Alexandra Smith, s42A Report, Southland Regional Council, para 3.4.27-3.4.29.

[222] Given our previous findings in Paras 125-141, we have found that while the use of offset or compensation is not strictly required (on the basis that there will be no significant residual adverse effects) we have accepted the Applicant's offer of a condition to require a fund for ecological improvement on an *augier* basis.

[223] Having carefully considered the evidence, we are satisfied that given the consultation since the hearing, the updated package of management plans, and updated set of conditions, the proposal is consistent with all relevant provisions of the Biodiversity Chapter of the SRPS.

Proposed Southland Water and Land Plan (pSWLP)

[224] As detailed in Ms Smith's s42A Report [112] the pSWLP is partially operative although all appeals are yet to be resolved through the Environment Court. The provisions subject to appeal relate to groundwater takes, weed and sediment removal for drainage maintenance, and incidental contaminant discharges from agricultural land use. The proposal includes a groundwater take, and this is considered under the earlier Regional Water Plan. No other matters under appeal relate to the proposal, so the relevant provisions for all other activities proposed are considered operative.

[225] Ms Smith considered that the Application is at least inconsistent and potentially contrary with Policy 28A, which states:

> ***Policy 28A – Rivers***
> *(1) The loss of river extent and values is avoided, unless the council is satisfied that:*
> *(a) there is a functional need for the activity in that location; and*
> *(b) the effects of the activity are managed by applying the effects management hierarchy.*

[226] We have discussed these matters above as directed under the NPS-FM where we have concluded that there is a functional need for the activity in the proposal location, and the Applicant has appropriately applied the effects management hierarchy. Having carefully considered the evidence, we are satisfied that given the consultation since the hearing, the updated package of management plans, and updated set of conditions, the proposal is consistent with Policy 28A.

[227] Ms Smith further considered the proposal against Policy 32, which states:

> ***Policy 32 – Protect significant indigenous vegetation and habitat***
> *Protect significant indigenous vegetation and significant habitats of indigenous fauna and maintain indigenous biodiversity associated with natural wetlands, lakes and rivers and their margins.*

[228] She stated that *"Indigenous biodiversity associated with the Waikaka Stream and Shepherds Creek and their margins would not be maintained during the diversions until after successful rehabilitation. Effects on indigenous biodiversity is proposed to be mitigated through minimising effects during diversions, and reestablishment of habitat during rehabilitation".*[113] In her Supplementary s42A Report[114], she considered the policy could be achieved through the development of rehabilitation and fish management plans, and monitoring conditions. Having carefully considered the evidence, we are satisfied that given the consultation since the hearing, the updated package of management plans, and updated set of conditions, the proposal is consistent with Policy 32.

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[112] Alexandra Smith, s42A Report, Southland Regional Council, para 3.4.32-3.4.36
[113] Alexandra Smith, s42A Report, Southland Regional Council, para 3.4.32-3.4.36.
[114] Alexandra Smith, s42A Reporting Officer Response, 4 December 2025.

Regional Water Plan for Southland 2010 (RWP)

[229] We accept Ms Smith's assessment where she concludes the application is consistent with the policies relating to groundwater abstraction and use within the RWP. We received no evidence to the contrary.

Regional Air Quality Plan 1999 (RAP)

[230] We accept Ms Smith's assessment where she concludes the application is consistent with the RAP. We received no evidence to the contrary.

Offsetting or compensation measures

[231] As previously discussed in Para 193, we accept the Applicant's legal submissions and accordingly, we do not consider the offer of a condition requiring funding for ecological improvement to represent a formal "offset" or "compensation" in terms of s104(1)(ab) but rather a positive effect from the proposal in terms of s104(1)(a). Regardless, we consider it is a significant positive effect that assisted us in making our final decision.

Other matters under s104(1)(c)

[232] As previously established, the Te Tangi a Tauira – The Cry of the People (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008) is a relevant other matter. Ms Collie considered the proposal is generally consistent with the relevant provisions.[115] Ms Smith arrived at the same conclusion.[116] Given the consistent planning evidence, we find the proposal to achieve consistency with the IMP.

[233] DoC's planning evidence asserted that the Southland Murihiku Conservation Management Strategy (SMCMS) is a relevant document for the purposes of 104(1)(c) and that the proposal is not consistent with it. We asked Ms Smith to advise us on whether the Strategy is relevant to our decision under s104(1)(c) and if so, her opinion as to the whether the Proposal is aligned or not with the outcome statement and key policies.[117]

[234] In response, Ms Smith stated that:

- the CMS is relevant as an 'other matter' under s104(1)(c) of the RMA.
- the level of weight given to the CMS may be less than other higher order planning documents listed in s104(b), though similar in weight to other documents considered under s104(c) such as Te Tangi a Tauira (Ngāi Tahu ki Murihiku Natural Resource and Environmental Iwi Management Plan 2008).
- the application is not wholly consistent with the outcome statement and key policies within section 2.6 of the CMS.

[115] Anita Collie, Statement of Evidence, 19 November, para 276.
[116] Alexandra Smith, s42A Report, Southland Regional Council, para 3.4.32-3.4.41.
[117] Panel Directive #4

- greater consistency can be achieved through the actions currently in progress, specifically: development of a detailed table of contents by freshwater ecology experts for two management plans; further detail on other management plans being developed by the applicant; and further development of robust conditions of consent (including adaptive management provisions) by the planners involved in this application.

[235] Ms Davidson in her Reply Submissions reached a different view and stated that:

- the SMCS has extremely limited relevance to the application
- a conservation management strategy is not intended to apply under the RMA and is targeted primarily at resources managed by the Department under other legislation
- the SMCMS does not provide substantive assistance to the Commissioners in this case. At most it provides a rationale and context for DoC's involvement as a submitter.
- The proposal is not "inconsistent" with the policies Ms McLeod and Ms Smith refer to.
- Even if the policies were to somehow be applied in a substantive sense, their content is reflective of outcomes already sought in the relevant RMA documents.
- Even if the proposal was not consistent, any consistency does not somehow get double counted or made more important through also allegedly being inconsistent with a document prepared under a different statute.

[236] Having considered the evidence and legal submissions, we agree with Ms Davidson's legal interpretation that the SMCS has limited relevance to the application. We are satisfied that the policy matters referred to by Ms McLeod and Ms Smith are appropriately articulated within the RMA instruments and have been properly assessed under the RMA planning framework.

OVERALL FINDINGS ON REGIONAL PLANNING DOCUMENTS

[237] Having carefully considered the evidence, we are satisfied that given the consultation since the hearing, the updated package of management plans, and updated set of conditions, the proposal is consistent with the relevant regional planning documents.

SECTION 104D

[238] As a non-complying activity, the application must go through a two-step process[30]. First it must be assessed against the gateway test of section 104D of the RMA; only if it satisfies one or other of those two tests can it then proceed to be fully assessed on its merits against the other provisions of section 104 of the RMA.

[239] Ms Smith in her s42A Report did not arrive at a firm conclusion under s104D. She considered that, subject to additional evidence being provided, the adverse effects of the stream diversion are more than minor, and that the activity is inconsistent with strong directive provisions of the relevant planning documents.[118] However, in her supplementary evidence, she reconsidered her position and stated subject to appropriate consent conditions, the proposal would be either inconsistent or consistent

[118] Alexandra Smith, s42A Report, para 4.2.2

with the relevant policies and not contrary. She considered the application could meet at least one of the gateway tests and therefore could be granted.[119]

[240] The first test, Section 104D(1)(a), requires that we consider only the adverse effects of the activity on the environment. Whatever benefits are alleged are not a relevant consideration – they belong to the subsequent overall assessment. Furthermore, in considering whether the adverse effect on the environment is minor, the effects to be considered are as proposed to be remedied or mitigated – and also take into account the baseline of effects permitted and the nature of the existing environment.

[241] Given our findings on effects in Paras 205-206, we find that the application passes the first gateway test of Section 104D(1)(a) because, based on the evidence, ecological effects, recreational effects, and other matters will be no more than minor.

[242] Turning to the second test, Section 104D(1)(b), the test is whether the activity is contrary to the respective objectives and policies of the SWLP, RCP, RWP and RAP.

[243] Given our findings on the regional planning documents in Para 237, we find that the application satisfies the second gateway test of Section 104D.

[244] Having met both gateway tests the application can therefore proceed to full assessment under Section 104 and 104B.

SECTION 105 RMA

[245] Section 105(1) matters need to be considered as the application is for a discharge that would contravene s.15. Under s.105(1), the consent authority must also have regard to:

(a) the nature of the discharge and the sensitivity of the receiving environment to adverse effects;
(b) the applicant's reasons for the proposed choice; and
(c) any possible alternative methods of discharge, including discharge into any other receiving environment.

[246] We have had regard to these matters and adopt Ms Smith's assessment as set out in her s42A Report.[120]

SECTION 107 RMA

[247] Section 107(1) states that a discharge permit should not be approved if, after reasonable mixing, the contaminant is likely to give rise to adverse effects, including:

(c) the production of any conspicuous oil or grease films, scums or foams, or floatable or suspended materials:
(d) any conspicuous change in the colour or visual clarity:
(e) any emission of objectionable odour:
(f) the rendering of fresh water unsuitable for consumption by farm animals:
(g) any significant adverse effects on aquatic life.

[248] We agree with Ms Smith's assessment of these matters and we are satisfied that the proposal will not result in any of the effects listed in section 107(1).[121]

[119] Alexandra Smith, s42A Reporting Officer Response, 4 December 2025.
[120] Alexandra Smith, s42A Report, para 3.5.1-3.5.5.
[121] Alexandra Smith, s42A Report, para 3.6.1-3.6.4.

DURATION

[249] The application sought a duration of 20 years for all resource consents. Some submissions commented that the duration sought is longer than the applicant requires and should be shorter, based on the planned life of the mining activities.

[250] We received no compelling evidence to support a lesser period of consent duration and we find that a 20 year period of consent acceptable.

CONDITIONS s108 and S108AA

[252] Ms Smith recommended a suite of consent conditions in her s42A Report. The Applicant's submissions in Reply attached a set of conditions containing several amendments as discussed throughout this Decision. We have generally adopted the Reply version of conditions except where otherwise discussed throughout this Decision.

[253] Should the applicant or SRC identify any minor mistakes or defects in the attached conditions, then we are prepared to issue an amended schedule of conditions under s133A of the RMA correcting any such matters. Consequently, any minor mistakes or defects in the amended conditions should be brought to our attention prior to the end of the 20-working day period specified in section 133A of the RMA.

[251] Our final suite of conditions are attached in **Schedule 1**.

PART 2 – RMA

[252] Ms Smith included an assessment of the proposal against Part 2 where she concluded that the application is considered to be generally consistent with the relevant provisions of Part 2, with some inconsistency with s5(c), s6(c) and s6(e).[122]

[253] Ms Collie in her Statement of Evidence[123], did not consider that an assessment of Part 2 matters was required. Ms Davidson in her Reply submissions did not consider it necessary to resort to Part 2.[124]

[254] We are aware of the case law which outlines that if the lower order statutory instruments appropriately deal with Part 2 matters, then no further assessment of Part 2 matters is required.

[255] We agree with Ms Collie and Ms Davidson that it is unnecessary to resort to Part 2 in this case. However, for completeness we note that the matters contained in s5(c), s6(c) and s6(e) (as identified by Ms Smith in her Part 2 assessment) are appropriately dealt with in the relevant planning instruments.[125]

CONCLUSION and DECISION

[256] Acting under delegated authority pursuant to Section 34A, and Sections 104, 104B, 104D, 108, 108AA of the Resource Management Act 1991, the application made by, is granted, subject to conditions.

[122] Alexandra Smith, s42A Report, para 3.7.8.
[123] Anita Collie, 19 November, Statement of Evidence, para 284.
[124] Asher Davidson, Reply Submissions, 19 December 2025, para 25.
[125] Alexandra Smith, s42A Report, para 3.7.8.

[257] This decision is made for the reasons discussed throughout and, in summary, because:

(a) The activity that is **granted** is consistent with the purpose and principles of the Resource Management Act 1991;

(b) Subject to the imposition of appropriate conditions, the activity that is **granted** is generally consistent with the provisions of the proposed Southland Water and Land Plan, Regional Water Plan, and Regional Air Plan; and

(c) The activity that is **granted** is unlikely to have any significant adverse effects on the environment provided the conditions imposed are fully implemented.

[258] The consent conditions attached as **Schedule 1** are imposed.

DATED this 27th day of February 2026.

Ian Boothroyd (Independent Commissioner - Chair)

Ros Day-Cleavin (Independent Commissioner)

Stephanie Dijkstra (Independent Commissioner)

Schedule 1 – Conditions Imposed

LU 24035 Gore District Council Condition Set

General

1. The activity must be carried out in accordance with the plans and all information submitted with the application and subsequent further information received. If there are any inconsistencies between the information provided in the application and the conditions of consent, the conditions of consent will prevail.

2. This consent shall not be exercised and no work or activity associated with it may be commenced or continued until the following charges have been paid in full: all charges fixed in accordance with section 36(1) of the Resource Management Act 1991 and any finalised, additional charges under section 36(3) of the Act.

3. The consent holder is liable for costs associated with the monitoring of this resource consent under Section 35 of the Resource Management Act 1991.

4. The active work area, comprising the mine pit and area where rehabilitation is underway shall be a maximum of 20 hectares at any one time. The active work area excludes stockpiling areas, land stabilised by vegetation, mulch or other equivalent method, workshop, haul roads, internal vehicle parking and manoeuvring areas, site office, settling ponds, bunds and any other ancillary activities.

5. The duration of consent shall be 20 years from the commencement of the consent.

6. The consent holder must notify the Gore District Council and Environment Southland in writing of the start date at least 10 working days prior to the commencement of the activity.

7. Prior to commencing the activity, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction. The Environmental Site Induction must include a briefing on the contents of the consent documents and any documents referred to in the conditions of this consent. A copy of the consent documents and any documents referred to in the conditions of consent shall be accessible on site at all times.

8. Resource consents AUTH-20242608 (Environment Southland) and LU 24035 (Gore District Council) shall be exercised in conjunction with each other.

9. The area of mining and associated infrastructure shall not exceed 100 hectares and the maximum depth of excavation shall be 50 metres.

10. The maximum area of active mine pit shall be 5 hectares.

    Advice note: The area of active mine pit does not include areas that have been completely backfilled to above the natural water table level of 1.5m below land surface, nor of areas of topsoil stripping where the depth of excavation is not yet below the natural water table level of 1.5m below land surface.

11. The mine pit shall be set back a minimum of 30 metres from:
    a. The Waikaka Road legal boundary, and
    b. the Waikaka Stream and Shepherd's Creek, as measured from the edge of the wetted channel, and
    c. the L&M pond.

    Advice note: Setbacks apply to mining activity, and not works to facilitate stream diversions, internal roads and drainage. Setbacks do not apply to paper roads where mining is indicated to occur within the setback on the approved plans.

12. Prior to commencing the activity, the Consent Holder shall nominate an Environmental Representative for the works program.

13. The Site Manager or another nominated person (the 'back-up contact') shall be available at all times including outside mine operational hours to respond to any complaints. Contact details for the Site Manager and the back-up contact shall be provided to the Consent Authorities and Hokonui Rūnanga prior to the commencement of the activity.

Consultation with Hokonui Rūnanga

14. A draft copy of the Environmental Management Plan (EMP) required by these consents shall be provided to Hokonui Rūnanga prior to lodgement with the relevant Consent Authority. Hokonui Rūnanga shall be afforded at least 20 working days to provide feedback on the draft management plan. If no feedback is received from Hokonui Rūnanga in that timeframe the consent holder is not obliged to wait for feedback.

15. Hokonui Rūnanga shall be invited to participate in the annual review of the EMP required by these consents. The Consent Holder shall provide Hokonui Rūnanga with at least 20 working days' notice of the annual review of a management plan and invite feedback on the existing management plan.

16. When submitting the EMP for certification or re-certification, the consent holder shall also provide to Consent Authorities a copy of any feedback from Hokonui Rūnanga and a description of amendments made in response to that feedback.

Environmental Management Plan

17. Prior to undertaking any mining activity authorised by this consent, the Consent Holder must submit an Environmental Management Plan (EMP) to Environment Southland and Gore District Council for certification that the EMP is consistent with the conditions of consent.
    a. The Objective of the EMP is to provide an overview of operational procedures for compliance with the conditions of consent and to provide an integrated framework for environmental management of the project.
    b. The EMP shall include at a minimum the following information:
        i. A list of relevant resource consents and their conditions.

ii. A description of how compliance with the conditions of the resource consents will be achieved.
iii. Staff roles and responsibilities for compliance with resource consent conditions.
iv. Staff training and induction.
v. Incident response.
vi. Monitoring programmes and reporting of results.
vii. A list of other management plans and a description of how these inter-relate, including an Erosion and Sediment Control Plan, AMD Management Plan, Stream Diversion and Rehabilitation Management Plan, Dust Management Plan, and Fish Management Plan.
viii. Communication protocols with Councils, neighbours, and Hokonui Rūnanga.
ix. Complaints management procedures.
x. Contingency measures in case of project abandonment.

Certification and Amendments to Management Plans

18. Any management plan required by these resource consents must be certified in accordance with the below requirements.
    a. The timing of certification and the Consent Authority responsible for certification is specified in the condition specific to each management plan.
    b. If the Consent Holder has not received a response from the Consent Authority within 20 working days of the date of submission for certification, the management plan must be deemed certified.
    c. If the response from the Consent Authority is that they are not able to certify the management plan, such a response must include detailed reasons with reference to the conditions of consent that the Consent Authority considers the management plan does not meet. The Consent Holder must consider any reasons and recommendations provided by the Consent Authority, amend the management plan accordingly, and resubmit the management plan for certification to the Consent Authority. If the Consent Holder has not received a response from the Consent Authority within 10 working days of the date of resubmission for certification, the management plan must be deemed certified.
    d. Management Plans for certification are:
        i. Environmental Management Plan (Condition 17)
        ii. Stream Diversion and Rehabilitation Management Plan (Condition 28)
        iii. Fish Management Plan (Southland Regional Council AUTH-20242608 condition 30)
        iv. Acid and Metalliferous Drainage Management Plan (AMDMP) (Southland Regional Council AUTH-20242608 condition 77)
        v. Dust Management Plan (Southland Regional Council AUTH-20242608 condition 86)
        vi. Erosion and Sediment Control Plan (Condition 34)
        vii. Geotechnical Management Plan (Condition 54)
        viii. Site Management Plan (Condition 64)
        ix. Flood Management Plan (Condition 67)
        x. Closure and Land Rehabilitation Management Plan (Condition 70)

19. The Consent Holder may amend the management plans at any time, in a way that is consistent with the conditions of this resource consent.

20. All management plans must be reviewed at annually or if there is a material change to the activity or effects. The purpose of the review is to ensure that the management plan remains fit for purpose and to address any changes required to respond to any non-compliance or monitoring results in the previous year.

21. If the management plan is amended, a copy must be provided to the Consent Authority within 15 working days of its review/amendment, for re-certification in accordance with Condition 18. Where any management plan is amended or reviewed, the activity may continue in accordance with the previously certified version, until the revised version is certified by the Consent Authority.

22. Subject to any other conditions of these consents, all activities must be undertaken in accordance with the latest version of the certified management plans. All management plans must be accessible on site.

Complaints

23. The consent holder must maintain a complaints register setting out:
    a. details of any complaints received, including those relating to activities undertaken on the site and the movement of vehicles to and from the site. Such details must include the time and date of the incident subject to complaint and the name and contract details of the complainant;
    b. an assessment of the incident subject to complaint; and
    c. any action taken by the consent holder.

    The complaints register must be available for inspection by Environment Southland and Gore District Council staff at any time.

24. No later than 31 July each year, the consent holder must advise Environment Southland and the Gore District Council of any complaints received during the previous 12-month period from 1 July to 30 June, and provide details from the complaints register.

Spills

25. In the event of a spill of fuel or any other contaminants the Consent Holder shall:
    a. Undertake all practicable measures as soon as possible to contain the contaminant.
    b. Ensure that the contaminants and any material used to contain it are removed from the site and disposed of at a facility authorised to receive the material.
    c. For any spill greater than 20 litres, notify the Consent Authorities of the spill and of the actions taken to remediate and mitigate any adverse environmental effects.

Archaeological sites

26. If any artefact and/or any historical, cultural or archaeological material, or any item likely to have significance to Māori, is found or uncovered during the undertaking of activities, the measures outlined in the Accidental Discovery Protocol attached as Appendix A shall be followed.

Review of consents

27. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period of three months following the date of granting of this consent each year, or within two months of any enforcement action taken by the Consent Authority in relation to the exercise of this consent, for the purpose of:
    a. Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent; or
    b. Ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or
    c. Reviewing the frequency of monitoring or reporting required under this consent to alter these.

Stream Diversion and Rehabilitation Management Plan

28. Prior to the creation of any temporary diversion channels, the Consent Holder shall prepare a Stream Diversion and Rehabilitation Management Plan (SDRMP). The SDRMP must be based on the draft Table of Contents and indicative content and associated schedule dated 19 December 2025 and updated where necessary to ensure compliance with these conditions.

    a. The objective of the SDRMP is to provide for the effective creation of stream diversions during works within the Waikaka Stream and Shepherd's Creek and to ensure the effective rehabilitation of aquatic and associated terrestrial ecological values, and natural character values of the Stream and Creek in accordance with the relevant conditions of this consent.

    b. The SDRMP shall include at a minimum the following information, as relevant to both temporary diversion channels and rehabilitated stream channels:

        i. The relevant conditions of consent and how compliance with these will be achieved.

        ii. Detailed channel design.

        iii. Construction methodology and procedures for the diversion of surface water from the stream to the diversion channel.

        iv. Mitigation measures to minimise erosion and entrainment of sediment in surface water during construction and diversion.

        v. Suspended sediment monitoring protocols.

vi. Planting specification and monitoring plan for rehabilitation channels only. This must include planting locations, plant species mixes, planting densities or numbers, and plant grades.

vii. The methods and management actions proposed to ensure the natural character enhancement and rehabilitated indigenous vegetation will be achieved.

viii. A list of additional mitigation measures that may be used in case actions are required as a result of monitoring under condition 38 and 44.

c. Certification of the rehabilitation plan under Condition 18 by the Gore District Council shall be limited to confirm that:

- no net loss of indigenous riparian planting is achieved, based on the pre-removal plant survey required by condition [94]; and
- the proposed rehabilitation design is sufficient to restore and maintain the natural character of the stream and creek margins.

Rehabilitation of Waikaka Stream and Shepherd's Creek

29. Rehabilitation of diverted sections of the Waikaka Stream and Shepherd's Creek shall begin as soon as practicable following completion of mining and backfilling in the affected reach. Riparian planting shall be undertaken in the within first planting season following reinstatement of stream channel.

30. Prior to the construction of any rehabilitated stream channel, the Consent Holder shall prepare, in consultation with a suitably qualified ecologist, landscape architect, river engineer and Hokonui Rūnanga, a detailed design for the channel and habitat features as a component of the SDRMP . The design shall be provided to Environment Southland and Gore District Council 20 working days prior to constructing the diversion channel, for certification under Condition 18 that the design complies with condition 32 of this consent.

31. Rehabilitation of stream channels shall be undertaken with the objective of achieving a net gain, but in any event no net loss, in the ecological value of the rehabilitated stream reach after completing the rehabilitation works. For the purposes of this condition, 'net gain' means that all of the objectives listed in Appendix B have been achieved or exceeded. For the purposes of this condition 'no net loss' means that the objectives listed in Appendix B are generally met and confirmed by a suitably qualified professional ecologist that there is no net loss of ecological values compared to the pre-mining baseline.

32. At a minimum, rehabilitated reaches shall include:
   a. A planted riparian margin which meets the following specifications:
      i. Planting width shall be the current width or 5 metres on each bank, whichever is the greater.
      ii. Hybrid willows and grass may be used on the riparian margins for bank stability and provision of shade.

iii. Planting will consist of locally appropriate native species, except as otherwise provided for in this consent.
iv. All indigenous vegetation removed shall be replaced in accordance with the indigenous vegetation survey required under Condition [38], to ensure no net loss.
v. Plants shall be spaced appropriately on the advice of a suitably qualified person, however generally spacings are to achieve the fullness and density shown on the planting concept plan "*Riparian Planting Plan – Waikaka Stream Southland*" dated 28 November 2025.
vi. Maintenance of the planting for a period of 3 years after establishment, including weed control and replacement of any failed plants at the next appropriate planting season.

b. Erosion protection on outer bends sufficient to maintain channel stability and minimise sediment discharge.
c. An approximately even distribution of pool, riffle, and run habitat types.
d. A cobble and gravel substrate in the low flow channel.
e. At least 4 new backwater areas (in total, not per rehabilitation) connected to the rehabilitated stream channel and located within the rehabilitated channel footprint.
f. Areas within the riffles with suitable sized (10 – 50mm) brown trout spawning gravels .
g. Habitat variability, including features such as larger boulders, gentle meanders, and in-channel fish-shelter structures such as securely anchored large woody debris.

Advice note: Crack willow may be used as large woody debris, however should be confirmed dead before used in the channel to avoid resprouting.

33. The hours of operation are:
    a. 07:00 and 19:00 Monday to Saturday, for all mining and processing activity on the site including associated heavy plant and truck movements. These works must not occur on any Sunday or public holiday.
    b. Unrestricted in respect of emergency works, machinery maintenance, dust control, and dewatering.

Erosion and Sediment Control

34. All earthworks shall be carried out in accordance with a site-specific Erosion and Sediment Control Plan (ESCP), prepared by a suitably qualified and experienced professional. The ESCP must be provided to Gore District Council at least 20 working days prior to the commencement of earthworks for certification that it documents, as a minimum:
    a. A description of the stage of works to which the ESCP applies;
    b. The location and function of all erosion and sediment controls;
    c. Controls to prevent muddy water flowing beyond the boundaries of the site, or into a river or drain.

35. The ESCP may be staged and relate to a specific area or duration of works.

36. The ESCP must be updated when:
    a. The construction program moves from one stage to another; or

b. Any significant changes have been made to the construction methodology since the original plan was accepted for that stage; or
c. There has been an environmental incident and investigations have found that the management measures are inadequate.

37. Prior to any earthworks operations (and vegetation clearance) for the initial stage or any subsequent new stage of works, the Consent Holder must install erosion and sediment controls in accordance with the ESCP as well as provide as-built documentation for these controls by Suitably Qualified and Experienced Person.

Indigenous Vegetation

38. Prior to the commencement of stream diversion or vegetation clearance works, the Consent Holder shall undertake a survey of indigenous vegetation within the project area. The survey shall:
    a. Identify and quantify the number, type, and location of indigenous plants to be removed or disturbed;
    b. Record the ecological values associated with those plants, including any species of conservation concern;
    c. Be provided to the Gore District Council.

Landscape

39. The Consent Holder shall establish bunding for visual mitigation around the infrastructure. Bunds shall be grassed upon completion and no less than 2 metres high. Should the Infrastructure Area be moved, 2m high bunding must be established around the new area.

    Construction of bunds must begin as soon as practicable following completion of the Infrastructure Area and excavation of the Starter Pit. Bunds must be fully installed prior to the mine disturbance area exceeding 1 hectare, unless otherwise agreed in writing with the Gore District Council.

    Bunding must certified by a suitably qualified landscape architect within 20 working days of completion to confirm appropriate height and location.

40. All stockpiles must be no higher than 10 metres above natural ground level.

41. Stockpile 1 (SP1) must not exceed the following design perimeters:
    a. Maximum volume of 446,000 cubic metres.
    b. Maximum base dimensions 300 m x 150 m, covering 4.5 ha.
    c. 1:2 side slopes.
    d. A 10m wide strip for the drainage collection surrounding the stockpiled material.

42. Areas where mining has been completed must be backfilled and reinstated as soon as practicable to blend with surrounding contours. Overburden backfilling shall occur progressively as works advance. Topsoil spreading and pasture establishment shall also occur progressively, but subject to suitable seasonal conditions to maintain topsoil quality and support successful grass growth.

Topsoil spreading and re-grassing may be deferred until the next appropriate season, provided that all other reinstatement works for that area have been completed. Reinstated areas must be re-established in pasture and irrigated as necessary to support successful grass growth.

Transport

43. All carpark spaces and manoeuvring areas shall comply with Appendix E of the GDC Subdivision and Land Development Bylaw 2019. On-site manoeuvring shall be provided to ensure vehicles exit the site in a forward gear.

44. Parking along the roadside adjacent to the mine site is prohibited for all staff and mining operation traffic.

45. All traffic associated with mining activities shall enter and exit the site via a single designated access point. Only one main site access shall be used at any given time.

46. At least 30 working days prior to construction, the access location and design must be submitted to Council for certification. The access must be constructed prior to the mining activity (including establishment of the infrastructure area) commencing onsite. The vehicle accesses shall be designed in accordance with Diagram R09-2 High Use or Primary Commercial Rural Access appended to this condition set.

47. Prior to use for access to the mine, any vehicle access will be sealed to a depth of 10m from the legal road boundary and will be compacted gravel from that point internal to the site.

48. Prior to use for access to the mine, the following signage must be established on the vehicle access:
    a. "Exclamation mark" signs (T2A) with "Trucks Crossing" (T217) supplementary signs are erected on white painted 100x100 timber posts during the site establishment. These shall be placed a minimum of 100m each side of the access where they can be seen from a minimum of 150m by approaching traffic, and
    b. "Give Way" (RP2) signs shall be mounted on the access roads, inside the property boundary, for exiting traffic.
    c. All signs shall be 750mm size.

49. The consent holder must obtain the necessary Overweight Permits from GDC for all truck and trailer combinations.

50. A pre and post construction road condition inspection must be undertaken on routes utilised by loads/vehicles which require overweight permits and supplied to Gore District Council Roading Manager. Any damage attributable to construction traffic must be repaired at the consent holders' cost immediately on completion of the construction of the plant area.

51. The site access and all roads used to and from the site within a radius of 200m shall be maintained in a tidy condition and kept free of tracked dirt or debris resulting from mining activities.

Servicing

52. Prior to the commencement of mining operations, the consent holder shall advise the Gore District Council of the proposed method of onsite water servicing, being either rainwater collection or water delivery. The consent holder shall provide written confirmation that the water supply is verified as potable and suitable for staff use, including evidence of testing or certification from a suitably qualified person. Any rainwater collection system must be verified as being potable; this shall include provision for UV filters or UV treatment or alternative treatment provision.

53. Prior to undertaking any mining activity authorised by this consent, the Consent Holder must advise the Gore District Council of the proposed method for managing domestic wastewater.

    Advice Note: Onsite disposal will require building consent.

Geotechnical

54. At least 20 working days prior to commencement of mining the Consent Holder shall prepare and submit to the Gore District Council a Geotechnical Management Plan (GMP) prepared by a suitably qualified and experienced person for certification that it meets the requirements of this condition. The GMP shall incorporate the recommendations of the Tonkin & Taylor Ltd Waikaka Mine Geotechnical Assessment (August 2022) and shall include, but not be limited to:
    a. Defined slope configurations, berms, and batter angles for internal and boundary pit slopes, with reference to factors of safety appropriate to each.
    b. Monitoring protocols including piezometer installation, survey benchmarks, and regular walkover inspections.
    c. Trigger action response plans (TARPS) for slope instability, seepage, or deformation.
    d. Procedures for reassessing slope stability and modifying slope designs during the mine life.
    e. Measures to manage trafficability, backfill placement, and groundwater inflows.
    f. The GMP shall acknowledge that geotechnical parameters may be refined over time based on site observations and monitoring data. Any updates to the GMP shall be provided to the Council within 20 working days of implementation.

55. In the event a terminal void eventuates, it shall have a slope gradient of 3H:1V for long term slopes surrounding the terminal void, with local berms to establish a riparian environment around the void edges.

Signage

56. Prior to the commencement of mining operations, the consent holder shall provide to the Gore District Council the final design and location of the main access sign and additional boundary signage. The main access must comply with the following design parameters unless otherwise agreed by Council:
    a. The sign must be a maximum of $4m^2$
    b. Lettering must be at least 125mm high

c. The top of the sign must be no more than 3m above ground level.
d. The sign may be freestanding or affixed to boundary fencing.

57. Additional boundary signage must be no larger than $0.25m^2$ per sign.

Public access

58. Prior to restricting public access to the Waikaka Stream and Shepherds Creek downstream of the Waikaka Bridge, signage must be established. The signage must inform the public about the duration of the closure and the location of alternative access.

Noise

59. Site-based trucks, plant, and machinery must not be fitted with tonal reversing alarms. Broadband reversing alarms are permitted.

60. Noise from all mining activities on site, including those considered to be related to the construction of the project, shall not exceed the following limits on any day when measured at the notional boundary of any noise sensitive activity on a site other than the proposal:

    7.00 a.m. to 10.00 p.m. 55dBA Leq
    10 p.m. to 7.00 a.m. 40dBA Leq
    10 p.m. to 7.00 a.m. 75dBA Lmax

    Notional boundary means a line 20 metres from the facade of a building containing a noise sensitive activity, or the legal boundary where this is closer to the building.

    Sound shall be measured in accordance with the provisions of NZS 6801:2008 Acoustics - Measurement of Environmental Sound and assessed in accordance with the provisions of NZS 6802:2008 Acoustics - Assessment of Environmental Noise.

Light Spill

61. The emission of light spill and/or glare measured at the boundary of the site shall not exceed 5 lux.

62. The Consent Holder shall engage a suitably qualified person to measure and verify that lighting complies with Condition 61 of this consent. A copy of the certification shall be provided to Council prior to the commencement of mining.

Hazardous substances

63. Any diesel must be stored on-site within a containment facility that adheres to the Health and Safety at Work (Hazardous Substances) Regulations 2017. A copy of the Emergency Response Plan that is a requirement of the Health and Safety at Work (Hazardous Substances) Regulations 2017 must be provided to Council before diesel storage on the site commences.

Potentially contaminated land

64. Prior to the commencement of earthworks within the area bounded by the following map coordinates, and as shown in Figure 1 below, the Consent Holder must submit a Detailed Site Investigation (DSI) and Site Management Plan (SMP) prepared by a Suitably Qualified and Experienced Practitioner (SQEP). An SMP is not required if the SQEP advises that, based on the results of the DSI, soil contamination does not exceed the applicable standard.

    North - 169.0000894°E 45.9488537°S

    East - 169.0013425°E 45.9495540°S

    West - 168.9991484°E 45.9493565°S

    South - 169.0001806°E 45.9501748°S

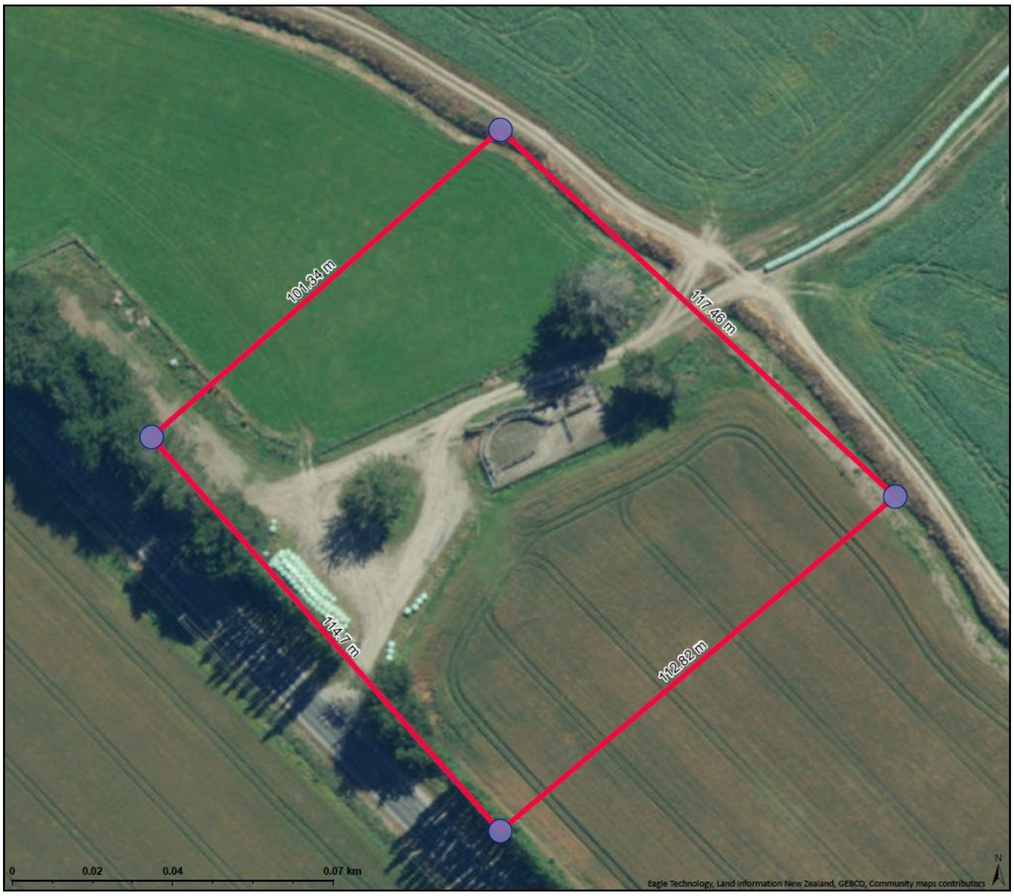


Figure 1 Area bounded by grid coordinates in condition 64.

65. If any unexpected contaminated soil or material is uncovered by any earthworks, an accidental discovery protocol shall be implemented, including the following steps:
    a. Earthworks within ten metres of unexpected contaminants must cease immediately;
    b. All practicable steps must be taken to prevent the contaminated material becoming entrained in stormwater. Immediate steps must include:

    i. diverting any stormwater runoff from surrounding areas away from the contaminated material; and
    ii. minimising the exposure of the contaminated material, including covering the contaminants with an impervious cover;
c. Notification of the discovery to Council within 24 hours;
d. Earthworks within ten metres of unexpected contaminants must not recommence until a suitably qualified and experienced contaminated land practitioner confirms that continuing earthworks does not represent a significant risk to the environment;
e. All records and documentation associated with the discovery must be kept. This includes any:
    i. Load registers and weighbridge dockets for soil taken from the Works Area;
    ii. Analytical results for soils removed from the Works Area;
    iii. Advice provided by the CL-SQEP, and laboratory analysis for future reference.
f. Copies of the records and documentation collected under e) for unexpected contamination discoveries shall be provided to the Council within two months of the discovery.

Flood Mitigation

66. All temporary diversion channels and reconstructed sections of the Waikaka Stream and Shepherd's Creek must have sufficient capacity to contain a 1 in 20-year AEP flood event.

67. Prior to the commencement of mining the consent holder must submit to the Gore District Council a Flood Management Plan (FMP) for certification that it meets the requirement of this condition. The FMP shall outline the proposed flood management provisions and procedures to be followed to manage flood hazard, including:
    a. The design plan for temporary bunding in accordance with the recommendation of the report titled: RE: Updated Diversion Details, Flood Hazard Analysis, and Flood Mitigation Evaluation Summary Report — Waikaka River (REVISION B), by RJ Hall and Associates Ltd, dated 31/05/2024.
    b. Monitoring of rainfall and river flows.
    c. Identification of rainfall and river flow triggers for action.
    d. Any temporary stabilisation works that need to be completed.
    e. Access routes for removal of equipment if necessary.
    f. Site inspections.
    g. Channel maintenance.
    h. Notification and reporting requirements.

Dust suppression

68. Dust emissions shall be managed to ensure there is no offensive or objectionable discharge beyond the boundaries of the site. Dust mitigation measures such as water carts, sprinklers or polymers shall be used on any exposed areas.

69. Prior to commencing the activity, the Consent Holder shall provide to the Council written confirmation that a Dust Management Plan has been certified by Environment Southland in accordance with condition 18.

Closure and rehabilitation

70. Prior to the commencement of mining, the Consent Holder submit to the Gore District Council a Closure and Land Rehabilitation Management Plan (CLRMP) for certification.
    a. The objectives of the CLRMP are to:
        i. Detail procedures for closure and disestablishment of the mine; and
        ii. Ensure progressive rehabilitation of the site to agricultural use ensuring the productive soil capacity is retained.
    b. The Rehabilitation Management Plan must include:
        i. Procedures for decommissioning of the mine infrastructure and removal of all structures, machinery and plant from the site.
        ii. Methods to preserve the topsoil resource and health to reinstate the productive value of topsoil.
        iii. The final planned surface contour of land following completion of mining, including any on-site drainage patterns. The final site contour is to integrate with the surrounding landform and restore the site to its pre-existing landform.
        iv. Methods and timeframes for re-grassing and restoring agricultural productivity of the mined land.

71. Following the completion of mining and prior to this resource consent expiring:
    a. All agricultural land used for mining and ancillary activities shall be rehabilitated to productive use.
    b. All mine infrastructure, machinery and plant shall be removed from the site.

72. For each mining cell, the period of disturbance shall not exceed two (2) years for mining and associated activities, followed by a maximum of three (3) years for rehabilitation to productive use, with the total period of disturbance and rehabilitation not exceeding five (5) years.

73. Areas occupied by site infrastructure, haul roads, and stockpiles shall be rehabilitated to productive use within two (2) years of cessation of mining activities.

74. Land, once rehabilitated, must be made available for productive use for the duration of the consent.

    Advice Note: For the purposes of this condition, "available" is defined in accordance with NPS-HPL clause 3.9(3) as land that is capable of being used for agricultural production, irrespective of whether it is actively farmed.

75. The consent holder must prepare an Annual Report and provide it to the Gore District Council by 31 July each year that mining occurs on site. The Report must detail the rehabilitation works completed in the preceding 12 month period from 1 July – 30 June, including:
    a. The contour and stability of all post-mining landforms.

b. Confirmation of areas returned to productive use and available for agricultural use.
c. The establishment of pasture cover and planting.
d. The restoration of drainage channels.
e. The removal of buildings, fixed plant/equipment and structures.
f. Any post-mining monitoring requirements.
g. Any post-mining weed and pest control requirements.
h. Any amendments made to the CLRMP in light of the work completed.

Bond for land rehabilitation

76. Prior to the commencement of mining, the Consent Holder shall enter into an enforceable agreement acceptable to the Council that provides a bond, pursuant to Sections 108(2)(b) and 108A of the Resource Management Act 1991. The purpose of the bond is to secure, in the event of any default by the consent holder, compliance with condition 71 of this consent.
77. The bond must be a cash bond or bank bond provided by a registered trading bank of New Zealand, acceptable to the Council. The guarantor shall bind itself to pay up to the bond quantum for the carrying out and completion of all obligations of the Consent Holder under the bond.
78. If the Consent Holder and the Council cannot agree on the terms of the bond, including the bond amount and any revised bond, the dispute must be resolved through an agreed dispute resolution process or referred to arbitration at the cost of the Consent Holder.
79. On the fifth anniversary of this consent being given effect to and every five years thereafter, the Consent Holder must provide a report to the Council which addresses whether the bond quantum should be revised. The purpose of the adjustment is to reflect changes in the risk profile of the mine or to the Consumer Price Index. The Council may peer review the report and must respond within three months of receipt of the report on the appropriateness of any proposed revised bond quantum.
80. If the consent is transferred in part or whole to another party or person, the bond lodged by the transferor shall be retained until any outstanding work at the date of transfer is completed or a replacement bond is entered into by the transferee, to ensure compliance with conditions of the consent unless the Council is satisfied adequate provisions have been made to transfer the liability to the new Consent Holder.
81. The Council shall release the bond once compliance with condition 71 is achieved.
82. All reasonable costs of, and incidental to, the preparation of documentation to meet Conditions 76-81, including the consent authorities' costs, shall be met by the Consent Holder.

Appendix A: Protocol in the event of a discovery, or suspected discovery, of a site of archaeological or cultural importance (Waahi Taonga/Tapu)

Upon the discovery of artefact discovery, the following shall take place:

1. In the event that Kōiwi (human skeletal remains) are discovered, the works in that area of the site shall cease immediately, and Tangata Whenua (Te Ao Marama Inc. and Hokonui Rūnanga), NZ Police and/or Heritage New Zealand Pouhere Taonga, and Environment Southland, shall be notified as soon as practicable.

    a. The site is to be immediately secured upon discovery to prevent further disturbance of the discovery site.

2. Taonga or artefact material (e.g. pounamu/greenstone artefacts) other than Kōiwi will be treated in a similar manner so that their importance can be determined, and the environment recorded by qualified archaeologists alongside the appropriate Tangata whenua. Te Ao Mārama Inc. and Hokonui Rūnanga are to be contacted in the event of a taonga or archaeological artefact discovery in accordance with the Protected Objects Act 1975.

    Contact details for Te Ao Marama Inc. are as follows:

    Te Ao Mārama Inc.
    98 Yarrow Street
    Invercargill, 9810
    Email: office@tami.maori.nz
    Phone: (03) 931 1242

    And

    Hokonui Rūnanga
    140 Charlton Road
    PO Box 114
    Gore 9740
    Email: hokonuioffice@ngaitahu.iwi.nz
    Phone: (03) 208 7954

3. In-situ (Natural State) Pounamu/Greenstone Accidental Discovery Pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997: All natural state pounamu/greenstone in the Ngāi Tahu tribal area is owned by Te Rūnanga o Ngāi Tahu. The Ngāi Tahu Pounamu Resource Management Plan provides for the following measures:

    a. Any in-situ (natural state) pounamu/greenstone accidentally discovered should be reported to the Pounamu Management Officer of Te Rūnanga o Ngāi Tahu as soon as is reasonably practicable. The Pounamu Management Officer of Te Rūnanga o Ngāi

Tahu will, in turn, contact the appropriate Kaitiaki Papatipu Rūnanga;

b. In the event that the finder considers the pounamu is at immediate risk of loss, such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground. The find should then be notified immediately to the Pounamu Management Officer.

c. The find should then be notified immediately to the General Manager, Te Ao Turoa, at Te Rūnanga o Ngāi Tahu.

   Ngai Tahu contact details are as follows:

   General Manager, Te Ao Turoa
   Te Rūnanga o Ngāi Tahu
   Te Whare o Te Waipounamu
   15 Show Place, Addington, PO Box 13 046
   Christchurch 8024
   Trudy.Heath@ngaitahu.iwi.nz

Archaeological Sites

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed. Not all archaeological sites are known or recorded precisely.

Where an archaeological site is inadvertently disturbed or discovered:

1. Further disturbance must cease until approval to continue is obtained from Heritage New Zealand; and

2. The New Zealand Police, Te Ao Marama Inc. and Hokonui Rūnanga also need to be advised if the discovery includes kōiwi tangata/human remains.

   Contact details for Heritage New Zealand are:

   Heritage New Zealand
   c/o Regional Archaeologist Otago/Southland
   PO Box 5467
   Dunedin 9058
   Phone: (03) 477 9871
   Email: infodeepsouth@heritage.org.nz

Appendix B Stream Characteristic Monitoring Parameters, Frequency, Location and Objectives

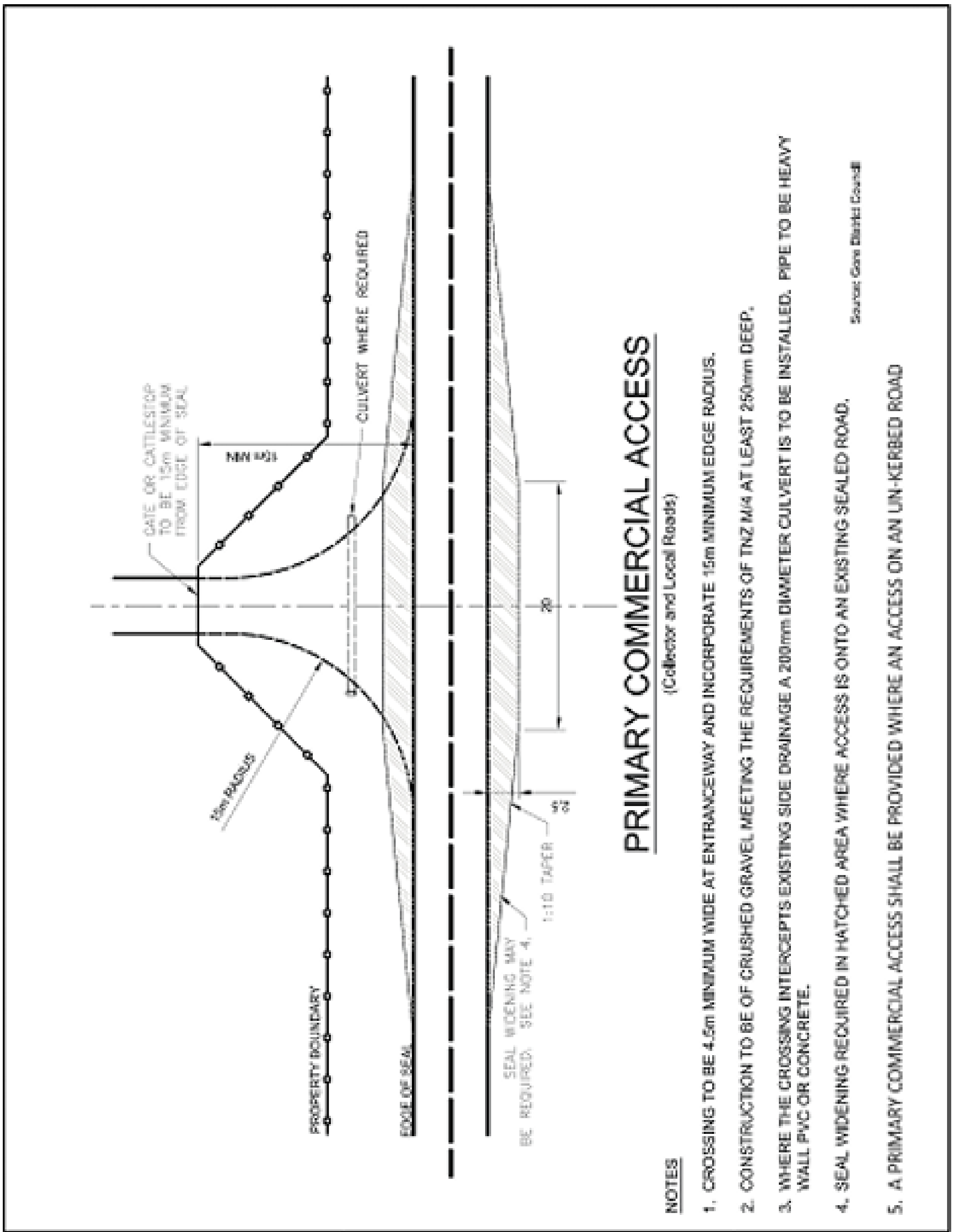
Parameter	Unit	Frequency	Location	Objective	Notes
Habitat Quality					
Effective shading of the channel	Percentage cover.	Baseline: Once prior to diversion After Rehabilitation: Annually until objective in condition 41 achieved	Within the reach that is to be diverted.	None	To parameter is monitored to inform broader ecological assessment. No objective is provided as temperature is a more appropriate measure.
Proportions and distribution of pool, riffle, and run habitats	Numbers of pools, runs and riffles and proportion of each	Baseline: Once prior to diversion After Rehabilitation: Once following construction.	Within the reach that is to be diverted.	Rehabilitation to replace with at least the same number of riffles and pools.	Baseline monitoring will guide the details of the design.
Water Quality					
Water temperature	Degrees Celsius	Baseline: Once prior to diversion After Rehabilitation: Annually until objective in condition 41 achieved.	Upstream control site and within the rehabilitated reach	<15% change compared to control	
Total suspended solids	g/L				
Periphyton algal cover	Percentage			< control site	
Deposited sediments	Percentage				
Fish Community					

Species present	Number	Baseline: Once prior to diversion After Rehabilitation: After Rehabilitation: Annually until objective in condition 41 achieved.	Upstream control site and within the rehabilitated reach	Equal to or greater than baseline	
Species abundance	Number				
Size distribution	Size range			None	To parameter is monitored to inform broader ecological assessment.
Macroinvetebrates					
MCI	N/A	Baseline: Once prior to diversion After Rehabilitation: Annually until objective in condition 41 achieved.	Upstream control site and within the rehabilitated reach.	Equal to or greater than baseline	
SQMCI					

Appendix C – R09-2 Commercial Rural Access

Source: Subdivision and Land Development Bylaw 2019.pdf

Figure B30 - R09-2 Commercial Rural Access Used By Frequent Heavy Vehicles such as Dairy Tankers



GORE DISTRICT COUNCIL	**Primary Commercial Access - Collector and Local Roads**	**Not To Scale Original Size A4**
		Sheet R10
	Refer to Section 6.21	**September 2011**

AUTH-20242608 Southland Regional Council Condition Set

General

1. The activity must be carried out in accordance with the plans and all information submitted with the application and subsequent further information received. If there are any inconsistencies between the information provided in the application and the conditions of consent, the conditions of consent will prevail.
2. The duration of consent shall be 20 years from the commencement of the consent.
3. The consent holder must notify the Gore District Council and Southland Regional Council in writing of the start date at least 10 working days prior to the commencement of the activity.
4. Prior to commencing the activity, the Consent Holder shall ensure that all staff (including all sub-contractors) involved in, or supervising, works onsite have attended an Environmental Site Induction. The Environmental Site Induction must include a briefing on the contents of the consent documents and any documents referred to in the conditions of this consent. A copy of the consent documents and any documents referred to in the conditions of consent shall be accessible on site at all times.
5. Resource consents AUTH-20242608 (Southland Regional Council) and LU 24035 (Gore District Council) shall be exercised in conjunction with each other.
6. The area of mining and associated infrastructure shall not exceed 100 hectares and the maximum depth of excavation shall be 50 metres.
7. The maximum area of active mine pit shall be 5 hectares.

   Advice note: The area of active mine pit does not include areas that have been completely backfilled to above the natural water table level of 1.5m below land surface, nor of areas of topsoil stripping where the depth of excavation is not yet below the natural water table level of 1.5m below land surface.

8. The mine pit shall be set back a minimum of 30 metres from:
   a. The Waikaka Road legal boundary, and
   b. the Waikaka Stream and Shepherd's Creek, as measured from the edge of the wetted channel.

   Advice note: Setbacks apply to mining activity and not works to facilitate stream diversions.

9. Prior to commencing the activity, the Consent Holder shall nominate an Environmental Representative for the works program.

10. The Site Manager or another nominated person (the 'back-up contact') shall be available at all times including outside mine operational hours to respond to any complaints. Contact details for the Site Manager and the back-up contact shall be provided to the Consent Authorities and Hokonui Rūnanga prior to the commencement of the activity.

11. The consent holder shall pay administration and monitoring charges to the Consent Authority, collected in accordance with Section 36 of the Resource Management Act, 1991.

12. Confirmations, reports, information and notices sent to the Consent Authority shall refer to the relevant consent condition and the consent number, AUTH-20242608, unless otherwise agreed by the Consent Authority.

Consultation with Hokonui Rūnanga

13. A draft copy of the Environmental Management Plan (EMP) required by these consents shall be provided to Hokonui Rūnanga prior to lodgement with the relevant Consent Authority. Hokonui Rūnanga shall be afforded at least 20 working days to provide feedback on the draft management plan. If no feedback is received from Hokonui Rūnanga in that timeframe the consent holder is not obliged to wait for feedback.

14. Hokonui Rūnanga shall be invited to participate in the annual review of the EMP required by these consents. The Consent Holder shall provide Hokonui Rūnanga with at least 20 working days' notice of the annual review of a management plan and invite feedback on the existing management plan.

15. When submitting the EMP for certification or re-certification, the consent holder shall also provide to Consent Authorities a copy of any feedback from Hokonui Rūnanga and a description of amendments made in response to that feedback.

Environmental Management Plan

16. Prior to undertaking any mining activity authorised by this consent, the Consent Holder must submit an Environmental Management Plan (EMP) to Southland Regional Council and Gore District Council for certification that the EMP is consistent with the conditions of consent.
    a. The Objective of the EMP is to provide an overview of operational procedures for compliance with the conditions of consent and to provide an integrated framework for environmental management of the project.
    b. The EMP shall include at a minimum the following information:
        i. A list of relevant resource consents and their conditions.
        ii. A description of how compliance with the conditions of the resource consents will be achieved.
        iii. Staff roles and responsibilities for compliance with resource consent conditions.
        iv. Staff training and induction.
        v. Incident response.
        vi. Monitoring programmes and reporting of results.

vii. A list of other management plans and a description of how these inter-relate, including an Erosion and Sediment Control Plan, AMD Management Plan Stream Diversion and Rehabilitation Management Plan, Dust Management Plan, and Fish Management Plan.
viii. Communication protocols with Councils, neighbours, and Hokonui Rūnanga.
ix. Complaints management procedures.
x. Contingency measures in case of project abandonment.

Certification and Amendments to Management Plans

17. Any management plan required by these resource consents must be certified in accordance with the below requirements.
    a. The timing of certification and the Consent Authority responsible for certification is specified in the condition specific to each management plan.
    b. If the Consent Holder has not received a response from the Consent Authority within 20 working days of the date of submission for certification, the management plan must be deemed certified.
    c. If the response from the Consent Authority is that they are not able to certify the management plan, such a response must include detailed reasons with reference to the conditions of consent that the Consent Authority considers the management plan does not meet. The Consent Holder must consider any reasons and recommendations provided by the Consent Authority, amend the management plan accordingly, and resubmit the management plan for certification to the Consent Authority. If the Consent Holder has not received a response from the Consent Authority within 10 working days of the date of resubmission for certification, the management plan must be deemed certified.
    d. Management Plans for certification are:
        i. Environmental Management Plan (Condition 16)
        ii. Stream Diversion and Rehabilitation Management Plan (Condition 30)
        iii. Fish Management Plan (Condition 31)
        iv. Acid and Metalliferous Drainage Management Plan (AMDMP) (Condition 78)
        v. Dust Management Plan (Condition 87)
        vi. Erosion and Sediment Control Plan (Gore District Council LU 24035 Condition 34)
        vii. Geotechnical Management Plan (Gore District Council LU 24035 Condition 54)
        viii. Site Management Plan (Gore District Council LU 24035 Condition 64)
        ix. Flood Management Plan (Gore District Council LU 24035 Condition 67)
        x. Closure and Land Rehabilitation Management Plan (Gore District Council LU 24035 Condition 70)

18. The Consent Holder may amend the management plans at any time, in a way that is consistent with the conditions of this resource consent.

19. All management plans must be reviewed at annually or if there is a material change to the activity or effects. The purpose of the review is to ensure that the management plan remains fit for purpose and to address any changes required to respond to any non-compliance or monitoring results in the previous year.

20. If the management plan is amended, a copy must be provided to the Consent Authority within 15 working days of its review/amendment, for re-certification in accordance with Condition 17. Where any management plan is amended or reviewed, the activity may continue in accordance with the previously certified version, until the revised version is certified by the Consent Authority.

21. Subject to any other conditions of these consents, all activities must be undertaken in accordance with the latest version of the certified management plans. All management plans must be accessible on site.

Complaints

22. The consent holder must maintain a complaints register setting out:
    a. details of any complaints received, including those relating to activities undertaken on the site and the movement of vehicles to and from the site. Such details must include the time and date of the incident subject to complaint and the name and contract details of the complainant;
    b. an assessment of the incident subject to complaint; and
    c. any action taken by the consent holder.

    The complaints register must be available for inspection by Southland Regional Council and Gore District Council staff at any time.

23. No later than 31 July each year, the consent holder must advise Southland Regional Council and the Gore District Council of any complaints received during the previous 12-month period from 1 July to 30 June, and provide details from the complaints register.

Spills

24. In the event of a spill of fuel or any other contaminants the Consent Holder shall:
    a. Undertake all practicable measures as soon as possible to contain the contaminant.
    b. Ensure that the contaminants and any material used to contain it are removed from the site and disposed of at a facility authorised to receive the material.
    c. For any spill greater than 20 litres, notify the Consent Authorities of the spill and of the actions taken to remediate and mitigate any adverse environmental effects.

Archaeological sites

25. If any artefact and/or any historical, cultural or archaeological material, or any item likely to have significance to Māori, is found or uncovered during the undertaking of activities, the measures outlined in the Accidental Discovery Protocol attached as Appendix A shall be followed.

Review of consents

26. The Consent Authority may, in accordance with Sections 128 and 129 of the Resource Management Act 1991, serve notice on the Consent Holder of its intention to review the conditions of this consent during the period of three months following the date of granting of this

consent each year, or within two months of any enforcement action taken by the Consent Authority in relation to the exercise of this consent, for the purpose of:

a. Determining whether the conditions of this consent are adequate to deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, or which becomes evident after the date of commencement of the consent; or
b. Ensuring the conditions of this consent are consistent with any National Environmental Standards Regulations, relevant plans and/or Policy Statement; or
c. Reviewing the frequency of monitoring or reporting required under this consent to alter these.

Section 2 – River Diversion Condition Set

27. This consent authorises:

    a. The entry into and passage across the bed of the Waikaka Stream and Shepherd's Creek by vehicles and machinery, and any associated bed disturbance.
    b. Placement and use of a dam and undertaking earthworks in the bed of the Waikaka Stream and Shepherd's Creek, for the purpose of creating five temporary diversions of the entire flow into temporary diversion channels, and reinstating the flow back to its original course.
    c. The excavation and disturbance of the bed of the Waikaka Stream and Shepherd's Creek for the purpose of rehabilitation of the channel.
    d. The introduction and planting of plants in the bed of the Waikaka Stream and Shepherd's Creek channels.
    e. The taking, use, damming and diversion of surface water in the Waikaka Stream and Shepherd's Creek for the purpose of creating five temporary diversions of the entire flow and return of the flow to the same waterbody.
    f. Discharge of the entire flow of the Waikaka Stream and Shepherds Creek and resultant entrained sediment, via the temporary diversion channels, to re-join the existing Waikaka Stream.

28. The activities authorised by this consent must be carried out in accordance with the Master Condition Set included in Section 1.

29. Prior to undertaking any diversion, the consent holder shall provide confirmation to Southland Regional Council of:

    a. a payment of $50,000 having been made for the purposes of funding works that contribute to aquatic and associated terrestrial ecological values in the Waikaka Stream catchment;
    b. a description of the works to be undertaken, the organisation responsible for undertaking them, and the timing of the works; and
    c. confirmation that the works to be funded, and the organisation responsible for administering the fund, have been the subject of consultation with Hokonui Rūnanga, the Director General of Conservation, the Gore District Council and Southland Regional Council. The final decision on the works to be funded and the organisation responsible for administering the fund, lies with the consent holder.

    Advice Note: This condition has been offered and agreed to by the applicant for consent on an Augier *basis. It is intended to provide a positive effect on stream values in the broader catchment. The condition will not be triggered if the consent holder, for any reason, decides not to proceed with the diversion of the Waikaka Stream or Shepherd's Creek.*

Stream Diversion and Rehabilitation Management Plan

30. Prior to the creation of any temporary diversion channels, the Consent Holder shall prepare a Stream Diversion and Rehabilitation Management Plan (SDRMP). The SDRMP must be based on the draft Table of Contents and indicative content and associated schedule dated 19 December 2025 and updated where necessary to ensure compliance with these conditions.

a. The objective of the SDRMP is to provide for the effective creation of stream diversions during works within the Waikaka Stream and Shepherd's Creek and to ensure the effective rehabilitation of aquatic and associated terrestrial ecological values, and natural character values of the Stream and Creek in accordance with the relevant conditions of this consent.

b. The SDRMP shall include at a minimum the following information, as relevant to both temporary diversion channels and rehabilitated stream channels:

    i. The relevant conditions of consent and how compliance with these will be achieved.

    ii. Detailed channel design.

    iii. Construction methodology and procedures for the diversion of surface water from the stream to the diversion channel.

    iv. Mitigation measures to minimise erosion and entrainment of sediment in surface water during construction and diversion.

    v. Suspended sediment monitoring protocols.

    vi. Planting specification and monitoring plan for rehabilitation channels only. This must include planting locations, plant species mixes, planting densities or numbers, and plant grades.

    vii. The methods and management actions proposed to ensure the natural character enhancement and rehabilitated indigenous vegetation will be achieved.

    viii. A list of additional mitigation measures that may be used in case actions are required as a result of monitoring under condition 38 and 44.

c. Certification of the rehabilitation plan under Condition 15 shall be by the Gore District Council for the following matters:

    - no net loss of indigenous riparian planting is achieved, based on the pre-removal plant survey required by condition [94]; and

    - the proposed rehabilitation design is sufficient to restore and maintain the natural character of the stream and creek margins.

Fish Management

31. Prior to undertaking any works in the Waikaka Stream, Shepherd's Creek ponds or ditches on the site, a Fish Management Plan (FMP) must be prepared. The FMP must be provided to Southland Regional Council for certification that it documents, as a minimum:

    a. Fish species at site, including critical periods such as spawning and migration and how impacts on these can be avoided or minimised.
    b. Specific considerations for Gollum galaxias.
    c. Salvage methods and handling procedures.
    d. Criteria used to assess and determine suitable release sites, and a selection of fish release sites that have already been assessed as suitable.
    e. Exclusion periods in accordance with conditions 33 and 34.

f. Relevant legislation and authorisations required for translocation (Conservation Act 26ZM authorisations, Fisheries Act Special Permits etc).
g. Annual reporting of fish relocation activity.
h. Contingency procedures, such as actions to take in the event of fish mortality or unexpected issues.

32. The Consent Holder shall ensure that fish passage is not impeded by the works, and that fish are not left stranded in pools and channels. Fish in diverted reaches of streams, ponds and ditches shall be relocated to a nearby alternative suitable habitat by a suitably qualified person in accordance with the FMP.

33. Works shall not be undertaken in the Waikaka Stream or Shepherd's Creek flowing channel during the period of 1 May to 30 November.

34. Works shall not be undertaken in ditches between 1 September to 31 December.

Construction and operation of diversions

35. Prior to the construction of any diversion channel, the Consent Holder shall prepare, in consultation with a suitably qualified ecologist, river engineer and Hokonui Rūnanga, a detailed design for the diversion channel and habitat features. The design shall be provided to Southland Regional Council 20 working days prior to constructing the diversion channel, for certification that the design complies with conditions 41 and 46 of this consent.

36. Diversion channels shall be constructed to include a minimum of 2 habitat features per 100 metres of channel. These features shall include, but not be limited to:
    a. pools and shallow riffle areas;
    b. larger boulders to create hydraulic variation;
    c. gentle meanders;
    d. in-channel fish-shelter elements such as securely anchored large woody debris.

    Advice note: Crack willow may be used as large woody debris, however should be confirmed dead before used in the channel to avoid resprouting.

37. All temporary diversion channels and reconstructed sections of the Waikaka Stream and Shepherd's Creek must have sufficient capacity to contain a 1 in 20 year AEP flood event.

38. Diversion channels and rehabilitated stream channels shall be constructed, as far as practicable, in dry working conditions and stabilised prior to diverting surface water flow therein. The Consent Holder shall ensure that all reasonable steps are taken to minimise the release of sediment to water during the diversion, including but not limited to use of the following construction methods:
    a. Diverting water into new channels in a staged manner (such as in approximate thirds of the flow at the time of diversion) over a period of between 6 and 10 days.
    b. Placement of a non-earth barrier so earth embankments between the stream and diversion channel can be removed in the dry.
    c. Placement of gravels / cobbles in the low flow

d. Completion of the downstream connection prior to the upstream connection.

39. Photographic monitoring of any diversion shall be undertaken as follows:
    a. Photographs are to be taken immediately before the diversion, during, and 30 minutes, 60 minutes and 90 minutes after the diversion takes place.
    b. Photographs shall be taken in a location 100 metres downstream of the diversion location.
    c. Photographs shall be labelled and provided to Southland Regional Council within 10 working days of completion of each diversion.

40. Each diversion shall be in place for no longer than two years. No more than two diversions of the Waikaka Stream shall be in place at any one time.
Advice note: Two diversions of the Waikaka Stream and the Shepherd's Creek diversion may be in place at the same time.

41. Diversions shall be monitored quarterly during their operation.
    a. Parameters monitored shall be flow rate, temperature, pH, total suspended solids and electrical conductivity.
    b. Samples from an upstream control location shall be taken at the same time as samples are taken from the diversion channel.
    c. If any of the monitored parameters exceed an upstream control by more than 20%, the consent holder shall:
        i. Advise Southland Regional Council within 5 working days of receipt of the results.
        ii. Undertake remedial actions to reduce the affected parameter(s) in consultation with a suitably qualified expert, in accordance with the SDRMP.
        iii. Undertake additional monitoring monthly until all parameters are within 20% of the upstream control.
    d. A summary of monitoring results and any remedial actions undertaken shall be provided to Southland Regional Council annually by 31 July.

Rehabilitation of Waikaka Stream and Shepherd's Creek

42. Rehabilitation of diverted sections of the Waikaka Stream and Shepherd's Creek shall begin as soon as practicable following completion of mining and backfilling in the affected reach. Riparian planting shall be undertaken in the within first planting season following reinstatement of stream channel.

43. Prior to the construction of any rehabilitated stream channel, the Consent Holder shall prepare, in consultation with a suitably qualified ecologist, landscape architect, river engineer and Hokonui Rūnanga, a detailed design for the channel and habitat features as a component of the SDRMP. The design shall be provided to Southland Regional Council and Gore District Council 20 working days prior to constructing the diversion channel, for certification under Condition 17 that the design complies with condition 45 of this consent.

44. Rehabilitation of stream channels shall be undertaken with the objective of achieving a net gain, but in any event no net loss, in the ecological value of the rehabilitated stream reach after completing the rehabilitation works. For the purposes of this condition, 'net gain' means that all of the objectives listed in Appendix B have been achieved or exceeded. For the purposes of this condition 'no net loss' means that the objectives listed in Appendix B are generally met and confirmed by a suitably qualified professional ecologist that there is no net loss of ecological values compared to the pre-mining baseline.

45. At a minimum, rehabilitated reaches shall include:
    a. A planted riparian margin which meets the following specifications:
        i. Planting width shall be the current width or 5 metres on each bank, whichever is the greater.
        ii. Hybrid willows and grass may be used on the riparian margins for bank stability and provision of shade.
        iii. Planting will consist of locally appropriate native species, except as otherwise provided for in this consent.
        iv. All indigenous vegetation removed shall be replaced in accordance with the indigenous vegetation survey required under Gore District Council Condition 38, to ensure no net loss.
        v. Plants shall be spaced appropriately on the advice of a suitably qualified person, however generally spacings are to achieve the fullness and density shown on the planting concept plan "*Riparian Planting Plan – Waikaka Stream Southland*" dated 28 November 2025.
        vi. Maintenance of the planting for a period of 3 years after establishment, including weed control and replacement of any failed plants at the next appropriate planting season.
    b. Erosion protection on outer bends sufficient to maintain channel stability and minimise sediment discharge.
    c. An approximately even distribution of pool, riffle, and run habitat types.
    d. A cobble and gravel substrate in the low flow channel.
    e. At least 4 new backwater areas (in total, not per rehabilitation) connected to the rehabilitated stream channel and located within the rehabilitated channel footprint.
    f. Areas within the riffles with suitable sized (10 – 50mm) brown trout spawning gravels .
    g. Habitat variability, including features such as larger boulders, gentle meanders, and in-channel fish-shelter structures such as securely anchored large woody debris.

Advice note: Crack willow may be used as large woody debris, however should be confirmed dead before used in the channel to avoid resprouting.

46. The consent holder shall undertake ecological monitoring in accordance with Appendix B. Monitoring shall be undertaken at the frequency specified by a suitably qualified and experienced freshwater ecologist.

47. A Monitoring Report shall be submitted to the Consent Authority, Hokonui Rūnanga, Fish and Game (Murihiku Office) and the Department of Conservation (rma@doc.govt.nz) annually and shall include all results, comparison to pre-mining baseline values and/or lowland hard bed standards (if relevant to the specific parameters listed in Appendix B), and an assessment of ecological trends.

If any Monitoring Report indicates that the rehabilitated reach is not on track to achieve at least no net loss within the three-year rehabilitation period, the consent holder shall implement additional rehabilitation measures within the following year, in accordance with the SDRMP. These shall be appropriate to the identified deficiencies and may include, but are not limited to, supplementary riparian planting, additional habitat enhancement works, erosion protection improvements, or measures to improve fish passage or instream cover.

At the end of the third full year following each river reach rehabilitation, the consent holder shall provide a Final Rehabilitation Report confirming whether ecological net gain objective has been achieved. If the objective has not been met, the consent holder shall prepare and implement a Remedial Action Plan at the next appropriate season and shall continue annual monitoring and reporting until the objective in condition 44 is achieved, unless otherwise agreed in writing by the Consent Authority.

Ponds and Ditches

48. Prior to removal or infilling of any ponds or drainage ditches the consent holder shall determine if there are any fish species present and relocate these in accordance with the FMP.

49. If there are any fish present in a drainage ditch that is to be removed, prior to undertaking any works in the affected reach a photographic record shall be taken of that reach. The consent holder shall ensure that a similar length of reconstructed drainage ditches has similar channel form and bank vegetation.

50. Within one year of the completion of mining, one or more ponds shall be established with a total area of at least 4,400m^2. The pond(s) may be a mine terminal pond or may be a new pond. At least one pond shall have a connection to the Waikaka Stream or Shepherd's Creek. The pond(s) shall:
    a. be fenced from stock;
    b. be of variable depth, with shallow margins and a deeper centre; and
    c. have a riparian margin at least 5m wide that is planted in locally appropriate native species.

Bond for Stream Rehabilitation

51. The following conditions 52 to 58 apply only if an alternative suitable bond in respect of the stream rehabilitation as required by condition 44 has not been entered into at least 3 months prior to the intended start date for the first stream diversion.
Advice note: A bond in relation to works including the stream rehabilitation obligations is also intended to be required by a land access agreement between the consent holder, the Minister of

Conservation and the Minster for Resources. To ensure that multiple bonds are not required in respect of the same outcomes, the conditions below will only apply if that bond has not been entered into within a reasonable period before commencement of works.

52. Prior to the undertaking any one stream diversion, the Consent Holder shall enter into an enforceable agreement acceptable to Southland Regional Council that provides a bond, pursuant to Sections 108(2)(b) and 108A of the Resource Management Act 1991. The purpose of the bond is to secure, in the event of any default by the consent holder, compliance with condition 44 of this consent in respect of each stream diversion.

53. The bond must be a cash bond or bank bond provided by a registered trading bank of New Zealand, acceptable to Southland Regional Council. The guarantor shall bind itself to pay up to the bond quantum for the carrying out and completion of all obligations of the Consent Holder under the bond.

54. If the Consent Holder and Southland Regional Council cannot agree on the terms of the bond, including the bond amount and any revised bond, the dispute must be resolved through an agreed dispute resolution process or referred to arbitration at the cost of the Consent Holder.

55. The Consent Holder must provide a report to Southland Regional Council which addresses whether the bond quantum should be revised on the following occasions:
    a. Prior to undertaking any additional stream diversion; and
    b. On successful rehabilitation of any reach of the Waikaka Stream or Shepherd's Creek pursuant to condition 44.
    c. Within 12 months prior to the expiry of the consent in the event that compliance with condition 44 has not been achieved.

    The purpose of the adjustment is to reflect changes in the scope of the bond through successive stream diversions and completion of rehabilitation activities or to the Consumer Price Index. Southland Regional Council may peer review the report and must respond within three months of receipt of the report on the appropriateness of any proposed revised bond quantum.
    Advice Note: As stream diversions are commenced and rehabilitations are progressively completed, it is intended that the quantum will be adjusted to reflect the scope of the bond at any one time.

56. If the consent is transferred in part or whole to another party or person, the bond lodged by the transferor shall be retained until any outstanding work at the date of transfer is completed or a replacement bond is entered into by the transferee, to ensure compliance with conditions of the consent unless Southland Regional Council is satisfied adequate provisions have been made to transfer the liability to the new Consent Holder.

57. The bond shall be released once compliance with condition 44 is achieved.

58. All reasonable costs of, and incidental to, the preparation of documentation to meet Conditions 51 - 57, including the consent authorities' costs, shall be met by the Consent Holder.

Section 3 – Southland Regional Council Specific Conditions

Land Use Consent to construct a bore for the purpose of excavating a mine pit that intercepts groundwater.

59. The excavation of land to form a mine pit must be carried out in accordance with the Master Condition Set included in Section 1.

60. Backfilling of the mine pit shall only be cleanfill overburden materials sourced from within the site, and water.

61. The Consent Holder shall prevent any unauthorised access to the site, including provision of a lockable gate at the vehicle access.

62. Should any material enter the mine pit that is not compliant with condition 60, the Consent Holder shall, as soon as practicable, arrange for removal of the unauthorised material and disposal at a facility authorised to receive the material.

63. The Consent Holder must ensure that:
    a. All machinery to be operated within the mine pit is thoroughly cleaned of vegetation (e.g. weeds), seeds or contaminants prior to entering the site. The cleaning of machinery must not occur within 20 metres of the bank of any waterbody.
    b. All machinery must be regularly maintained to ensure that no contaminants (including but not limited to oil, petrol, diesel, hydraulic fluid) shall be released into water, or to land where it may enter water.
    c. All contaminant storage or re-fuelling areas (other than areas where mobile re-fuelling occurs) are bunded or contained to prevent the discharge of contaminants to water or to land where it may enter water.
    d. No machinery shall be maintained, cleaned, stored or refuelled within 20 metres of the bank of any waterbody or exposed groundwater.
    e. Permanent storage of fuel and lubricants must not be located within 50 metres of the bank of any waterbody or exposed groundwater.
    f. Mobile refuelling occurs in accordance with industry best practice, a drip tray is always used for such refuelling, and spill kits are available at the mobile refuelling locations.

    Advice Note: Approved storage of hazardous substances is specified in the Health and Safety at Work (Hazardous Substances) Regulations 2017.

Water Permit to take and use groundwater for the purpose of transient mine pit dewatering, processing, dust suppression and rehabilitation

General

64. The take and use of groundwater for the purpose of transient mine pit dewatering, processing, dust suppression and rehabilitation must be carried out in accordance with the Master Condition Set included in Section 1.

65. The rate and quantity of abstraction must not exceed:

    a. 50 litres per second;

    b. 4,086 cubic metres per day;

    c. 114,635 cubic metres per month; and

    d. 952,387 cubic metres between 1 July of any year and ending 30 June of the following year.

66. The Consent Holder must take all practicable steps to ensure that as a result of the groundwater take:

    a. There is no unintended leakage from pipes and structures;

    b. There is no unintended run-off of abstracted groundwater either on site or off site; and

    c. There is no flooding of other person's property, including erosion, land instability, sedimentation or property damage.

Monitoring

67.

    a. At all times during the exercise of this resource consent, the consent holder shall have in place:

        i. a water meter to record the water take, within an error accuracy range of +/-5% over the meter's nominal flow range, and

        ii. a datalogger with at least 24 months data storage capacity, to record the rate and volume of take, and the date and time this water was taken, and

        iii. a telemetry unit or other methodology to transmit the information recorded on the datalogger, either directly to the Consent Authority or via an intermediary, to comply with Condition 67(e).

    b. The water meter shall be installed at a location before any diversion occurs in the water distribution network, and either:

        i. in accordance with the manufacturer's instructions, and provision shall be made for verification of the meter; or

ii. in a straight length of pipe, before any diversion of water occurs. The straight length of pipe shall be part of the pump outlet plumbing, easily accessible, have no fittings and obstructions in it. There shall be a straight length of pipe on either side of the water meter:
    A. On the upstream side there shall be a straight length of pipe that is 10 times the diameter of the pipe; and
    B. On the downstream side there shall be a straight length of pipe that is 5 times the diameter of the pipe
iii. If water is drawn from multiple pumps, the water meter shall either be positioned to record the total abstraction, or the consent holder shall utilise multiple meters so that the total abstraction can be recorded.

c. The consent holder shall ensure the full operation of the water meter and datalogger at all times during the exercise of this consent.

    i. All malfunctions of the water meter and/or datalogger during the exercise of this consent shall be reported to the Consent Authority within five working days of observation, and appropriate repairs shall be performed within five working days.
    ii. Once the malfunction has been remedied, a Water Measuring Device Verification Form completed with photographic evidence must be submitted to the Consent Authority within five working days of the completion of repairs.
    iii. If a new meter or datalogger is installed, the consent holder shall forward a copy of the installation certificate to the Consent Authority within one month of installing the water meter and datalogger.

d.
    i. If a mechanical insert water meter is installed it shall be verified for accuracy each and every year from the first exercise of this consent.
    ii. Any electromagnetic or ultrasonic flow meter shall be verified for accuracy every five years from the first exercise of this consent.
    iii. Each verification shall be undertaken by a Consent Authority approved operator and a Water Measuring Device Verification Form shall be completed and supplied to the Consent Authority with receipts of service. These shall be supplied within five working days of the verification, and at any time upon request.

e. Each day from commencement of the abstraction the Consent Holder shall measure and record the rate volume of water taken at 15 minute intervals.
    i. The records for each day shall be provided to the Consent Authority by means of telemetry by the end of the following day.
    ii. The Consent Holder shall ensure the data is compatible with the Consent Authority's time-series database.

68. Prior to commencing dewatering, the Consent Holder must establish a network of groundwater monitoring bores or piezometers, which may include existing wells. The groundwater level monitoring network shall be designed to provide early warning of drawdown that may impact any neighbouring wells. The Consent Holder shall provide a plan which shows the proposed location and depth of monitoring bores or piezometers and existing wells, to the Consent Authority for certification that the groundwater level monitoring network will achieve the purpose of this condition.

69.

a. The consent holder shall monitor groundwater levels affected by the advancing mine pit site. The consent holder shall monitor groundwater levels (at least) on a weekly basis during the initial drawdown and monthly thereafter, commencing one month prior to the commencement of any site dewatering. Groundwater level monitoring shall then be undertaken until such time that dewatering has ceased and there has been sufficient recovery of aquifer head within aquifers, and to enable sufficient functioning of any affected wells.
b. Piezometric water level records as required by this monitoring condition, shall be provided to the Consent Authority on an annual basis by 31 July each year and as requested in writing.

Neighbouring Wells

70. Unless otherwise remedied, if as a result of the mine pit pond dewatering authorised by this resource consent, the direct drawdown effect upon any adjacent well that is utilised for the purposes of water supply, reduces the water level to the extent that the water supply is no longer viable, then the consent holder shall, at the request of any affected well owner(s), provide a satisfactory alternative water supply to users for those wells deemed to be affected. All affected wells requiring provision for alternate water supply shall be remedied by the consent holder in consultation with the Consent Authority.

Discharge Permit to discharge water and contaminants to water, and to land in a manner that may enter water.

71. This consent authorises:

    a. Discharge of cleanfill overburden material into and onto land to backfill the mine pit.
    b. Discharge of water and contaminants from stormwater, gold processing return water and dewatering to land where it may enter groundwater and to unnamed drains and to the Waikaka Stream, via the treatment facilities within the site infrastructure area.

72. The activities authorised by this consent must be carried out in accordance with the Master Condition Set included in Section 1.

73. No contaminants other than sediment and water treatment reagents (e.g. flocculants, lime based products, etc.) shall be discharged. Flocculants shall only be discharged to land.

74. Backfilling of the mine pit shall only be cleanfill overburden materials sourced from within the site, and water.

Treatment Facilities for Dewatering and Gold Process Return Water

75. Dewatering water and gold processing return water must be treated in a sediment retention pond and/or treatment plant system.

76. Sediment retention ponds shall be:

    a. sized appropriately to allow a minimum of 300mm freeboard, and to ensure they do not overflow except via the outlet.
    b. located a minimum of 30 metres from the Waikaka Stream or Shepherd's Creek.

77. There is to be no direct discharge of untreated dewatering water or gold processing return water to any surface watercourse.

Acid and Metalliferous Drainage Management Plan

78. The Consent Holder must operate the site in general accordance with an Acid and Metalliferous Drainage Management Plan (AMDMP). The AMDMP must be provided to Southland Regional Council for certification that it documents, as a minimum:
    a. Water quality objectives.
    b. Procedures for review of interim limits to provide for toxicity modifications, and determining an appropriate permanent compliance limit.
    c. Monitoring procedures.
    d. Materials characterisation to identify higher risk AMD materials.
    e. Integration of materials scheduling, management practises, and engineering controls to manage higher AMD risk materials.
    f. Performance monitoring of key project risks.

g. Trigger action response plans (TARPs) in case adaptive management processes need to be implemented.
h. Standard Operating Procedures.

Discharge Limits and Monitoring

79. The discharge of dewatering water and gold processing return water shall be monitored in accordance with Appendix C and shall not exceed the limits specified in Appendix C, except where limits are identified as interim limits.
Advice note: Interim limits are based on literature and have not accounted for toxicity modifiers (e.g., hardness and dissolved organic carbon). Procedures for investigating these are to be detailed in the AMDMP. Interim limits in this consent may be refined to a permanent compliance limit by the AMDMP.

80. Water quality monitoring results shall be provided to Southland Regional Council and Hokonui Rūnanga on an annual basis and include laboratory certificates.

Review of AMD Monitoring Parameters

81.

a. After six months of active mining and gold recovery operations, if monitoring results demonstrate that the parameters of concern associated with acid and metalliferous drainage AMD (as identified in Appendix C) are less than 50% of the compliance limits, and trend analysis indicates a low risk of exceedance, the frequency of monitoring for these parameters may be reduced.

b. The frequency of monitoring and the suite of monitoring parameters listed in Appendix C shall be reviewed annually by a suitably qualified person and commentary included on their appropriateness as part of the annual report required by condition 80.

c. Any reduction in monitoring frequency shall be supported by performance monitoring of electrical conductivity, sulfate and/or any other appropriate parameter, as specified by a suitably qualified person. The relationship between performance monitoring and compliance shall be detailed in the AMD Management Plan.

Discharge Permit to discharge contaminants to air from mineral extraction processes and overburden storage.

General

82. The discharge to air must be carried out in accordance with the Master Condition Set included in Section 1.

83. Dust emissions shall be managed to ensure there no offensive or objectionable discharge beyond the boundaries of the site.

84. Stockpiles must be no higher than 10 metres above natural ground level.

85. Stockpiles that are static for more than 3 months shall be grassed or otherwise stabilised.

86. The maximum area of unconsolidated land comprising of the excavation area, backfilling areas, haul roads, unstabilised stockpiles and unvegetated rehabilitation area shall not exceed 20 hectares.

    Advice Note: The maximum area of unconsolidated land does not include the infrastructure area, stream diversions or areas which are covered with 50mm (or more) of washed gravels or stabilised with a dust suppressant (excluding water).

Dust Management Plan

87. The Consent Holder must operate the site in general accordance with a Dust Management Plan (DMP). The DMP must be provided to Southland Regional Council for certification that it documents, as a minimum:
    a. A description of the dust sources on site.
    b. A description of the receiving environment, including predominant wind direction and identification of sensitive receptors.
    c. The dust mitigation methods which will be employed to ensure compliance with the conditions of this consent including, but not limited to:
        i. Methods to supress dust from exposed surfaces;
        ii. Limiting topsoil stripping in advance;
        iii. Vegetating or otherwise stabilising rehabilitation areas and stockpiles.
    d. A description of weather monitoring procedures including:
        i. Methodology for monitoring weather forecasts; and
        ii. Details of triggers for implementing additional dust control, such as high winds combined with dry conditions.
    e. Procedures for managing dust outside of standard operating hours.

Appendix A: Protocol in the event of a discovery, or suspected discovery, of a site of archaeological or cultural importance (Waahi Taonga/Tapu)

Upon the discovery of artefact discovery, the following shall take place:

1. In the event that Kōiwi (human skeletal remains) are discovered, the works in that area of the site shall cease immediately, and Tangata Whenua (Te Ao Marama Inc. and Hokonui Rūnanga), NZ Police and/or Heritage New Zealand Pouhere Taonga, and Southland Regional Council, shall be notified as soon as practicable.

    a. The site is to be immediately secured upon discovery to prevent further disturbance of the discovery site.

2. Taonga or artefact material (e.g. pounamu/greenstone artefacts) other than Kōiwi will be treated in a similar manner so that their importance can be determined, and the environment recorded by qualified archaeologists alongside the appropriate Tangata whenua. Te Ao Mārama Inc. and Hokonui Rūnanga are to be contacted in the event of a taonga or archaeological artefact discovery in accordance with the Protected Objects Act 1975.

    Contact details for Te Ao Marama Inc. are as follows:

    Te Ao Mārama Inc.
    98 Yarrow Street
    Invercargill, 9810
    Email: office@tami.maori.nz
    Phone: (03) 931 1242

    And

    Hokonui Rūnanga
    140 Charlton Road
    PO Box 114
    Gore 9740
    Email: hokonuioffice@ngaitahu.iwi.nz
    Phone: (03) 208 7954

3. In-situ (Natural State) Pounamu/Greenstone Accidental Discovery Pursuant to the Ngāi Tahu (Pounamu Vesting) Act 1997: All natural state pounamu/greenstone in the Ngāi Tahu tribal area is owned by Te Rūnanga o Ngāi Tahu. The Ngāi Tahu Pounamu Resource Management Plan provides for the following measures:

    a. Any in-situ (natural state) pounamu/greenstone accidentally discovered should be reported to the Pounamu Management Officer of Te Rūnanga o Ngāi Tahu as soon as is reasonably practicable. The Pounamu Management Officer of Te Rūnanga o Ngāi

Tahu will, in turn, contact the appropriate Kaitiaki Papatipu Rūnanga;

b. In the event that the finder considers the pounamu is at immediate risk of loss, such as erosion, animal damage to the site or theft, the pounamu/greenstone should be carefully covered over and/or relocated to the nearest safe ground. The find should then be notified immediately to the Pounamu Management Officer.

c. The find should then be notified immediately to the General Manager, Te Ao Turoa, at Te Rūnanga o Ngāi Tahu.

   Ngai Tahu contact details are as follows:

   General Manager, Te Ao Turoa
   Te Rūnanga o Ngāi Tahu
   Te Whare o Te Waipounamu
   15 Show Place, Addington, PO Box 13 046
   Christchurch 8024
   Trudy.Heath@ngaitahu.iwi.nz

Archaeological Sites

Archaeological sites are protected under the Heritage New Zealand Pouhere Taonga Act (2014), and approval is required from Heritage New Zealand before archaeological sites can be modified, damaged or destroyed. Not all archaeological sites are known or recorded precisely.

Where an archaeological site is inadvertently disturbed or discovered:

1. Further disturbance must cease until approval to continue is obtained from Heritage New Zealand; and

2. The New Zealand Police, Te Ao Marama Inc. and Hokonui Rūnanga also need to be advised if the discovery includes kōiwi tangata/human remains.

   Contact details for Heritage New Zealand are:

   Heritage New Zealand
   c/o Regional Archaeologist Otago/Southland
   PO Box 5467
   Dunedin 9058
   Phone: (03) 477 9871
   Email: infodeepsouth@heritage.org.nz

Appendix B Stream Characteristic Monitoring Parameters, Frequency, Location and Objectives

Parameter	Unit	Frequency	Location	Objective	Notes
Habitat Quality					
Effective shading of the channel	Percentage cover.	Baseline: Once prior to diversion After Rehabilitation: Annually until objective in condition 44 achieved	Within the reach that is to be diverted.	None	To parameter is monitored to inform broader ecological assessment. No objective is provided as temperature is a more appropriate measure.
Proportions and distribution of pool, riffle, and run habitats	Numbers of pools, runs and riffles and proportion of each	Baseline: Once prior to diversion After Rehabilitation: Once following construction.	Within the reach that is to be diverted.	Rehabilitation to replace with at least the same number of riffles and pools.	Baseline monitoring will guide the details of the design.
Water Quality					
Water temperature	Degrees Celsius	Baseline: Once prior to diversion After Rehabilitation: Annually until objective in condition 44 achieved.	Upstream control site and within the rehabilitated reach	<15% change compared to control	
Total suspended solids	mg/L				
Periphyton algal cover	Percentage			< control site	
Deposited sediments	Percentage				
Fish Community					
Species present	Number	Baseline: Once prior to diversion After Rehabilitation: After Rehabilitation: Annually until		Equal to or greater than baseline	
Species abundance	Number				

Size distribution	Size range	objective in condition 44 achieved.	Upstream control site and within the rehabilitated reach	None	To parameter is monitored to inform broader ecological assessment.
Macroinvetebrates					
MCI	N/A	Baseline: Once prior to diversion After Rehabilitation: Annually until objective in condition 44 achieved.	Upstream control site and within the rehabilitated reach.	Equal to or greater than baseline	
SQMCI					

Appendix C Water Quality Monitoring Parameters, Frequency, Locations and Limits

Parameter	Frequency	Location	Limit	Notes
Turbidity	Continuous	W01: 10m upstream of the discharge point. W02: 60m downstream of the discharge point. W03: Tertiary settlement pond outflow (prior to discharge to the Waikaka Stream).	N/A	Turbidity reading to be calibrated against weekly TSS results
Total Suspended Solids	Weekly		50mg/L	
pH	Continuous		6.5 – 9	
Temperature	Continuous		No more than 3°C increase in the temperature of the Waikaka Stream at the downstream monitoring point when the temperature at the upstream monitoring point is ≤ 16 °C. No more than 1°C increase in the temperature of the Waikaka Stream at the downstream monitoring point when the temperature at the upstream monitoring point is >16 °C.	
Electrical Conductivity	Continuous	W02: 60m downstream of the discharge point. W03: Tertiary settlement pond outflow (prior to discharge to the Waikaka Stream).	N/A	Testing can confirm the relationship between these parameters and metals so that EC provides an early warning.
SO4	Weekly			
Parameter	**Frequency**	**Location**	**Interim Limit**	**Notes**
Fe	Weekly	W02: 60m downstream of the discharge point.	5000 ug/L	These are the parameters of concern associated with acid and metalliferous drainage AMD. The frequency of monitoring may be amended in accordance with condition 79. The limits may be amended in accordance with condition 81.
Co	Weekly		300 ug/L	
Al	Weekly		55 ug/L	
As	Weekly		10 ug/L	
Cu	Weekly		5 ug/L	
Pb	Weekly		2 ug/L	
Zn	Weekly		30 ug/L	