

## **9.0 WAIKATO REGIONAL COUNCIL DECISION**

After consideration of all of the evidence, we have decided to grant resource consent applications 109741 to 109746 inclusive, as per the attached Schedule of Consents, for the following reasons:

- (a) The evidence presented demonstrates that the proposed activities will have minor actual or potential adverse effects on the environment, subject to compliance with the conditions attached to this decision,
- (b) The proposal is not contrary to the provisions of the Waikato Regional Policy Statement or the Proposed Waikato Regional Plan,
- (c) The proposal is consistent with the purpose and principles of the Resource Management Act 1991.

**DATED** this 11<sup>th</sup> Day of December 2003

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G Wheeler

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A Watson

## 9.1 WAIKATO REGIONAL COUNCIL DISCUSSION

In coming to our decision, we make the following comments on the key aspects of the proposal, and the submissions and evidence presented on behalf of the various parties to the matter. This is in order that our views on these key aspects are made clear given their importance to the overall decision.

### Effects on Water Quality

- Ø The evidence presented by the technical experts for the Applicant and confirmed by Dr Webster-Brown and Mr Pattle shows that there will be no adverse effects on the Ohinemuri River as a result of the de-watering process or any effects on the river when the mine is backfilled and flooded,
- Ø The only direct discharge to the Ohinemuri River will be clean water diverted around the project area. Any wastewater discharges to the Ohinemuri River are authorised by existing consents,
- Ø We note Dr Webster-Brown's comment that the protection provided by the existing consents that authorise wastewater discharges to the Ohinemuri River will be tested to a greater degree and that the existing monitoring regime required under those consents should continue.
- Ø In terms of potential effects on groundwater, the evidence identifies that effects due to seepage from the stockpiles are unlikely and the flooding of the mine upon completion of the project will further limit the potential for adverse effects. A groundwater monitoring regime will be required to confirm that this is the case as a condition of consent, with regular reporting to the WRC.

### Effects of De-watering

- Ø The evidence from Mr Russell and Mr Pattle confirms that the de-watering is unlikely to result in differential settlement or tilt that might result in adverse effects on property or infrastructure, and will not effect other groundwater users.
- Ø That said, there is some uncertainty regarding the exact extent of any settlement that may result and therefore Mr Pattle recommended additional monitoring to that proposed by the Applicant. We note the Applicant has accepted Mr Pattle's recommendation and the requirement to undertake a monitoring programme in accordance with Mr Pattle's advice is set out as a condition in the appropriate resource consent contained herein.

### Effects on Air Quality

- Ø We are satisfied based on the evidence from Mr Rolfe and Mr Pilgrim that any effects associated with air emissions from the Favona mine are likely to be minor if the operations are managed in accordance with good practice. To this end, we expect that the polishing pond stockpile will be constructed and operated in a manner that limits the need for ongoing activity on its northern side, i.e. the northern and western part of the stockpile will be built initially and left in place until finally required for mine backfilling. The development of this portion of the stockpile in this manner will not only limit the potential for dust nuisance it will also provide a noise/visual bund for the major time of mine operations.
- Ø We accept the offer presented by the Applicant to initiate an ambient air monitoring programme in the residential area to the north-west of the project area. Protocols for

the monitoring programme will be required to be consistent with the recommendations presented by Mr Pilgrim. We are satisfied that the final details of this programme can be addressed through the development of the Air Quality Monitoring Plan, which is required as a condition of consent.

### **Effects on Maori**

- Ø We acknowledge the issues raised by Ngati Tamatera, in particular the relationship Ngati Tamatera has with the Ohinemuri River, Pukewa (Martha Hill) and the surrounding area. We also acknowledge the effects that mining operations can have on this relationship and appreciate the concerns raised regarding the effects of past mining activities and effects associated with the mining of Martha Hill.
- Ø With respect to the relation of Ngati Tamatera with the Ohinemuri River, we note that the evidence presented shows that the proposed underground Favona project will not result in adverse physical effects on the river.
- Ø With respect to the relationship of Ngati Tamatera with the land, it should be noted that no consents are sought or required from the Regional Council to undertake the mining activity or to extract the ore.
- Ø We also note that three other iwi who lodged submissions in relation to the proposal, i.e. Ngati Maru Ruunanga, Ngati Koi and Te Kupenga O Ngati Hako, have entered into Memoranda of Understanding with the Applicant.
- Ø Having considered all of these matters, we are of the view that the proposal is not inconsistent with the objectives and policies of the regional planning documents as they relate to the relationship of tangata whenua with natural and physical resources.

### **Submitters**

- Ø We heard concerns expressed by a number of submitters relating to their experiences with the existing Martha mine operation and the potential concerns they believed could arise in relation to the proposed Favona mine. We understand and appreciate why the submitters would bring those concerns to the current consideration of the proposed underground mine.
- Ø However, it needs to be noted that the applications being considered relate to the construction and operation of a relatively small proposed underground mine and not the existing Martha mine operations. There are differences between the existing and proposed mining operations and these are such that the effects of the proposal are most unlikely to replicate those of the existing operation. That situation was confirmed in the technical evidence presented at the hearing and in the review reports prepared by the technical experts engaged by the WRC.
- Ø That said, where there may be cumulative effects these have been taken into account as part of our consideration of the issues. Where appropriate, lessons learned as part of the Martha project have also been considered when determining conditions of consent for the Favona project, e.g. the protocols for ambient air quality monitoring.
- Ø We have seen the need for an additional condition requiring the appointment of a Liaison Officer (as discussed below) to provide an effective communication process between the community and the consent holder. We note that this is a condition that the Applicant has also proposed.
- Ø Finally, we note the request from submitters that consents not be granted for the Favona project until such time as any issues that parties may have with the Martha

project are resolved. Whilst we appreciate the concerns raised, we do not believe such a course of action is either necessary or legally defensible.

### **Liaison Officer**

- Ø As noted above, there were concerns expressed by a number of submitters regarding the need for a process to deal effectively with complaints at times when the proposed activity may generate adverse effects that require attention by the mine operator. These concerns were expressed largely based on experience with the existing Martha mine operations. We agree that there does need to be such a process put in place.
- Ø It is our belief that a Liaison Officer will provide for an effective communication process between the community and the consent holder. To this end, we have included a condition requiring a Liaison Officer to be appointed.

### **Consent Duration**

- Ø A number of submitters requested that the duration of any consents granted be limited to the 9-12 year period the Applicant has identified as being necessary to mine the known orebodies. We note that the purpose of this request is to provide some certainty when mining operations will cease.
- Ø We also note the comments made by the Applicant that there is a need to provide a longer period of time to allow for the completion of the rehabilitation works and for ongoing post closure monitoring to be carried out.
- Ø When making a decision regarding consent duration, we are required to provide justification for granting a duration different than that requested. We note that the length of time over which mining can occur is essentially dictated by the land use consent. If new orebodies are discovered and a party wishes to mine those reserves, a new land use consent would need to be sought. This essentially controls the term over which mining can occur.
- Ø In our view, given the minor nature of environmental effects predicted to be associated with the lowering of the water table or air emissions from the stockpiles and ventilation shafts, we do not consider that there are reasonable grounds to restrict the duration sought.

### **Waikato Regional Council Planning Documents**

- Ø The relevant provisions of the Waikato Regional Policy Statement and the Proposed Waikato Regional Plan are addressed in some detail in the WRC Officer's Report and in the evidence of Mr Clarke. Having reviewed these documents, it is our view that the granting of consents is consistent with the relevant objectives and policies of the regional planning documents.

### **Hauraki Gulf Marine Park Act (HGMPA)**

- Ø As these applications fall within the catchment of the Hauraki Gulf, it is necessary for us to consider the relevant parts of the HGMPA. We are of the opinion that the granting of consents would not be inconsistent with relevant provisions of this Act.

### **The Purpose and Principles of the Resource Management Act 1991 (RMA)**

- Ø It is our overall view that the granting of consents to authorise the Favona underground mine is, on balance, consistent with the purpose of the Act, that being to promote the sustainable management of natural and physical resources. The

proposed activity is to be carried out in a manner which enables the community to provide for its social, economic and cultural wellbeing and for their health and safety while sustaining the potential of natural and physical resources to meet the reasonable foreseeable needs of future generations; safeguarding the life-supporting capacity of air, water soil and eco systems; and avoiding remedying or mitigating and adverse effects of the activities on the environment.

- Ø In coming to this overall view, the Commissioners are mindful of, and respect the values presented by Ngati Tamatera, and have had regard to those values as otherwise included in Part II of the Act, relating to the principles and purpose of it.

**10.0 WAIKATO REGIONAL COUNCIL CONSENTS AND CONDITIONS FOR THE FAVONA UNDERGROUND MINE PROJECT BY WELCOME GOLD MINES LIMITED AND AUAG RESOURCE LIMITED. November 2003**

**A Resource consent 109741**

**Consent type:** Discharge permit  
**Consent subtype:** Discharge to air  
**Applicant:** Welcome Gold Mines Ltd & Auag Resources Ltd  
P O Box 190  
WAIHI 2981

**Activity authorised:** To discharge contaminants to air from the mine portal, vent shaft(s) and project area (fugitive emissions) being dust, CO<sub>2</sub>, blast fumes and exhaust fumes.

**Location:** Baxter Rd - Waihi  
**Map Reference:** NZMS 260 T13:636-195

**Consent duration:** Granted for a period expiring 31 December 2028.

**Conditions:**

**General**

1. This consent is subject to the conditions listed in Schedule One –General Conditions.
2. There shall be no particulate matter or gaseous emissions (including odour) in the discharge that gives rise to objectionable adverse effects (as defined in Section 6.4 of the Proposed Waikato Regional Plan – Decisions Version dated February 2002), at or beyond the boundary of the subject property.

Should a discharge occur that causes an objectionable adverse effect, the consent holder shall provide a written report to the Waikato Regional Council (the “**Council**”) within five days of being notified of such by the Council. The report shall specify:

- (a) the cause or likely cause of the event and any factors that influenced its severity;
- (b) the nature and timing of any measures implemented by the consent holder to avoid, remedy or mitigate any adverse effects; and
- (c) the steps to be taken in future to prevent recurrence of similar events.

**Emission Controls**

3. Stockpiles shall be managed to minimise particulate emissions from this source. Methods may include but are not limited to: covering, grassing, sheltering from prevailing winds, or wetting.
4. Exposed yard surfaces and roadways shall be kept damp, or otherwise treated or maintained, as necessary to minimise particulate discharges to air, including during non-work hours.
5. No chemical dust suppressants or additives shall be used without prior written approval from the Council

## **Air Quality Management Plan**

6. Prior to exercise of this consent, the consent holder shall prepare an Air Quality Management Plan and submit this to the Council for its written approval. The Plan shall, as a minimum, specifically include the following;
  - (a) Description of the air quality control objectives.
  - (b) Details of the site operation and maintenance practices to be implemented to meet these objectives and the conditions of this consent, and to ensure that emissions from mining operations, particularly from stockpiles, ventilation shafts, unsealed areas, and from other sources, are minimised.
  - (c) A programme to monitor emissions from the mine ventilation stack(s).
  - (d) A programme to monitor ambient air for deposited and suspended particulate matter.

The Plan, in particular those parts of the Plan that relate to the ambient monitoring programme, shall include "real time" monitoring and be consistent with the recommendations included in the report to the Council entitled "*Favona Underground Mine, Waihi, Report to: Environment Waikato - Assessment of Air Quality Aspects*" dated October 2003 and prepared by Sinclair Knight Merz Ltd. The monitoring programme shall include specification of location, frequency and methods of sampling and analysis.

The exercise of this consent shall be in accordance with the Plan as approved by the Council. The Plan shall be reviewed by the consent holder at least once every two years and updated if necessary. Any updated Plan shall be promptly forwarded to the Council for approval and once approved the amended Plan shall be implemented in place of the previous version.

In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Air Quality Management Plan, then the conditions of this consent shall prevail.

## **Monitoring**

7. The consent holder shall, as a minimum, undertake monitoring in accordance with the methodology defined in the Air Quality Management Plan, prepared pursuant to condition 6 above.

## **Reporting**

8. The consent holder shall provide to the Council a written annual report each year that addresses at least the following:
  - (a) A summary of the results of the monitoring required by this consent,
  - (b) Any environmentally important trends arising from the monitoring programme,
  - (c) Comment on compliance with all conditions,
  - (d) Any reasons for non-compliance or difficulties in achieving compliance with the conditions of this resource consent,
  - (e) Any works that have been undertaken to improve environmental performance or that are proposed to be undertaken in the up-coming year to improve environmental performance in relation to the activities included in this consent.

The report shall be forwarded in a format acceptable to the Council.

9. In addition to the annual report required pursuant to condition 8 above, the consent holder shall forward to the Council the results of any ventilation stack emission monitoring within one month of the results becoming available.

## **Complaints**

10. If any complaints are received by the consent holder regarding dust, odour or other contaminants, the consent holder shall notify the Council of those complaints as soon as practicable. When/if complaints are received, the consent holder shall record the following details in a complaint log:
- (a) type and time of complaint;
  - (b) name and address of complainant (if available);
  - (c) location from which the complaint arose;
  - (d) wind direction at the time of complaint;
  - (e) the likely cause of the complaint;
  - (f) the response made by the consent holder; and
  - (g) action taken or proposed as a result of the complaint.

The complaint log shall be made available to the Council at all reasonable times and a copy shall be forwarded to the Council at six monthly intervals.

## **Reviews**

11. The Council may, within three months of the anniversary of the commencement of this consent and annually thereafter, serve notice on the consent holder under section 128 of the Resource Management Act 1991, of its intention to review the conditions of this resource consent in the event that:
- (a) relevant national guidelines or standards or regional guidelines are established or amended; or
  - (b) the exercise of this consent causes an objectionable adverse effect (see condition 2 of this consent).

Costs associated with any review shall be borne by the consent holder.

## **B Resource consent 109742**

**Consent type:** Water Permit  
**Consent subtype:** Groundwater take  
**Applicant:** Welcome Gold Mines Ltd & Auag Resources Ltd  
P O Box 190  
WAIHI 2981

**Activity authorised:** To take groundwater and mine water for de-watering the underground mine.

**Location:** Baxter Rd - Waihi  
**Map Reference:** NZMS 260 T13:636-195

**Consent duration:** Granted for a period expiring 31 December 2028.

### **Conditions:**

#### **General**

1. This consent is subject to the conditions listed in Schedule One –General Conditions and Schedule Two – General Conditions.

#### **Other Water Users**

2. If, in the opinion of the Waikato Regional Council (the “**Council**”), the exercise of this consent adversely affects stock, domestic or other water supplies, then the consent holder shall, at its own cost, be responsible for providing to the owner of those water supplies an alternative equivalent water supply, to the satisfaction of Council. The consent holder shall be responsible for making an alternative water supply available within 12 hours of being directed to do so by the Council.

#### **Monitoring – Abstraction Rate**

3. The consent holder shall monitor the volume of water abstracted from the mine on a weekly basis and shall report this to the Council on a quarterly basis.

## C Resource consent 109743

**Consent type:** Water permit  
**Consent subtype:** Divert and discharge water  
**Applicant:** Welcome Gold Mines Ltd & Auag Resources Ltd  
P O Box 190  
WAIHI 2981

**Activity authorised:** To divert and discharge ground and surface water (farm run-off and intercepted groundwater) from around the project area.

**Location:** Baxter Rd - Waihi  
**Map Reference:** NZMS 260 T13:636-195

**Consent duration:** Granted for a period expiring 31 December 2028.

### Conditions:

#### General

1. This consent is subject to the conditions listed in Schedule One –General Conditions and Schedule Two – General Conditions.
2. The consent holder shall be responsible for the structural integrity and maintenance of the works associated with the exercise of these consents and for any erosion control and energy dissipation works that may become necessary as a consequence of the exercise of this consent.
3. The consent holder shall ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during any construction works and during the term of this consent. To this end, appropriate sediment control practices shall be undertaken which are in general accordance with the principles outlined in the document prepared by the Waikato Regional Council (the “**Council**”) titled “Erosion and Sediment Control - Guidelines for Soil Disturbing Activities” dated 2003, or updates. In this regard, sediment minimisation plans, including measurable criteria, shall be included within the Water Management Plan prepared pursuant to condition 1 of Schedule Two – General Conditions.

#### Design

4. Any earthworks or structures installed for the diversion and discharge of stormwater shall be designed to manage a 10% AEP (Annual Exceedence Probability) flood event and pass a 1% AEP flood event. Secondary flowpaths shall be away from the stockpiles.

#### Construction

5. All construction works shall be implemented under the supervision of persons with appropriate experience in the supervision of civil engineering construction works.
6. The consent holder shall ensure that the area of disturbance during construction of the diversion works is kept to a minimum.
7. The consent holder shall advise the Council in writing in advance of the proposed construction of each of the diversion channels, and shall provide plans of the proposed works, and advise as to proposed start times for construction.

## D Resource consent 109744

**Consent type:** Discharge permit  
**Consent subtype:** Discharge to land  
**Applicant:** Welcome Gold Mines Ltd & Auag Resources Ltd  
P O Box 190  
WAIHI 2981

**Activity authorised:** To discharge waste rock and ore onto land in temporary surface stockpiles and to discharge seepage from the temporary stockpiles into ground.

**Location:** Baxter Rd - Waihi  
**Map Reference:** NZMS 260 T13:636-195

**Consent duration:** Granted for a period expiring 31 December 2028.

### Conditions:

#### General

1. This consent is subject to the conditions listed in Schedule One –General Conditions and Schedule Two – General Conditions.
2. The consent holder shall be responsible for the structural integrity and maintenance of the works associated with the exercise of these consents and for any erosion control and energy dissipation works that may become necessary as a consequence of the exercise of this consent.
3. The consent holder shall ensure that sediment losses to natural water arising from the exercise of this resource consent are minimised during any construction works and during the term of this consent. To this end, appropriate sediment control practices shall be undertaken which are in general accordance with the principles outlined in the document prepared by the Waikato Regional Council (the “**Council**”) titled “Erosion and Sediment Control - Guidelines for Soil Disturbing Activities” dated 2003, or updates. In this regard, sediment minimisation plans, including measurable criteria, shall be included within the Water Management Plan prepared pursuant to condition 1 of Schedule Two – General Conditions.

### Stockpile Management

#### Non-Acid Forming (NAF) Material Stockpiles

4. Preparation of stockpile sites for the temporary storage of non-acid forming waste rock and soil prior to the placement of material shall include:
  - (a) Stripping and stockpiling of topsoil and subsoils for later use in site rehabilitation.
  - (b) Construction of clean water diversion drains around the site to divert and discharge clean surface run-off and intercepted groundwater in accordance with consent 109743.
  - (c) Construction of diversion drains around the site perimeter to divert stockpile run-off to silt ponds for sediment reduction prior to discharge. (see note below)

**Note:** Any overflow from the silt pond(s) is not authorised by this consent but would be authorised pursuant to existing consent 971311 in relation to the Martha project and as such would be subject to compliance with the conditions of that consent.

## Potentially Acid Forming (PAF) Material Stockpiles

5. Stockpiling of ore or potentially acid forming waste rock shall occur only at sites specifically prepared for that purpose. Any area to be used for this purpose shall be constructed from or lined with at least 600mm of natural, non acid forming materials with a permeability of less than or equal to  $1 \times 10^{-8}$  m/s. In situ soils may be used for this purpose if the consent holder can demonstrate to the Council's satisfaction that the protection provided is equivalent to the liner specification detailed above. In addition to the provisions of condition 4a) and 4b) above, PAF stockpile site preparation shall include:
  - (a) Grading of the proposed stockpile site and construction of stockpile drains around the site perimeter to divert stockpile run-off and leachate to a collection pond (from which collected water can be pumped to the water treatment plant prior to discharge to the Ohinemuri River).
  - (b) Placement of selected, coarse waste rock as the initial layer on the low-permeability layer of the stockpile footprint to act as a leachate drainage layer.
  - (c) Shallow piezometers installed immediately up and down catchment of the stockpile(s) to monitor for leachate in the shallow groundwater system (as detailed in the Settlement, Dewatering & Water Quality Monitoring Plan prepared pursuant to condition 2 of Schedule Two – General Conditions).
6. Drains constructed for the purposes of conveying leachate from the PAF stockpile(s) to the collection pond and the Water Treatment Plant shall be lined by a method agreed to by the Council and detailed in the Water Management Plan prepared pursuant to condition 1 of Schedule Two – General Conditions.

## **Collection Pond Design and Construction**

7. The consent holder shall ensure that the collection pond referred to in condition 5 above is designed and constructed from materials that provide secure long term containment including:
  - (a) a low-permeability liner forming the base and sides of the pond that achieve the same or better standard to that required of the PAF stockpile liner as detailed in condition 5 above, or alternatively a liner constructed of 1.5mm HDPE (or other synthetic liner approved by the Council);
  - (b) a minimum water storage capacity equivalent to the volume of run-off generated from within its catchment during a 10-year return period, 72-hour duration, design storm.
  - (c) a pump system capable of pumping all stormwater reporting to the collection pond during rainfall events less than or equal to the above design storm to the water treatment plant for treatment.
  - (d) a spillway that will safely route overflows in excess of the design storm. (see note below)

**Note:** Any overflow from the collection pond is not authorised by this consent but would be authorised pursuant to consent 971312 in relation to the Martha project and as such would be subject to compliance with the conditions of that consent.

## E Resource consent 109745

**Consent type:** Discharge permit  
**Consent subtype:** Discharge to land  
**Applicant:** Welcome Gold Mines Ltd & Auag Resources Ltd  
P O Box 190  
WAIHI 2981

**Activity authorised:** To discharge waste rock into land underground in the project area as backfill and to allow degraded quality groundwater to discharge from the flooded workings in the project area into the surrounding ground post closure.

**Location:** Baxter Rd - Waihi  
**Map Reference:** NZMS 260 T13:636-195

**Consent duration:** Granted for a period expiring 31 December 2028.

### Conditions:

#### General

1. This consent is subject to the conditions listed in Schedule One –General Conditions and Schedule Two – General Conditions.
2. For the purposes of section 125 of the Resource Management Act, this consent shall lapse on 31 December 2028.

#### Groundwater Quality

3. Piezometers shall be installed at sites to be approved by the Waikato Regional Council for the purpose of monitoring changes in groundwater quality arising from the exercise of this consent. The groundwater monitoring system shall be detailed in the Settlement, De-watering & Water Quality Monitoring Plan, prepared pursuant to condition 2 of Schedule Two - General Conditions.

## **F Resource consent 109746**

**Consent type:** Discharge permit  
**Consent subtype:** Discharge to land  
**Applicant:** Welcome Gold Mines Ltd & Auag Resources Ltd  
P O Box 190  
WAIHI 2981

**Activity authorised:** To discharge treated mine water from the Martha Mine Water Treatment Plant to ground in association with flooding the underground mine on completion of the project.

**Location:** Baxter Rd - Waihi  
**Map Reference:** NZMS 260 T13:636-195

**Consent duration:** Granted for a period expiring 31 December 2028.

### **Conditions:**

#### **General**

1. This consent is subject to the conditions listed in Schedule One –General Conditions and Schedule Two – General Conditions.
2. For the purposes of section 125 of the Resource Management Act, this consent shall lapse on 31 December 2028.

#### **Discharge Quality**

3. The treated water discharge shall at all times comply with the limits specified in the Martha Mine extended project treated water discharge permits, specifically resource consents 971318, 971319 and 971320.

## SCHEDULE ONE – GENERAL CONDITIONS

The granting of consents (109741 to 109746 inclusive) is subject to the following conditions, which shall apply to each individual consent.

### General

1. Except as otherwise provided for by subsequent conditions of this consent, all activities to which this consent relates shall be undertaken generally in accordance with the information contained in the Assessment of Environmental Effects (August 2003) and supporting technical documents submitted by the consent holder in support of the applications for the consents for the Favona Underground Mine.
2. This consent shall not be exercised until such time as documentation is provided to the Waikato Regional Council (the “**Council**”) confirming that the holder of the existing resource consents that authorise the operation of the Martha mine (the “Martha consents”), in particular those consents that relate to discharges from the silt ponds, discharges from the collection ponds, discharges from the water treatment plant and the series of consents that relate to the tailings storage facility, has provided permission for the holder of this consent to utilise the Martha consents for the purpose of the operation of the Favona underground mine.

### Commencement

3. The consent holder shall notify the Council in writing at least two weeks in advance of the first exercise of this consent.

### Rehabilitation Plan

4. The consent holder shall prepare a Rehabilitation Plan covering all areas that may be affected by the Favona Underground Mine. This Plan shall be submitted to the Council for written approval prior to the exercise of this consent. The Plan shall set out details on flooding of the workings, plugging of the decline, landscaping, rehabilitation of the polishing pond stockpile area, planting, fencing, and ongoing maintenance and may be the same Plan that is required pursuant to condition 27 of the land-use consent granted by the Hauraki District Council. The Plan shall be in alignment with the Rehabilitation Plan prepared for the Martha consents.

The consent holder may amend the Plan at any time. No amendments shall be made to the Plan without the written approval of the Council. Unless otherwise agreed in writing by the Council, the consent holder shall undertake the rehabilitation works in accordance with the most recent version of the approved Rehabilitation Plan.

### Liaison Officer

5. Prior to exercising of this consent, the consent holder shall appoint a person (the “Liaison Officer”), subject to the approval of the Hauraki District Council and the Waikato Regional Council (the “**Councils**”), to liaise between the consent holder, the community and the Councils. The Liaison Officer shall have sufficient delegated power to be able to deal immediately with complaints received and shall be required to investigate those complaints as soon as possible after receipt. The Liaison Officer shall be appointed for the duration of this consent. The name of the Liaison Officer together with the contact phone numbers for that person shall be publicly notified in local newspapers by the consent holder prior to the exercising of this consent and at least once a year thereafter.

## Bond

- 6.1 Unless otherwise agreed in writing by the Waikato Regional Council and the Hauraki District Council (the “**Councils**”), the consent holder shall provide and maintain in favour of the Councils a rehabilitation bond to
- (a) secure compliance with the conditions of this consent and to enable any adverse effect on the environment resulting from the consent holder’s activities and not authorised by a resource consent to be avoided, remedied, or mitigated;
  - (b) secure the completion of rehabilitation and closure of the activities authorised by this consent in accordance with the approved Rehabilitation Plan;
  - (c) ensure the performance of any monitoring obligations of the consent holder under this consent.
- 6.2 The bond shall be in a form approved by the Councils and shall, subject to these conditions, be on the terms and conditions required by the Councils.
- 6.3 The bond shall provide that the consent holder remains liable under the Resource Management Act 1991 for any breach of the conditions of consent which occurs before expiry of this consent and for any adverse effects on the environment which become apparent during or after the expiry of the consent.
- 6.4 Unless the bond is a cash bond, the performance of all of the conditions of the bond shall be guaranteed by a guarantor acceptable to the Councils. The guarantor shall bind itself to pay for the carrying out and completion of any condition in the event of any default of the consent holder, or any occurrence of any adverse environmental effect requiring remedy.
- 6.5 The amount of the bond shall be fixed prior to the exercise of this consent and thereafter at least annually by the Councils who shall take into account any calculations and other matters submitted by the consent holder which are relevant to the determination of the amount. The amount of the bond shall be advised in writing to the consent holder at least one month prior to the review date.
- 6.6 The amount of the bond shall include:
- (a) the estimated costs (including any contingencies necessary) of rehabilitation and closure in accordance with the conditions of this consent, on completion of the operations proposed for the next year;
  - (b) any further sum which the Councils consider necessary to allow for remedying any adverse effect on the environment that may arise from the exercise of this consent;
  - (c) the estimated costs of monitoring, in accordance with the monitoring conditions of this consent, until the consent expires; and
  - (d) any further sum which the Councils consider necessary for monitoring any adverse effect on the environment that may arise from the exercise of this consent including monitoring anything which is done to avoid, remedy, or mitigate an adverse effect.
- 6.7 Should the consent holder not agree with the amount of the bond fixed by the Councils then the matter shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1996. Arbitration shall be commenced by written notice by the consent holder to each of the Councils advising that the amount of the bond is disputed, such notice to be given by the consent holder within two weeks of notification of the amount of the rehabilitation bond. If the parties cannot agree upon an arbitrator within a week of receiving the notice from the consent holder, then an arbitrator shall be appointed by the President of the Institute of Professional Engineers of New Zealand. Such arbitrator shall give an award in writing within 30 days after his or her appointment, unless the consent holder and the Councils agree that time shall be extended. The parties shall bear their own costs in connection with the arbitration. In all other respects, the provisions of the Arbitration Act 1996 shall apply. Pending the outcome of that

arbitration, and subject to condition 6.8, the existing bond shall continue in force. That sum shall be adjusted in accordance with the arbitration determination.

- 6.8 If, for any reason other than default of the Councils, the decision of the arbitrator is not made available by the 30<sup>th</sup> day referred to above, then the amount of the bond shall be the sum fixed by the Councils, until such time as the arbitrator does make his/her decision. At that stage the new amount shall apply. The consent holder shall not exercise this consent if the variation of the existing bond or new bond is not provided in accordance with this condition.
- 6.9 The bond may be varied, cancelled, or renewed at any time by agreement between the consent holder and the Councils provided that cancellation will not be agreed to unless a further or new bond acceptable to the Councils is available to replace immediately that which is to be cancelled (subject however to the condition below as to release of the bond on the completion of the rehabilitation).
- 6.10 The Councils shall release the bond on the completion of the rehabilitation. This means when the rehabilitation has been completed in accordance with the approved Rehabilitation Plan and demonstrated to be successful, to the satisfaction of the Councils
- 6.11 All costs relating to the bond shall be paid by the consent holder.
- 6.12 This consent shall not become operative unless and until the consent holder provides the bond to the Councils.
- 6.13 These conditions form an integrated whole and are not severable.

*(Note: The bond covers only those elements of the Favona Underground Mine not already subject to the rehabilitation bond imposed by the land use and resource consents granted for the Martha Mine Extended Project.)*

## **Review**

7. The Council may, within three months of the anniversary of the commencement of this consent and annually thereafter, serve notice on the consent holder under section 128 of the Resource Management Act 1991, of its intention to review the conditions of this resource consent for the following purposes:
- (a) to review the effectiveness of the conditions of this resource consent in avoiding, or mitigating, any adverse effects on the environment from the operation and, if considered appropriate by the Council, to avoid, remedy or mitigate such effects by way of further or amended conditions; and/or
  - (b) if necessary and appropriate, to require the holder of this resource consent to adopt the best practicable option to remove, or reduce, adverse effects on the environment resulting from the exercise of this consent in particular if the Settlement, De-watering and Water Quality Monitoring Report identifies significant variance from the predicted post closure effects; and/or
  - (c) review the monitoring requirements in light of the results obtained from monitoring in preceding years.

Costs associated with any review shall be borne by the consent holder.

## **Administration**

8. The consent holder shall pay to the Council any administrative charge fixed in accordance with section 36 of the Resource Management Act 1991, or any charge prescribed in accordance with regulations made under section 360 of the Resource Management Act.

## SCHEDULE TWO – GENERAL CONDITIONS

The granting of consents (109742 to 109746 inclusive) is subject to the following conditions, which shall apply to each individual consent.

### Water Management Plan

1. Prior to exercise of this consent, the consent holder shall prepare, and submit to the Council for its written approval, a Water Management Plan describing the water management system to be applied across the project area, with emphasis on management of stormwater including water storage options, decline and mine de-watering, and stockpile runoff.

The consent holder shall exercise this consent in accordance with the approved Water Management Plan.

### Settlement, De-watering and Water Quality Monitoring Plan

2. Prior to exercise of this consent, the consent holder shall prepare, and submit to the Council for its written approval, a Settlement, De-watering & Water Quality Monitoring Plan. The purpose of this Plan is to monitor and assess the effects of the activities on land settlement, the groundwater hydraulic regime and on water quality, and also to detail the contingency measures that will be actioned should groundwater or surface settlement triggers be exceeded.

The Plan shall, as a minimum, provide an overall description of the groundwater and settlement monitoring system and the measures to be adopted, including contingency measures, to meet the objectives of the groundwater and settlement management system, as proposed in the consent application. The monitoring regime shall be designed to assess the effects of:

- (a) mine dewatering on the regional groundwater system,
- (b) mine de-watering on settlement;
- (c) leachate from stockpiles containing potentially acid forming material on shallow groundwater quality, and
- (d) the discharge of degraded-quality water from the backfilled and flooded workings on groundwater quality.

Final details of the monitoring locations are to be agreed with the Council. The Plan shall also provide trigger limits that will initiate the implementation of contingency mitigation and/or monitoring measures and shall detail any linkages with the Martha pit operation.

The Plan shall be consistent with the recommendations included in the reports to the Council entitled;

- Ø *“Proposed Favona Underground Mine – Review of Groundwater Assessment”* dated October 2003 and prepared by Pattle Delamore Partners; and
- Ø *“Technical Review of Water Quality and Geochemistry Issues - Favona Underground Project”*, dated October 2003 and prepared by GEOKEM.

The exercise of this consent shall be in accordance with the Plan as approved by the Council. The Plan shall be reviewed, and updated as necessary, by the consent holder at least once every two years. Any updated Plan shall be promptly forwarded to the Council for approval and following approval the updated Plan shall be implemented in place of the previous version.

In the event of any conflict or inconsistency between the conditions of this consent and the provisions of the Settlement, De-watering & Water Quality Monitoring Plan, then the conditions of this consent shall prevail.

3. In the event that a tilt greater than 1 in 1000 occurs between any two network monitoring locations, installed in accordance with the Settlement, De-watering & Water Quality Monitoring Plan required pursuant to condition 2 above, or there is a significant variance from the predicted settlement rates, the consent holder shall notify the Council in writing, within 20 working days of receiving the results of the monitoring. The consent holder shall then:
  - (a) explain the cause of the non-conformance,
  - (b) agree with the Council on the appropriate settlement contingency measures to be implemented as described,
  - (c) implement settlement contingency measures as appropriate,
  - (d) advise the Council on the steps the consent holder proposes to take in order to prevent any further occurrence of the situation.

#### **Settlement, De-watering & Water Quality Monitoring Report**

4. The consent holder shall provide to the Council (with a copy provided to the Hauraki District Council) an annual Settlement, De-watering & Water Quality Monitoring Report. The report shall include at least the following information:
  - (a) the volume of groundwater abstracted,
  - (b) the data from monitoring undertaken during the previous year including groundwater contour plans (derived from the data) in respect of the piezometer network,
  - (c) an interpretation and analysis of the monitoring data, in particular any change in the groundwater profile over the previous year, predictions of future impacts that may arise as a result of any trends that have been identified including review of the predicted post closure effects based on actual monitoring data, and what contingency actions, if any, the consent holder proposes to take in response to those predictions. This analysis shall be undertaken by a party appropriately experienced and qualified to assess the information,
  - (d) any contingency actions that may have been taken during the year,
  - (e) comment on compliance with all conditions of this consent including any reasons for non-compliance or difficulties in achieving conformance with the conditions of this consent.

The report shall be forwarded in a format acceptable to the Council.

## **APPENDIX 1 PROCESS**

The nature of these applications is such that the Applicant and the Consent Authorities agreed on a slightly different process to deal with the applications than is normally employed. This involved extending one timeframe, establishing a joint staff management team, and commissioning of technical reviews. The process is set out in the following sections:

### **TIMEFRAMES**

As provided for by Sections 37 and 37A of the Resource Management Act 1991, the notification of the decision pursuant to Section 115 was extended by 5 working days.

### **MANAGEMENT TEAM FOR CONSENT PROCESS**

As there are resource consent applications to both Hauraki District Council and Waikato Regional Council, the two consent authorities established a project management team consisting of staff from both authorities and their lead consultants. The purpose of the project management team was to guide the process associated with the application and to ensure that co-ordination was maintained between the two authorities.

### **TECHNICAL REVIEW TEAM**

A group of independent experts in their field was contracted by the consent authorities to assist in the assessment of the application. The tasks that the technical review team undertook are identified in the following process sections.

### **PUBLIC NOTIFICATION**

The applications were publicly notified in the Hauraki Herald and the Waihi Leader. In addition, persons considered to be directly affected by any of the applications were served as required under the provisions of the Resource Management Act. In addition signs were erected at a number of locations around the area that would be affected by the project.

### **TECHNICAL REVIEWS**

Meetings between the consents management team and representatives of the Applicant were held to discuss those matters raised as a result of the technical reviews. The purpose of the meetings were to:

- € Confirm if information relating to the issues raised had in fact been provided by the Applicant, but due to the volume of the information and the time periods, the information had been overlooked.
- € Identify areas where further information was required to be provided by the Applicant.
- € Identify those areas where there was a difference of opinion between the Applicant's technical advisor and the Council's technical reviewer, and whether that difference of opinion was major or minor.
- € Set out a process and programme whereby the further information and the differences of opinion could be addressed.

Discussions between the Applicant and the Council's technical reviewers were ongoing up to the preparation of the staff report.

## **SUMMARY OF ISSUES RAISED BY SUBMITTERS**

A summary of issues raised by submitters was prepared in order that the issues of concerns to the community could be addressed in the staff report.

## **SUBMITTERS**

Each individual submission was acknowledged and submitters were each served with a notice of hearing. Submitters were advised of the proposed distribution of staff reports and asked to advise if they wished to receive a copy. The Applicant undertook to provide copies of the Staff Report to those submitters in support it had organised, who wanted a copy.

## **DRAFT CONDITIONS**

The Applicant was provided with a set of draft conditions prior to the Hearing in order that the Applicant could get an understanding of the issues that were still outstanding. This allowed the applicant to focus on those matters needing to be addressed at the Hearing of the applications.

This was done not only to assist the Applicant, but also to assist the consent authorities. By the Applicant providing the appropriate technical experts and information at the Hearing, this assisted the consent authorities in the understanding and assessment of effects of the activities proposed.

## **STAFF REPORT**

Staff reports were separately prepared for each Council.

Copies of the two staff reports were served on 4<sup>th</sup> November 2003 to every person who indicated they wished to be heard in their submission, all the submitters in opposition and other submitters who had specifically requested a copy of the staff reports. The staff report was also provided to the Applicant.

Due to the fact that much of the assessment of effects had been undertaken through the technical review process, the staff report did not need to include a full assessment. The technical reviews were appended to the staff reports.

## **APPENDIX 2 THE HEARING**

It was agreed that the applications would be heard jointly between the two Councils. At the commencement of the Hearing Councillor J Tregidga was appointed as Chairman. The Commissioners heard evidence and submissions in respect of the applications at the Waihi Memorial Hall, Seddon Street, Waihi. The Committees sat in public on the following dates: November 17, 18, 19, 20, and 21 of 2003.

### **PROCEDURAL MATTERS**

At the commencement of the Hearing the Chairman provided the opportunity for questions as to procedure to be raised.

Mr Roy Piahana on behalf of Te Ruunanga A Iwi O Ngati Tamatera submitted the following written statement.

*“The interests of Tangata whenua are not represented on this hearing committee. This puts at great risk the memorandum of partnership signed between Ngati Tamatera and Hauraki District Council.*

Mr Piahana commented that *“The Hearing Committee should have a tangata whenua representative present and therefore this hearing should not go ahead.”*

The Chairman adjourned the Hearing to allow the Commissioners to consider the matter. The Chairman advised that the issue raised was not a procedural matter and was beyond the delegated authority of the Commissioners to consider.

The Chairman advised that the Commissioners were appointed by the two Councils prior to the hearing commencing and the decisions of the Councils cannot be altered by the Commissioners.

The Chairman advised that the Commissioners would be undertaking a site visit, and that there was the opportunity for a limited number of submitters to participate in this. He advised that no discussion would be entered into with any party during the site visit.

Mr Ron Arthur advised that he had concerns with the effects of the proposal on the value of his farm and asked that the Commissioners visit his farm.

The Chairman agreed to do so and invited Mr Arthur to participate in the site visit.

In response to a later question the Chairman advised that there is no relationship between Commissioner Graham Wheeler and Dr Brent Wheeler, witness for the Applicant.

## **APPENDIX 3 THE APPLICANT'S CASE**

### **LEGAL SUBMISSIONS**

Mr R Fisher, together with Michelle van Kampen and Scott Smith appeared for the Applicant. Mr Fisher presented detailed legal submissions.

Mr Fisher addressed the various aspects of the proposal and advanced legal arguments in respect of the consents sought and the type and extent of conditions that could be imposed. The Company's evidence was then presented.

### **MR DAVID ALLAN INGLE**

Mr Ingle has been the General Manager of the Waihi Gold Company since November 2001. He gave evidence in respect of the project overview, applicants, Newmont, The Martha Mine, Favona Resource, Favona Mine Project Description, Rehabilitation, Post Closure, Bonds, Social licence to operate, consultation, council report, and submissions.

Mr Ingle concluded that Favona will not affect the operation, closure or rehabilitation of the Martha Open Pit Mine. That the environmental effects associated with the Favona Project will be no more than minor, while the ongoing presence of the Company in Waihi as a result of the Favona Project will provide continued, significant economic and employment benefits for the community.

The Commissioners questioned Mr Ingle in relation to the number of ventilation shafts, iwi consultation, the Company structure, backfilling of the mine, and community consultation.

With regard to the State Highway 2/Baxter Road intersection it was pointed out that Council can only impose conditions on the Applicant, not on Transit New Zealand.

Mr Ingle advised;

- € That more than one ventilation shaft may be needed if a larger resource is found;
- € Iwi consultation was undertaken by meetings, letters and phone calls,
- € The Company structure is the same as for the Decline consent,
- € There is no specific quality control testing programme for backfilling. Benching would start at the bottom and work up and a 5 to 10 metre gap would be left at the top of the backfill, with the roof being largely self supporting, augmented by rock bolting and mesh as required.

Mr Ingle advised that the Community Consultation Committee had been set up to look at the future of the site and that he saw an ongoing function for it.

### **DR JOHN HERBERT HEILIG - VIBRATION**

Dr Heilig is Principal of Heilig & Partners Pty Ltd, a consulting engineering company based in Brisbane, Australia. Dr Heilig has been employed in the minerals industry for 20 years and has extensive domestic and international experience in the design, analysis and performance of controlled rock blasting in mining, quarrying and civil construction projects.

Dr Heilig gave evidence in the form of an overview of the potential effects of the drilling and blasting activities associated with mining the Favona ore bodies, other than for development of the decline. He stated that the environmental effects of undertaking blasting fall into three main categories – vibration, overpressure, and fly rock. Underground mining methods effectively eliminate the latter two, leaving potentially only

vibration related effects once the portal is established and the decline developed a short distance.

The proposed vibration conditions are:

- € Ground vibration below 5 mm/s for 95% of all blasts during daytime activities (0700 to 2100 Monday to Saturday);
- € Ground vibration below 1 mm/s at all other times and on Public holidays;
- € A rolling 12 month data set should be used to establish compliance.

Dr Heilig advised that the analyses show that Favona can be safely mined using drilling and blasting methods consistent with those typically used at other underground operations and within the proposed stringent vibration limits that are protective of personal amenity. As part of best practice procedure, the Company will endeavour to schedule development blasting to be concurrent with production blasting, both occurring at the end of each shift. There will however be occasions when because of safety and operational issues, either development or production blasting will occur outside of these nominal windows.

Dr Heilig concluded that, on no occasions, will the drilling and blasting activities produce levels of vibration capable of causing damage to any of the adjacent properties.

Councillor Tregidga advised that Mr Neil Watson (the Technical Reviewer engaged by Council) was available to make comments on the Vibration issue, and would do so at this time for the assistance of the Commissioners and Submitters.

Dr Heilig was questioned about his description of the perception of different vibration levels, given experience of residents with blast vibrations from the Martha Mine. He advised he was quoting from recognised standards, which state that vibration levels up to 5 mm/s are “barely perceptible”.

Dr Heilig confirmed that vibration from Favona would be similar to that from surface blasting.

### **MR NEIL WATSON - Hauraki District Council – VIBRATION**

Mr Watson made some comments on Dr Heilig’s evidence from the Council’s perspective. He advised that the major concern is with the perception levels as the majority of complaints received about the Martha pit operation are about blast vibration in the 1-5 mm/s range.

Other concerns the Council has are:

- € Vibration levels
- € Number of blasts
- € Timing of blasts
- € Location of the person experiencing the blasts

In the Staff Report a limit of two blasts per day is proposed. An alternative possibility is that there is no limit on the number of blasts but that no one residence be exposed to more than two blasts a day of 3 mm/s or above.

In response Dr Heilig advised that all the standards are based on there being no reduction in quality of life for the vast majority of people.

Mr Lane advised that monitoring has shown that most of the blasts in the Martha Mine are under 3 mm/s and therefore most complaints relate to that level of vibration.

## **MS JANNE CATHERINE SANDERS – NOISE**

Ms Sanders is employed as an acoustical consultant for Marshall Day Acoustics Ltd (MDA), consultants in acoustics, since 1998.

Marshall Day Acoustics Ltd has developed a computer model of the existing Newmont Waihi Operations processing plant area, and has modelled various operational scenarios for the Favona mine in combination with the existing processing plant.

Ms Sanders concluded that model results show that the proposed operating scenarios for the Favona mine can comply with the existing noise limits as set out for the Extended Project (Martha) and for the exploration decline.

In response to questions from the Commissioners, Ms Sanders advised that management of the operation could include measures such as using fewer trucks within any 15 minute period and selection of quieter equipment.

She advised that noise bunds are effective, if located close to the noise source.

## **MR NEVIL IAN HEGLEY – NOISE**

Mr Hegley is the Principal of Hegley Acoustic Consultants. He has 38 years experience in civil engineering and for the last twenty seven years has specialised in acoustics.

Mr Hegley gave evidence in respect of the Favona Underground Mine complying with the 40dBA (L10) night noise limit of the District Plan.

He advised that to ensure noise levels are complied with at all times it is proposed that:

- € The mine ventilation fans will include silencers;
- € When purchasing equipment the noise levels will be specified to ensure that plant will achieve the design limits.
- € Prior to operating in the polishing pond area at night time, field tests will be undertaken to ensure that the lower night time levels will be achieved.
- € The operating noise levels will be monitored at regular intervals to ensure compliance with the design criteria.

There will be a limited number of relatively short duration construction activities undertaken on-site and construction activities will be able to meet the noise limits set for operation of the exploration decline.

Mr Hegley stated that working the mill plus the cumulative effects of the Favona mine will comply with the daytime noise limits with a good factor of safety. At night time, the noise limits will be complied with based on no work at night time at the polishing ponds stockpile unless some additional screening and/or site management is undertaken.

He concluded that when including the existing mill noise and taking into account the noise from the Favona Underground Mine, the noise effects for the neighbours will be minor.

In response to questions from the Commissioners, Mr Hegley advised that the Committee should set conditions and require compliance with these rather than specifying what is to be done to achieve compliance. The management and methods of compliance are for the Company. In addition Section 16, Duty to avoid unreasonable noise, would apply to the Company.

He advised that the worst conditions for noise are times of light winds and temperature inversions. Noise levels will often be below 40 dBA, but will vary above and below that level.

Mr Hegley stated that at times of stronger winds the background noise levels will be higher and while the noise from the mine will also be higher, it will not be as much above the background level as in light or zero wind conditions.

He stated that it is no use telling residents that the noise cannot be measured in windy conditions.

### **MR NIGEL LLOYD – HAURAKI DISTRICT COUNCIL – NOISE**

Mr Lloyd was asked to make some comments on the noise evidence that had been presented.

Mr Lloyd focussed his comments on Paragraph 42 of Mr Hegley's evidence – relating to the use of averaging to determine compliance with noise conditions.

He advised that the New Zealand Standard allows for averaging only during the day time, with night time compliance being required for each individual noise reading.

While Mr Hegley agreed that it is undesirable to use averaging at night, he stated that as this is provided for in the Mining Licence, this needed to be continued into the Favona conditions.

Mr Lloyd advised that he considered the Mining Licence condition to be ambiguous and that this was an opportunity to improve the condition, by reverting to the New Zealand Standard.

### **MR KEVIN ALLAN ROLFE – AIR QUALITY**

Mr Rolfe is a Director of his own chemical engineering and environmental management consulting company, Kevin Rolfe & Associates which was incorporated in 1990. Mr Rolfe has been employed in the environmental management field for more than 30 years.

The Company had engaged Mr Rolfe to address the potential air quality effects of the Favona Underground Mine Project. Both underground and above ground activities were included. Relevant indicators of the air quality situation, and an appropriate starting point for comparisons, are the results of the ambient air quality monitoring programme in and around Waihi.

Mr Rolfe gave evidence in respect of air quality relating to the following areas

- ⊘ Emissions from the vent shaft(s)
- ⊘ Emissions of particles (dust) and gases from vehicle movements, stockpiling, crushing and conveying, operation of the carbon regeneration furnace, etc.
- ⊘ Emissions of carbon dioxide.

Mr Rolfe gave the following conclusions:

- ⊘ The nature of underground mining is such that the air quality implications are less than for open-cast mining.
- ⊘ Waihi Gold Company has operated Martha Mine with a high level of compliance with conditions, and the same high level of attention to environmental management is to be maintained for the Favona Underground Project.

- € Emissions from the vent shaft(s) should not contribute significantly to air quality impacts, but there are two existing dust deposition monitoring gauges in the vicinity to provide at least a partial check on that.
- € Emissions of particles (dust) and gases from vehicle movements, stockpiling, crushing and conveying, operation of the carbon regeneration furnace, etc, should not produce excessive concentrations of air pollutants, but for dust concentrations the extensive ambient air quality monitoring programme will continue to assess that.
- € Emissions of carbon dioxide as a result of the Favona Underground Project would contribute less than 0.05% to New Zealand's energy sector emissions of carbon dioxide.

Mr Rolfe was asked why no dust monitoring had been/was to be installed between the stockpile and houses to the north-west.

He advised the existing monitoring network is the most extensive in New Zealand and any changes should be made following the next two yearly review of the network.

He was also asked about grassing of the stockpile. Mr Fisher advised that the stockpile would be worked all the time and could not be grassed and that as many water trucks as necessary would be utilised to control dust.

#### **MR WAYNE JOHN RUSSELL – GROUNDWATER**

Mr Russell is a consulting hydro-geologist and a Senior Principal of URS NZ Ltd ("URS"). His investigations of ground water systems have included regional studies, basin studies and site-specific studies.

Mr Russell advised his involvement in the Favona Project has been to assess:

- € The groundwater inflows during development and operation of the mine;
- € The likely effects on other water bodies and water users from the dewatering of the proposed mine;
- € The potential interaction between the filling of Martha Mine lake and the proposed Favona underground mine;
- € The post-closure effects on water quality; and
- € Input to studies on the potential for settlement and caving (subsidence).

Mr Russell reached the following conclusions:

The assessment of the Favona groundwater system shows that the proposed Favona mine and its access will be constructed in andesite rock and that no shallow, drainable or compressible materials will be intercepted during construction or mining. As a result the potential effects on settlement; surface water bodies; and surface water structures will be minimal or negligible.

During mining, groundwater will move towards the Favona vein system through relatively tight andesite country rock, or along relatively narrow fault zones. Effect on Martha Mine lake when full is considered minor and of short duration.

Post-closure, groundwater is assessed as likely to move away from the Favona system and to add to the discharge from Martha Mine Lake. Flow times will be long and flow will be small. The chemical effects on Martha Mine Lake is assessed as not measurable and hence, negligible.

Groundwater levels and surface settlement are to be monitored. Analysis shows up to 80mm of settlement centred over the workings but little settlement beyond the Mining

Permit Area. The calculated settlement in the adjacent urban area to the north is less than the natural seasonal fluctuation due to shrink-swell.

Mr Russell noted that the Waikato Regional Council's technical reviewer is generally supportive of the assessment made and that the Company has agreed to an extra monitoring well and to infill the settlement survey network in the east end of Waihi Town as recommended by the Waikato Regional Council's technical reviewer.

Mr Russell stated that he did not consider groundwater to be a significant issue for the development and operation of the proposed Favona Mine.

In response to questioning Mr Russell confirmed that the mine stopes would be backfilled, leaving only very small voids at the top (4-5 m high).

### **MR IAN ROBERT JENKINS – GEOCHEMISTRY**

Mr Jenkins is a consulting geochemist and principal of URS NZ Ltd. He is the Group Manager of the Geoscience Group with URS NZ Ltd's Auckland Office.

Mr Jenkins has been a consulting geochemist to the mining industry since 1992 and his experience covers waste rock and tailings geochemical evaluation, waste management and geochemical modelling at mine and waste disposal sites throughout NZ and Australia.

URS NZ Ltd (URS) was requested by the Company to carry out a geochemical study of the waste rock and tailings from the proposed Favona Underground Project and water quality of runoff and seepage.

Mr Jenkins reached the following conclusions regarding waste rock

- € Waste rock from the proposed Favona Mine is expected to have a similar potential for acid generation and leaching behaviour to waste currently mined from the Martha Pit.
- € Comparison of the trace elements in waste rock from the proposed Favona Mine to the existing Martha Mine, using statistical analysis has shown the waste rock to be similar.
- € The majority of the waste rock is ultimately to be placed in the underground mine which will be flooded, preventing ongoing sulphide oxidation and the associated release of trace elements post mining.

His conclusions regarding the tailings geochemistry were:

- € The tailings produced by the Favona Mine are likely to have a limited potential to generate acid seepage based on comprehensive test work and monitoring of the existing Martha Tailings impoundment;
- € The minor differences in ore geochemistry are unlikely to result in a tailings seepage which is significantly different from the current predictions for Storage 1A.
- € The constituents: arsenic, antimony, cadmium and selenium, of the Favona ore are likely to be associated with sulphide minerals, therefore the release of these trace elements can be minimised with the control of sulphide oxidation, which is the objective of current management practise.

In response to questions from the Commissioners, Mr Jenkins advised that liming of the stockpile would lock the minerals up while there and allow them to be released underground when the mine is backfilled. If released while stockpiled the runoff can be treated.

He noted that the end use of the stockpile liner once the wasterock and ore has been removed will be determined once it has been sampled to check if the soils have become contaminated.

### **MR ROBERT PETER YOUNG – VALUATION**

Mr Young has been a Registered Valuer for over 40 years and is familiar with the Waihi urban area and has undertaken studies on Waihi urban residential property values since prior to 1987 for the purpose of various mining and resource consent applications lodged by Waihi Gold Company over the years.

Mr Young's evidence reviewed the impact of mining generally, and the proposed Favona Project specifically, on residential property values in Waihi. He concluded that mining has increased Waihi residential property values over and above those which would have pertained had the mining activity never occurred. Mr Young concluded the Favona Project will extend this beneficial effect beyond the proposed closing date for the Martha Mine.

Mr Young was asked if he had looked at the negative effects on individual houses. He advised that he had looked at properties sold before the Martha Mine extensions and then resold after it. This showed that more properties in the eastern part of town increased in value than in the western part.

He advised that some properties very close to Favona would be influenced in a negative way, but would still have values above what they would have had, had there been no mining.

### **DR PHILIP BRENT WHEELER – ECONOMICS**

Dr Wheeler is the Principal of Brent Wheeler Limited and has been Principal of this and its antecedent companies for the past 15 years.

Dr Wheeler's evidence reported an analysis of the estimated economic impacts of the proposed Favona Underground Project.

Dr Wheeler concluded that the continuation of the Company's presence in Waihi, along with its economic output and employment impacts on the town and surrounding district continue to be significant. The economic analysis confirms the importance of those impacts.

### **MR JAMES ROBERT PARE CLARKE – SOCIAL & PLANNING**

Mr Clarke is a qualified planner, a member of the NZ Planning Institute and has been in practice for over 30 years.

Mr Clarke prepared a Social Assessment Report, which was included in the consent application documentation. His evidence summarised the Social Assessment that he prepared, responded to relevant submissions, and assessed the project in the statutory planning context. Mr Clarke advised that the social effects of the Favona Project on its own are largely positive (extended employment) but these need to be seen in a broader social context.

The social context includes the Martha Mine and the positive and negative effects it has had.

Mr Clarke conducted interviews with a cross section of members of the community, the overall conclusions he drew from these were:

- € Mining continues to have good support from the community, and the benefits are recognised.
- € The “costs” to the community have increased more recently – noise and vibration, and most significantly, the major effect on the residential area immediately east of the extended pit (bounded by Brickfield Road, Roycroft Street, Dobson Street), where a previously settled residential environment has been virtually extinguished by the need to remove dwellings due to subsidence risk. There is a belief that whilst historical mining has played a role in this, the current project is to a significant extent responsible for this change.
- € Favona and the Golden Legacy both have the potential to redress, to some extent, this erosion in the mining/community relationship.

Mr Clarke concluded: “In my opinion the Favona Project meets the requirements of the RMA to promote the sustainable management of natural and physical resources. Both the Regional Policy Statement and the District Plan clearly envisage the utilisation of mineral resources, but require that such utilisation be managed to avoid or remedy adverse effects.

With the imposition of stringent but practicable conditions, and with the ongoing development of the pit rehabilitation proposals (including extensive community input), Favona will assist Waihi in maintaining its economic wellbeing, and coping with the gradual reduction in mining activity.”

## **APPENDIX 4 SUBMISSIONS IN SUPPORT**

A total of 453 submissions (232 HDC, 221 WRC) were received in support of the application. Of these, 17 people made verbal submissions at the hearing, on behalf of themselves and/or on behalf of others (see Appendix 3)

The reasons expressed by supporters were similar, with additional comment from most businesses that their continued viability or current staffing level is dependent on the Favona Underground mine project going ahead.

Reasons given by submitters in support of the application (including those who did not appear at the hearing) were:

- ∕ Substantial contribution to ongoing employment and economic activity in the area.
- ∕ Minimal adverse environmental effects
- ∕ Continuation, development and success of new and existing businesses.
- ∕ Community benefits from donations
- ∕ Positive effects clean discharge water has on the Ohinemuri River.
- ∕ Regional and national economic development and ongoing investment in exploration in NZ.
- ∕ Ensuring continuing investment in prospecting, exploration and mining in NZ.

### **MR CRAIG SMART**

Mr Smart is Manager of the Paeroa Branch of Works Infrastructure Ltd (Works)

Mr Smart commented on Works Infrastructure's involvement with Waihi Gold and discussed issues as follows:

- ∕ Relationship with the Waihi area
- ∕ Relationship with Waihi Gold.
- ∕ Physical features of the Favona Project, and
- ∕ Community Aspects

Mr Smart concluded by saying *"The Favona Project will have an insignificant impact on the existing physical environment of Waihi, but could make a substantial contribution to ongoing employment and economic activity in the area."*

### **MS KIRSTY HOLLIS**

Ms Hollis advised she was speaking on behalf of herself, her family, co-workers, and Colin Smith from St John Ambulance.

Ms Hollis is employed by Newmont as a Metallurgist and the Favona Project would ensure future employment for her and other staff. She concluded by saying she believed the effects of the Favona Underground mine will be positive for those she spoke for and the Waihi Community.

### **MR BRIAN BULLEN**

Mr Bullen is the owner of Computer Solutions in Waihi. Mr Bullen noted the Favona project enables Waihi to continue to enjoy all the benefits of having an active gold mine in the town with very few drawbacks.

### **DR STUART RABONE**

Dr Rabone is a geologist with over thirty years experience in the investigation and development of mineral deposits, particularly in the Hauraki region.

Dr Rabone commented that he has considered the applications and the project proposal in general and believes that there will be minimal adverse environmental effects from them, if any, provided the activities are professionally managed.

He stated that Favona would be a relatively small scale, underground proposal which would provide continued social and economic benefits to the community.

### **MR IAN ROBINSON**

Mr Robinson is a footwear retailer and owns McLeays Shoe Store in Waihi and his submission was presented on behalf of Ian and Heather Robinson and his staff.

Mr Robinson commented on the caring attitude of Newmont Gold, the employment they offer, and the care they take of the environment.

### **MR DAVID CROKER**

Mr Croker established Mourant Direct Ltd - as a result of work originally undertaken at Waihi Gold in 1995 and now employs 28 regular staff and 30 staff on call. Mr Croker and his wife also own and operate the Waihi Art Market and are looking into establishing an adventure tourism business based in Waihi.

Mr Croker believes that without Waihi Gold, many small business like his own would never have been able to develop, let alone succeed.

### **MS JEANNINE WIKI**

Ms Wiki has lived in Waihi for 16 years and is employed by Newmont Waihi Operations as an Education Assistant.

Ms Wiki commented that the community benefits from the mine by way of donations, including her son's school. The money enables the school to purchase sporting equipment and essential items for the school, which would normally have to be fund raised for.

### **MR SHAYNE BENNIE**

Mr Bennie works at the mine and has done so for the past 16 years. He is also a member of the Mine Rescue team and has been for 12 years.

The rescue equipment, worth a substantial amount of money, is supplied and paid for by the Gold Company, is always kept up to date and constantly being added to. Without the financial support of the Waihi Gold Company the Mine Rescue Team would not exist.

The team is available to assist in any emergency situation as required by local, regional and national emergency services.

### **MR IAN HAY**

Mr Hay has lived at Waihi Beach with his family for nearly fourteen years and runs a charter boat business and a small engineering business.

Mr Hay stated the positive effects clean discharge water from the mine has on the Ohinemuri River and its flourishing trout population. He also stated the Waihi Gold Company has always proven, to him, to be very responsible in the discharge of its water.

#### **MS KRISTINA TEMEL**

Ms Temel is the Manager of Petroleum and Minerals Policy in Crown Minerals. During the submission period Ms Temel was acting Group Manager Crown Minerals and it is in that capacity that she made her written submission.

Ms Temel advised that the reasons for Crown Minerals making a submission is the significance of the project, not just for the applicant but also for regional and national economic development and ongoing investment in exploration in New Zealand. The development of the Favona resource will provide a number of benefits at both regional and national levels and Crown Minerals believes a decision to grant resource consents for this type of project will contribute to ensuring continuing investment in prospecting, exploration and mining in New Zealand.

She set out the Government's fundamental policy objective for Crown owned minerals and outlined the process through which the Company's application for a mining permit for Favona was proceeding.

#### **MR MARTIN MCKENNA**

Mr McKenna and his wife are caretakers and managers of a farm in the Waitekauri Valley which was, until a few years ago, the Golden Cross underground and open pit gold mine.

Mr McKenna stated he hears comments about mining companies, that they just take and take and then walk away, and that they don't look after the environment. His response is come and look at where he works.

He concluded that from what he knows about Favona, Waihi Gold and Newmont, and those who work for the Company, that this mine will be good for Waihi, the people and the environment.

#### **MR NEIL HOWE**

Mr Howe is Commercial Manager of A & G Price Ltd, Thames. Mr Howe commented that Waihi Gold Company work forms a very important part of A & G Price Ltd and is part of their local customer base foundation from which they build exports and work in other parts of New Zealand. Mr Howe further commented that it would be fair to say if the Favona Underground project did not proceed, that A & G Price Ltd would suffer not only from that loss of work, but that this loss of work would cause A & G Price Ltd to have an insufficient base workload to continue in business in the manner it currently operates. It would mean retrenchment of staff and possible part closure of their operation.

In summary, A & G Price Ltd support the proposal because of its positive impact on the district as regards to trade, employment and general lift in living standards for all involved with the industry.

#### **MR KIT WILSON**

Mr Wilson is a media consultant. His clients relevant to this submission include Newmont Waihi Operations, Heritage Gold New Zealand Ltd, Winstone Aggregates, the New Zealand Minerals Industry Association, Coeur Gold New Zealand Ltd and Stawell Gold

Mines Pty in Victoria, Australia. The latter two operations are of particular relevance to his submission.

In conclusion, Mr Wilson stated that based on his previously experience, he believed that the above ground effects of the proposed Favona underground mine will be minor. Based on his knowledge of Newmont staff, of the procedures he has seen implemented on a day to day basis at Martha Mine and of the proposals for Favona, he has no hesitation in expressing his full support.

### **MR NEIL FISHER**

Mr Neil Fisher stated that he has lived in Waihi for the past 30 years and lives there with his family. He has been employed as a Storeman for Waihi Gold for the last four years and has been grateful for the Gold Company supporting him even though he has a disability. (Lost his lower leg as a result of a motorcycle accident)

He also is a life member of the Waihi Soccer Club and is the chief fundraiser and has received support from Waihi Gold, and also from the many sub-contractors that have been associated with the past and present mining operations at the Martha Project.

### **MR PETER KEALL**

Mr Keall's submission was also presented on behalf of Kathy Mason. Mr Keall is an experienced underground geologist.

Mr Keall submitted that the mining industry has been overall beneficial to the town of Waihi and low-impact smaller-scale underground mining can only continue to benefit the area.

He stated that he believed the impact of the consents not being granted would be highly damaging for the people of Waihi and surrounds.

### **MR REX DILLIMORE**

Mr Dillimore put forward his submission in support of the proposal and hoped the Council will favour the Application for the ongoing employment that underground mining will bring to the town. He believed that any effects associated with the project will be not more than minor and can be controlled through appropriate consent conditions.

### **MR BRYAN SKINNER**

Mr Skinner is the owner of Goldfield Auto Electrical Ltd which has operated in Waihi and district for the past 25 years.

In his submission, Mr Skinner stated he believed Waihi Gold has continually maintained high standards with regard to environment and community awareness and has insisted that contractors also meet the standards and conditions laid out in previously granted consents.

Mr Skinner supports the proposal for of the following reasons;

- € Allow the mine to maintain its present workforce over an extended 10-15 year period.
- € Allow Goldfield Auto Electrical to further expand and diversify
- € Low impact on the environment
- € Open the way for the local workforce to learn new skills, and look forward to a stable future.

## **APPENDIX 5 SUBMITTERS – NEITHER FOR NOR OPPOSED**

### **MR BARRY & MRS PAULINE TOWNSHEND**

While not opposed to the Favona Project going ahead they have some concerns, mainly relating to night time work.

Mr Townshend advised the Commissioners their property on Moore Street is the nearest to the proposed Favona Project and they feel the project will have a detrimental effect on the value of their property.

They are opposed to any night time operations between the hours of 9.00 pm and 7.00 am.

The Commissioners questioned Mr Townshend as to the noise they were experiencing now from the process plant.

## **APPENDIX 6 SUBMITTERS IN OPPOSITION**

### **TRANSIT NEW ZEALAND – MR BEN TOBIAS**

Transit New Zealand was represented at the Hearing by:

- € Mr Ben Tobias, who is employed in its Hamilton office. He has a law degree and is involved with all matters concerning resource management planning.
- € Mr Alasdair Gray, who is employed as a Civil/Transportation Engineer in the Hamilton office of Opus International Consultants. He has 17 years experience in engineering, focussed on roads, related structures, traffic and road safety engineering and network management.

An adjournment was sought by Transit New Zealand representatives and the Applicant to see if they could reach agreement between them.

Mr Fisher advised after the adjournment, that the parties were agreed that work is required to the Baxter Road/State Highway 2 intersection but there was no agreement on who should pay for this work.

He further advised the Applicant does not want to delay the Favona project until such time as the work has been completed through Transit NZ funding. The Company would accept a condition that the Company carry out the works, on the basis it would then approach Transit NZ and seek a cost sharing arrangement.

Mr Tobias then advised that Transit NZ wanted to table its evidence and Mr Alasdair Gray read the discussion and conclusion parts of his evidence.

Mr Gray concluded that:

- € The project will be detrimental to safety of the intersection.
- € The effects can be mitigated either by the Company providing the treatment sought by Transit NZ, or deferring its project until Transit NZ had been able to do the works.
- € Transit NZ wishes Council to either decline the application or impose a condition on the Company for it to carry out the work.

In response to questions from the Commissioners, Mr Fisher advised that the Company would not support or oppose the imposition of a condition on it to carry out the work. If imposed the Company would seek to reach agreement with Transit NZ.

The Commissioners expressed concern that the works are required regardless of the Favona project and therefore the reasonableness of imposing a condition on the Company.

In response to a question from the Commissioners, Mr Gray advised that Transit NZ would probably appeal any consent granted, if a condition was not imposed.

The Commissioners advised that they would need to be convinced that the project would result in additional effects at the intersection.

### **MRS ANN NICHOLLS**

Mrs Nicholls' evidence was mainly about how the noise from the existing Martha Mine affects her and concerns that with the Favona project this will continue for another 12 or so years. She feels blasting at 7.00 am would be unreasonably early. She believes that

property in the vicinity of the mine has reduced in value and people should be compensated for this.

### **MR DAVID BELL**

Mr Bell advised of his concerns arising from existing noise and vibration levels experienced at his house and also effects of lights from the tailings dam area. He stated that consent should not be granted to a further operation until effects of existing operations are in compliance with consents already granted.

### **MS RUTH ORDISH**

Ms Ordish commented on the following in her submission:

- € Non Compliance of existing operation.
- € Duration of proposed regional consents and area covered by application.
- € Noise
- € Vibration
- € Dewatering and Settlement
- € Groundwater
- € Future possible improvement in technology for dealing with tailings, waste rock etc.
- € Economic and Social
- € Social Disharmony & Distress

She made various recommendations for the Commissioners to consider.

- € All non-compliances with regard to the current operation be attended to and made secure before the current application is consented to. Also that non-compliance with the Favona consents is made accountable.
- € The consent is amended to 10 years maximum.
- € The commissioning of a comprehensive report to determine the potential effects of the proposed Favona underground mining project on old underground workings.
- € A comprehensive report to be commissioned on the “worst case scenario” for groundwater contamination.
- € Microbiological solutions to oxidation to be researched with a view to being incorporated into this consent.
- € A review mechanism that would allow for future technological advances to be applied to the operation.
- € The consent to include a “royalty” to the Waihi Community being 10% of the sales price received for production (or something similar).

### **MS TESSA MACKENZIE**

Ms MacKenzie is a professional supervisor of complementary health and community social service professionals, with a specialist interest in the holistic treatment of mental illness, particularly victims of abuse.

Ms MacKenzie advised that she was seeking to encourage a far greater level of social responsibility than shown to date, with the focus of her submission being on the social well being of individuals.

She also sought amendments to the recommended conditions regarding hours of operation, effects of noise, dust and fumes, length of consents, contribution to the community and compensation for affected parties.

Ms MacKenzie noted that the submissions in support focussed on the economic benefits of mining and came from people in areas not considered to be negatively impacted by the existing and proposed mines.

Ms MacKenzie addressed the stress effects of sudden loud noise as well as of chronic low level noise. She advised agreement with the recommendation of no night time surface activity or lighting on the polishing pond stockpile and recommended that day time activity be limited to 5 ½ days a week.

She stated that positive measures need to be put in place for the community – including a minimum required percentage of the Company's net profit and an improved complaints protocol.

The Commissioners questioned Ms MacKenzie as to what form she saw a better complaints procedure and how it would operate. She advised that it required an independent person to be employed – rather than having to go through the Company Liaison Officer, and that the process should be easier to enter into, and should result in measurable outcomes.

### **MS COLETTE SPALDING – DRAT (Distressed Residents Action Team)**

Ms Spalding presented a verbal submission only. She advised she is the Chairperson of DRAT which had held a meeting of concerned residents in the vicinity of Favona. This meeting saw the following issues raised.

- € 1 truck every 6 minutes
- € Beepers on trucks
- € Noise of trucks travelling up the decline
- € Company proposal for 5% exceedence in vibration condition
- € 24 hour operation
- € Noise – need to be able to monitor in all wind conditions
- € Effects of blasting on tailings dam
- € Portal and vent discharges; better monitoring needed.
- € Cumulative effects of Martha and Favona Mine
- € Complaints procedure
- € Review of consents
- € Fair and equitable compensation for home owners
- € Money to be provided to community groups, e.g. DRAT to enable them to help affected residents
- € Interaction of Martha and Favona mines with historic underground workings
- € Social impacts never adequately addressed
- € Time frames too long
- € School donations good, but such bodies should not rely on these
- € Positive effects – employment
- € Wider community benefits don't outweigh costs to individuals
- € 1 km buffer zone should be established, within which people would be entitled to equitable compensation/relocation.

The Commissioners questioned Ms Spalding as to what form a better complaints procedure should take. She advised that receipt of explanation of noise etc levels does not assist those affected and that more positive action should be taken, e.g. by stopping noise making activities for the day or during certain weather conditions.

### **MR LALEET PRASAD**

Mr Prasad presented a verbal submission, stating that there has been enough mining and that it is time to stop. The principle issues should be people and sustainable development. He advised that his main concern is water quality and contamination of ground water. He is also concerned about the collapses that had occurred, excessive noise, dust and vibration. He asked for a 50% rebate on rates for east end residents.

Mr Prasad stated that there should be an iwi Commissioner on the Hearings Committee.

### **MRS NATALIE LEACH**

Mrs Leach advised she was speaking on behalf of herself and her family. She would like there to be a better protocol for complaints and to address issues residents have.

Mrs Leach raised the issues of the dust, dewatering and devaluation of her property, and how the existing Martha Mine is affecting her household. Her concern is these issues will continue with the proposed Favona Project.

Mrs Leach expressed her concern that the Councils are not able to enforce existing consents when the Company is in non-compliance. Also there is no satisfactory complaints procedure in place.

### **MR RON ARTHUR**

Mr Arthur is a shareholder in Arthur Farms Ltd with his partner Robyn Kirby and has lived and farmed in Waihi since 1956.

Mr Arthur's submission was with regards to the second tailings dam and the effect it has on his farm. Mr Arthur wishes to subdivide his farm into lifestyle blocks, but feels this is a pointless exercise until such time as the dam is capped. If the Favona Mine proceeds this will be at a later date than expected. Shading by the higher dam is also of concern.

Mr Arthur acknowledged the economic benefits that mining has brought to Waihi and the District.

### **MR GUNTER BOBSIEN**

Mr Bobsien felt that since mining recommenced in Waihi the town has changed significantly and he finds it no way for the better. He stated that there had been significant negative effects from noise, dust, vibration etc, and lack of compliance with existing consents.

He commented about how many streets have been closed, how many families have been shifted, how many houses have been shifted.

### **OHINEMURI EARTHWATCH – MR MARK DANIELS, MR BARRY ELLIS**

Mr Daniels presented Ohinemuri Earthwatch's written submission. He advised that Ohinemuri Earthwatch was formed in 1990 brought about by the escalation of prospecting and mining activities through the late 1980's early 1990's. Their primary concern has always been focussed on local issues, particularly the displacement of Waihi residents.

Mr Daniels canvassed the history of involvement of Ohinemuri Earthwatch since then, the impacts of the Martha Mine, and non compliance with conditions of the existing consents.

Mr Daniels commented that impacted residents had little or no representation or support.

He also commented he would like the Commissioners to look seriously at the issues of noise, vibration and blasting and devaluation of properties and would like to see an independent Community Liaison Officer put in place.

Mr Ellis added comments as follows:

He believes the resource management process side steps the issues of importance to people and is weighted in favour of evidence presented by the Company and disregards people.

He acknowledges that many benefit from mining but feels that little weight is given to people negatively affected.

The Commissioners acknowledged the work of Ohinemuri Earthwatch over the years and the influence it has had on the various processes it had taken part in.

They questioned how an independent complaints person should function.

Mr Daniels stated that the person should be:

- ∄ outside of Council;
- ∄ experienced in advocacy;
- ∄ well qualified;
- ∄ someone who can look after impacted residents; and
- ∄ able to do something about impacts.

Concern was expressed with enforcement of conditions, given example of the Martha Mine. Mr Daniels acknowledged that Favona should have significantly lesser effects, though he believed vibration would be an issue. He acknowledged the economic benefits but stated that residents have paid too high a price.

## **NGATI TAMATERA**

The Ngati Tamatera submission began with a Karakia and Mihi by Kaumatua Rikiriki Rakena.

### **Mrs Rawinia Ruth Brownlee**

As Mrs Brownlee was unable to be at the Hearing, Mr Mike O'Donnell read her submission on her behalf.

Mrs Brownlee stated that the Hearing does not recognise Tangata Whenua views as there is no Maori Commissioner on the Committee that can relate to the tikanga and kawa of Ngati Tamatera.

Mrs Brownlee felt it was a conflict of interest that two Councillors from Hauraki District Council who are the consenting authority are part of this Hearing Committee and reminded the Hearings Committee that Ngati Tamatera are not just another interest group, but are the Crown's Partner under the Treaty of Waitangi.

Comments were made as to the lack of consultation of the Hauraki District Council, Waikato Regional Council, and the Company with Tamatera.

Mrs Brownlee objected to the continual marginalisation of her cultural and spiritual values, particularly through mining processes and practices. She advised that, contrary to what is

stated in the Assessment of Environmental Effects, there has been no progress made on a memorandum of understanding between the Company and Ngati Tamatera.

### **Mr Mike O'Donnell**

Mr O'Donnell presented a verbal submission which he illustrated with a series of drawings. He presented the Commissioners and Company representatives each with a clay stone he had made.

He spoke of the importance of water and the strong cultural and spiritual significance of water to tangata whenua. He illustrated this with a drawing showing the water cycle.

He spoke of evolution of the earth and the interconnectness of the physical and spiritual/cultural worlds, illustrating the place and importance of Pukewa and the surroundings within this.

### **Hiria Rangi (Gillian) Pakinga**

Ms Pakinga is serving a second term as trustee for Ngati Tamatera.

Ms Pakinga covered the following matters in her submission:

She expressed concern over the basis on which the Committee has to consider the application, as set out in the Resource Management Act.

She spoke of the loss of Pukewa Mountain, through past and current mining, and its significance to Ngati Tamatera.

Ms Pakinga stated that while consultation forms a large part of the Resource Management Act, it is not working for Tamatera, as Tamatera does not have the power to change the proposal.

### **Hariata Kui Kui Sorenson**

Mrs Sorenson is a trustee of Ngati Tamatera. She set out the history of Tamatera's experience with mining and mining companies and advised that the Committee should have heard Tamatera's submission on its Marae. In addition she stated that there should be iwi representation on the Committee.

Mrs Sorenson made the following recommendations:

- € That this process is reviewed and that independent Commissioners without prejudice are appointed.
- € That consent should be granted to Newmont not to subsidiary companies.

And further that she objected:

- € To a statement from Newmont in a letter to Ngati Tamatera that our Memorandum of Understanding proposals were commercially unacceptable.
- € To the fact that Tangata Whenua has not and do not benefit from the activity of the previous and present applicant.
- € To Ngati Tamatera being classed as only an interested group when they are Crown Partners.
- € To the inference of Newmont suggesting that there was on going consultation with Ngati Tamatera.
- € To further mining based on the desecration of their waahi tapu PUKewa.

## **Mr Roy Piahana**

Mr Piahana is a member of the resource and environment department of Ngati Tamatera. He advised that Ngati Tamatera strongly oppose the applications.

Mr Piahana also raised his concerns with the issue of Tangata Whenua interests not being represented on the Committee and the decision of the Committee not to hear Tamatera's submissions on its Marae.

Mr Piahana addressed aspects of the staff report, in particular in relation to water quality and the potential effects on the Ohinemuri River. He believes there is too much emphasis on technical issues and not enough on cultural values. He set out the great significance of the River to Ngati Tamatera.

Likewise he addressed the cultural landscape including the ecosystems and habitats that support or formerly supported important fisheries, nurseries, wetlands, and forests, and the Kaitiaki role Ngati Tamatera has in relation to these.

Mr Piahana spoke of the impact of historic mining on the river and its fish populations.

Mr Piahana addressed the issue of consultation and advised that this had been inadequate, for both the current applications and the earlier decline application.

Mr Piahana made reference to two newspaper articles he had appended to his submission; pointing out that Ngati Tamatera would have liked to have met with the Associate Energy Minister when he visited Waihi.

Mr Piahana concluded that:

- € The matter of consultation between the consenting authorities and Ngati Tamatera fell short of expectations.
- € Ngati Tamatera strongly maintains that their discussions have been with Waihi Gold Mining up until November of last year and that consultation with Welcome Gold and Auag Resources Limited has not occurred to satisfy the requirements of Sections 6-7-8.
- € The Regional Report by Dr Webster-Brown has not convinced Ngati Tamatera that our cultural estate will be sustainable for future generations.
- € The great significance of the Ohinemuri River to the peoples of Ngati Tamatera will be further violated.

He advised that Te Ruunanga A Iwi O Ngati Tamatera requests that the applications be declined.

## **Mr Pitautihitapu Mahuta TeKoha-Williams**

Mr Williams set out his ancestry, confirming his links with the application site as beneficiary and owner. He addressed the matter against the background of the deed of lease signed by high ranking chiefs and individuals with Lord Normanby (Ohinemuri Goldfields Deed). Mr Williams outlined past experiences with the mineral extraction industry – broken promises and contracts etc, and the loss of the land they had leased out.

Mr Williams then went on to discuss consultation issues – both with officers of the Councils and with the Company. He advised that no real consultation had taken place.

Mr Williams concluded by saying that based on the fact that this Hearing Committee refuses to deal with the legal and customary cultural issues hereto, he gives public notice of his right to appeal the Councils' decisions on these matters.

### **Mr Richard Rakena**

Mr Rakena advised that he is a Kaumatua of Ngati Tamatera who can whakapapa into all Marutauhu tribes and also Ngati Porou and Ngati Hako.

He set out some history of Ngati Tamatera, which had settlements spread throughout Hauraki, including a settlement at Waihi.

He set out the stripping of the land, of forests and gold and the alienation of their land, through the creation of debts by the Crown. Mr Rakena stated that the loss of land for gold extraction has come with no benefit to Tamatera and that there should be compensation payable for this.

Designation of the Ohinemuri River as a sludge channel in 1895 destroyed the food and water supply and caused flooding. Mr Rakena stated that such contamination of the rivers must not happen again.

The following resolution was adopted at a meeting of the Ngati Tamatera Tribe held on July 1985 where 450 people attended;

“That the Ngati Tamatera strongly condemns any action by Mining Companies which may result in the pollution of Ohinemuri waterways of Ngati Tamatera Tribal lands”.

Mr Rakena concluded that the Hearing Committee must decline the Application.

Councillor Tregidga stated there is a role for Hauraki District Council outside this forum to follow up. Mr Tregidga advised that Mr Rakena's presence at the Hearing has given significant weight to the submissions by Ngati Tamatera.

The Ngati Tamatera submission closed with Waiata and Karakia.

## **APPENDIX 7 STAFF REPORTS**

The staff reports were presented by Mr Alan Matheson (on behalf of the Hauraki District Council) and Mr Brent Sinclair (on behalf of the Waikato Regional Council). Mr Sinclair also called on the three technical experts employed by the Waikato Regional Council to summarise their findings. Mr Pattle addressed the dewatering and settlement issues, Dr Webster-Brown addressed water quality issues and Mr Pilgrim addressed air quality issues.

Mr Sinclair made comment on the following issues:

- € Consultation
- € Environmental Effects
- € Statutory considerations

And set out conclusions with regard to:

- € Dewatering
- € Water Quality
- € Air Quality
- € Submitter's concerns
- € Site rehabilitation and Post Closure Management
- € Duration

And advised that it is his view that the granting of consents would be consistent with the purpose and principles of the Resource Management Act and the relevant planning and policy documents of the Council.

The Commissioners questioned the Technical Experts on their views of the soundness of modelling used by the Applicant and its ability to monitor and respond to the results of the monitoring.

Mr Pattle advised that he believed that the Applicant's modelling was appropriate and that the existing and proposed monitoring points, along with the additional points that he had recommended and had been accepted by the Applicant, would be sufficient to detect trends and allow them to be acted on.

Dr Webster-Brown advised that the Favona operation will not have a significant additional short-term or long-term effect on the aqueous environment, and that during the operation of the mine water quality in the Ohinemuri River will be protected to the same degree as is currently the case.

Mr Pilgram advised that the effects on air quality are likely to be minor. He noted that deposition gauges are not appropriate for fine suspended matter and commented that at least one continuous "real time" monitor should be used if ambient monitoring were to be required, which could be moved from site to site.

Mr Matheson, for Hauraki District Council, commented on the following key issues that had been raised throughout the Hearing as a result of evidence and submissions presented and questions/comments from the Commissioners:

- € Permitted baseline
- € Noise
- € Vibration in the ground
- € Liaison Officer
- € Time period
- € Settlement
- € Financial Contributions

€ Baxter Road intersection

He concluded that his recommendation to grant consent was unchanged, but proposed some changes to the recommended conditions.

The Commissioners asked questions about the operation of the recommended review condition. They also sought a possible process to deal with complaints, recognising from the experience of the Martha Mine, that even when the Company is complying with the conditions, there are still people who are impacted negatively.

The possibility of employing an independent mediator, to work on an as required basis, was raised.

Clarification was also sought with regard to the recommendation on the Baxter Road intersection.

## **APPENDIX 8 APPLICANT'S RIGHT OF REPLY**

Mr Fisher presented the Applicant's reply. Mr Fisher tabled a schedule of consultation with Ngati Tamatera. He also tabled the standard operating procedure the Company presently has in place for managing public complaints and concerns.

He addressed the following issues:

- € Iwi Issues
- € Consultation
- € Economic Benefits
- € Social Effects
- € Settlement and Water Quality
- € Silica/Quartz Dust
- € Water Management
- € Conditions
- € Polishing Pond Stockpile
- € Other Noise Issues
- € Community Consultative Committee
- € Royalty
- € Transit NZ
- € Liaison Officer

And commented on the issues raised by submitters as follows:

### **Iwi Issues**

The Hauraki Maori Trust Board did not lodge a submission and has advised the Councils that its position on the Favona Project is neutral.

Ngati Tamatera's view is respected and acknowledged by the Company, however the Company cannot agree with their basic philosophical approach

### **Consultation**

Mr Fisher produced a schedule which sets out the consultation undertaken in person and the supply of information on the project commencing September 2000. The schedule does not include the many phone calls and e-mail correspondence between the two parties. (The Company and Ngati Tamatera.)

### **Economic Benefits**

Most of the submitters who spoke against the grant of the consents sought, or commented on the conditions, were fair in acknowledging that there are and will be economic benefits from the activities of the Company in both Waihi and the region (that acknowledgement has not always been forthcoming).

### **Social Effects**

In Mr Fishers' submission the evidence of Mr Jim Clarke was a fair summary of the social "setting" in which the Favona Project would operate. Mr Clarke is a truly independent person.

### **Settlement and Water Quality**

Questions from Mr Wheeler about the adequacy of the settlement monitoring network and the certainty associated with the conceptual groundwater model had been answered.

### **Silica/Quartz Dust**

Mr Fisher stated the potential for dust to be an issue is significantly reduced for the Favona Project, as is borne out by the review carried out by Mr Ron Pilgram for Environment Waikato.

### **Water Management**

Mr Fisher advised the Committee that the quality of all site discharges are controlled by existing consents. These consents ensure that the silt pond discharges are of a quality that is protective of the river water quality and aquatic biota.

There are other options for handling excess water.

### **Conditions**

With regards to vibration; the Company should be able to carry out production blasting, using the world's best practices to meet the most stringent standards in the world, without additional restrictions as to frequency of blasts being added as a condition.

- € The Company will drop the request for the 5% exceedance in the vibration standard;
- € The Company is prepared to accept a condition which will ensure that blast events at Martha and Favona will not coincide.
- € The Company will accept the condition proposed by Hauraki District Council for a Vibration Management Plan.
- € The Company will accept the condition relating to blast vibration including the review condition, except that the wording should consistently refer to "blast events" rather than "blastings".

### **Polishing Pond Stockpile**

The Company will accept the condition put forward by Mr Matheson, (condition 5) provided there is an advice note which states that where the consent authority is satisfied "*That the adverse effects of the activity on the environment will be minor, consideration will be given to dealing with the matter on a non-notified basis.*"

### **Dust**

The Company is prepared to site an appropriate dust monitor in the North West sector of the project area, in a position to be agreed with Environment Waikato.

### **Community Consultative Committee**

Mr Fisher recommends against imposing a condition requiring the Company to take part in the Community Consultative Committee due to the Company being an active participant. Better that the Company is a willing voluntary participant, than be a participant because there is a condition requiring it to participate.

### **Royalty**

Mr Fisher advised the Council does not have the jurisdiction to impose a royalty on these applications under the Resource Management Act 1991.

### **Transit**

Mr Ingle noted in his evidence that the intersection requires upgrading beyond the provision of the left turn into Baxter Road. Transit NZ now agrees with this position. Where there is not agreement between the Company and Transit NZ is who should pay the costs of carrying out the necessary work.

### **Liaison Officer**

The Company is willing to accept a condition concerning the use of a Company Liaison Officer as set out in the draft conditions proposed by the Company as part of the applications.

## APPENDIX 9 LIST OF SUBMITTERS – HAURAKI DISTRICT COUNCIL

<b>SURNAME</b>	<b>FIRST NAME</b>	<b>ORGANISATION /REPRESENTATIVE</b>
Allen	Bob	West City Cleaning
Anderson	David	
Anderton	Dean & Sandra	
Andrew	John	
Arthur Farms Ltd		Ron Arthur & Robyn Kirby
Bain	Allan Roger	
Baldock	Kevin	Genesis Contracting Ltd
Bange	Hendrick Jacobus Johannes	
Barnett	Anne	
Baxter	Kiel	
Baywide Communications		Mike Nielson
Beeching	Joe	
Bell	David	
Bennie	Allan	
Bennie	Shayne	
Bird	Vince	
Bobsien	Gunter	
Borthwick	Shane	
Bowles	Steven	
Boyd	Phill	
Boyd	Ruby	
Bray	Peter	
Bridgeman	Kevin	
Brodie	Keith	
Brown	Garry and Jane	Waihi Motel
Buckingham	Philip Dennis	Kirsty Hollis nominated speaker
Bullen	Brian	Computer Solutions
Burgess	John	
Butcher & Laing	Ray & Virginia	
Butterworth	Cory	
Butterworth	Stan	
Callaghan	John Joseph	Kirsty Hollis nominated speaker
Campbell	Dave	Palm Motel
Capper	George	Goldmine Motel
Carle	Andrew	
Carson	Paul	
Carson	Wayne	
Chemiplas NZ Ltd		Duncan Leigh
Clubb	Henry	
Collins	Larry	c/- SGS NZ Ltd
Corder	JT and M	
Courtney	Phillip Ross	
Croker	David	
Crook	Dallas	
Cunningham	Hamish	Evergreen Soil Conservation
Davidson	Ross and Linda	The Laundry

<b>SURNAME</b>	<b>FIRST NAME</b>	<b>ORGANISATION /REPRESENTATIVE</b>
Deacon	Sharon	
Dillimore	Rex	
Dix	Robert	
Duggan	Amanda	Kirsty Hollis nominated speaker
Dunning	Kimberley	
Eyre	Graham	
Faulkner	Ian Murray	
Fearon	Lance	
Fickling	Murray	
Finnerty	Kerry	
Firth Industries		
Fisher	Donna	
Fisher	Neil	
Fleming	Bruce	
Fletcher Easysteel		D W Brown
Fletcher Steel Ltd		N Best
Fransen	Pieter	
Freeman	Wayne	
Gooch	Noel	
Goodman	Judith	
Greenwood	Howard	New World Waihi
Griffin	Lee	
Griffiths	Geoff	
Hanton	Keith	
Harley	Noel	
Harley	Teresa	
Harper	Blyth	
Harper	Kerry	
Harper	Michael	
Harrington	Mark	
Harris	DC	
Harrison	ID and MJ	Waihi Bakery
Haszard & Arthur	John & Wendy	
Hawkes	Justin	
Hawkes	Kenneth Murray	
Hay	Ian	
Heemi	James	
Hewitt	John	Seddon St Motors
H G Leach and Co Ltd		Eric Souchon
Hickson	Debbie	
Hilbers	Bernie	Kirsty Hollis nominated speaker
Hobbins	Chris	
Hobbins	Jackie	
Hollis	Barbara and Chris	Kirsty Hollis nominated speaker
Hollis	Kirsty	
Honey	Bill	
Honey	John	
Horne	Mike & Sheryl	
Howe	Neil	A and G Price
HTC Specialised Tooling Ltd		Roy F. Huskinson
Hurley	Gail	

<b>SURNAME</b>	<b>FIRST NAME</b>	<b>ORGANISATION /REPRESENTATIVE</b>
Hutchins	Mark	
Jamieson	Bruce Walter	
Jenkins	Geoffrey	State Electronics
Jones	Tracee	
Jones	Peter	
Kaanga	Murray	
Keall	Peter Cameron	
Keys	Fred	
Keys	Ian	
Kiernan	Glenn	
Kingsford	Pamela	Kirsty Hollis nominated speaker
Kingsford	Philippa	Kirsty Hollis nominated speaker
Kingsford	Selwyn	Kirsty Hollis nominated speaker
Kingsford	Zane	
Kirkwood	L	
Kuizinas	Daniel	
Lamperd	Michael	
Lawrence	Rod	
Leach	Clarke	
Leach	Natalie	
Leach	Rick	Mt Engineering
Lees	John	Provincial Freightlines
Lott	JM	
Lowe	Peter	
Lowe	Sue	
Lusby	David	
Lyndon	Jan	c/o Rob Roy Hotel
Mackenzie	Tessa	
Malcolm	Brett	
Malcolm	Sharyn Andrea	
Mans	Julia	
Mason	Kathy	
Maynard	Tony	
Mazzetti	Anne	
Middleton	Kyle	
Ministry of Economic Development		Kristina Temel
Mischewski	Jenny	
Mono Pumps (NZ) Ltd		
Morgan	OJ	
Morrall	Blair	
Moskal and McGuire	Mike and Nancy	
McConnochie	M Ross	
McKenna	Martin	
McKenna	Martin	
McLarin	Shane	
McNeil	Beverly	
McNeil	Nicola Maree	
McNeil	Pat	
Nagel	Alan	
Nelson	Dave	
Newing	Mabel Jane	
Ngati Hako		

<b>SURNAME</b>	<b>FIRST NAME</b>	<b>ORGANISATION / REPRESENTATIVE</b>
Ngati Maru Runanga		
Ngati Tamatera		
Ngati Tara Tokanui		Caroline Karu
Nicholls	Ann	
Norman	Gary	
Ohinemuri Earthwatch		
O'Neil	Rodney	
Osborne	Fay	
Ordish	Ruth	
Osborne	R J	Waihi Farm Services
Pascoe	Angela	Harvey World Travel
Paul	Ian	
Peck	Karl	
Petterd	A J	
Philcox and Steevens		
First National		Pamela Philcox
Phillips	Kim	
Phillips	Malcolm	
Porter	Raewyn Louise	
Porter	Thomas James	Porter Engineering Ltd
Porter Hire Ltd		Peter Fraser
Postma	Anja	
Postmaa	Margaret	
Prasad	Laleet	
Provincial Freightlines		Boris Petterd
Purcell	Colin	
Purvis	AW and DG	
Rabone	Stuart	
Rasmussen	Paul	
Reurich	Lambert	Reformational Gospel Reach Trust
Robinson	Heather	
Robinson	Ian	C/- McLeays Shoe Stores
Robinson	Wayne	
Rogan	Kevin	
Rook	Alan	
Rook	Carole	
Rose	Wayne	
Ross	Robyn	
Ruddock	Hayley	
Ruddock	Jeff	
Russell	Jeff	
Safe & Sound Security		S & L Fell
Saundry	Michael	
Savage	PR	
Savage	Rex	
Schmidt	Andy and Jen	
Schollum	Bruce	
Seymour	Sheryl	
Skinner	Bryan Leslie	Goldfields Auto Electrical Ltd
Skinner	Gary	Goldfields Auto
Skinner	Maureen	Goldfields Auto Electrical Ltd
Smeaton	Duncan	
Smith	Adriene	

<b>SURNAME</b>	<b>FIRST NAME</b>	<b>ORGANISATION /REPRESENTATIVE</b>
Smith	Gail	
Spalding	Collette	
Spurr	Richard and Shirley	
Stephens	Trudie	
Stevens	Ann	
Stevens	Tony	
Steward	C	
Stokes	Brian	
Stroobant	Ian	
Stroobant	Jan Maree	
Summit Hardware		Bev Postmaa
Swan	Ian	
Syratt	Steve and Christina	
Tamati	Aaron	
Taylor	Alastair	
Te Rire	Darren	
Thomas	Doug	
Thompson	Gary	
Thompson	Wayne	
Thorburn	Andrew	
Todd and Pollock Crane Hire Ltd		Bill Derenzy
Toweel	S	
Townsend	Barry and Pauline	
Transit New Zealand		Paul Montague
Travers	Alex	
Twidle	Brett	Kirsty Hollis nominated speaker
United Gooder Ltd		Karen Boyes
Ulrich	Jason	
Victoria Battery Tramway		G. Capper
Vidanovich	Paul	
Waihi Volunteer Fire Brigade		M J Stevens
Waikato District Health Board		Kali Gounder
Wainhouse	Roger and Val	
Waite	Jim	
Waite	Sharmane	
Waldron	Marty	
Walker	Noel	
Watson	Bruce	
West	Steven	
Whittingham	Christopher	
Wightman	Bronwyn	Wightman Contractors
Wightman	Ian	Wightman Contractors
Wiki	Cliff	
Wiki	Jeannine	
Wilkojc	Jarek	
Williams	Kevin	
Wilson	Kit	
Wiltshire	Jean	
Wolfenden	Darren	
Works Infrastructure Ltd		Craig Smart

## Late Submissions

<b>SUBMITTER</b>	<b>ORGANISATION/REPRESENTATIVE</b>
Dean	Paul
Edwards	Gary Edwards Transport Ltd
Faulkner	Steve Drillwell Holdings NZ Ltd
Mitchell	Winton
Moulder	Jared
Nilsson	Chris
Prasad	LD
Prime Explosives Ltd	Clarrie Beardsmore
Purcell	Jim
Stephenson	Tom
Willoughby	Linda and Brent

**APPENDIX 10 LIST OF SUBMITTERS – WAIKATO REGIONAL COUNCIL**

<b>Name</b>	<b>Support/opposition</b>
20 Turner Ltd, 33BE Ltd, ITP Ltd, J Klee & Ass	Support
The Anaru Family of Waihi	Support
David Anderson	Support
Sandra & Dean Anderton	Opposition
John Andrew	Support
Vaughan Arthur	Support
AR Bain	Support
HJJ Bange	Support
Anne Barnett	Support
Kiel Baxter	Support
Baywide Communications	Support
Joe Beeching	Support
Shayne Bennie	Support
Vince Bird	Support
Gunter Bobsien	Opposition
Phill Boyd	Support
Ruby Boyd	Support
Shane Borthwick	Support
Peter Bray	Support
K Bridgeman	Support
Keith Brodie	Support
G & J Brown	Support
Philip D Buckingham	Support
John Burgess	Support
Cory Butterworth	Support
JJ Gallagher	Support
Dave Campbell	Support
Andrew Carle	Support
Allan Carter	Support
Henry Clubb	Support
Larry Collins	Support
JT & M Corder	Concerns
Greg Courley	Support
PR Courtney	Support
Sharon Deacon	Support
Rex Dillimore	Support
Robert Dix	Support
Ron Donaldson	Support
Amanda Duggan	Support
Kimberley Dunning	Support
Henry Walker Eltin Contracting PTY Ltd	Support
Evergreen Soil Conservation	Support
Graham Eyre	Support
Ian Murray Faulkner	Support
Lance Fearon	Support
Firth Industries	Support
Donna Fisher	Support
Neil Fisher	Support
Bruce J Fleming	Support
Fletcher Easysteel	Support
Fletcher Steel Ltd	support
Scott Forsyth	support

Pieter Fransen	support
W Freeman	support
Genesis Contracting Ltd	support
Geophys Ltd	support
SC Godwin	support
Noel Gooch	support
Judith Goodman	opposition
Howard Greenwood	support
CEE Griffin	support
Geoff Griffiths	support
Groundwater Equipment & Monitoring Services Ltd	support
Keith Hantom	support
N Harley	support
Blyth Harper	support
Kerry Harper	support
Michael Harper	support
Mark Harrington	support
DC Harris	support
John Haszar & Wendy Arthur	support
Hawkes Family	support
Justin Hawkes	support
Ian Hay	support
James Heemi	support
Debbie Hickson	support
Bernie Hilbers	support
Chris Hobbins	support
Jackie Hobbins	support
Barbara & Chris Hollis	support
Kirsty Hollis BE (Min Proc) MBA MAusIMM	support
Bill Honey	support
Julian Honey	support
M&S Horne	support
HTC Specialised Tooline Ltd	support
Mark Hutchins	support
Mr BW Jamieson	support
Steve Jarvis	support
Geoff Jenkins	support
Tracee Jones	support
Peter Jones	support
Murray Kaanga	support
Peter C Keall	support
Fred Keys	support
Ian Keys	support
Glenn Kiernan	support
Pamela Kingsford	support
Philippa Kingsford	support
Selwyn Kingsford	support
L Kirkwood	support
Daniel Kuiznas	support
Michael Lamperd	support
Rod Lawrence	support
HG Leach & Co Ltd	support
Clack Leach	support
Natalie Leach	concerns
Rick Leach	support

John Lees	support
JM Lott	support
Peter Lowe	support
Sue Lowe	support
David Lusby	support
Jan Lyndon	support
Peter MacBeth	support
Tessa Mackenzie	opposition
Brett Malcolm	support
SA Malcolm	support
Julie Mans	support
Wads Marshall	support
KA Mason	support
TP Maynard	support
Ron Mayor	support
Anne Mazzetti	support
Mike McCarron	support
Ross McConnochie	support
Martin McKenna	support
Shane McLarin	support
Mrs B McNeil	support
NM McNeil	support
PJ McNeil	support
KT & PM Mercer	support
Kyle Middleton	support
Crown Minerals	support
Jenny Micschewski	support
Mono Pumps (NZ) Ltd	support
OJ Morgan	support
Blair Morrall	support
Mourant Direct Ltd	support
Dave Nelsom	support
Mabel Newing	support
Ngati Maru Runanga	opposition
Ngati Tara Tokanui	opposition
AE Nicholls	opposition
Gary Norman	support
Ohinemuri Earthwatch	opposition
Rodney A O'Neill	support
Ruth Ordish	opposition
Robert J Osborne	support
Ian Paul	support
AJ Petterd	support
Philcox & Steevens First National	support
Kim Phillips	support
Malcolm Phillips	support
Porter Hire Ltd	support
Raewyn Porter	support
TJ Porter	support
Anja Postma	concerns
Margaret L Postmaa	opposition
Laleet Prasad	opposition
A&G Price Ltd	support
Provincial Freightlines	support
Pumphouse Café	support

Colin Purcell	support
Alan & Dianne Purvis	opposition
Stuart Rabone – Broken Hills	support
Paul Rasmussen	support
Heather Robinson	support
Ian A Robinson	support
Kevin Rogan	support
Alan Rook	support
Carole Rook	support
Wayne Rose	support
Robyn Ross	support
Hayley Ruddock	support
Jeff Ruddock	support
Jeff Russell	support
Safe & Sound Security	support
Michael Saundry	support
PR Savage	support
Rex Savage	support
Andy & Jen Schmidt	support
Seddon Street Motors Ltd	support
Sheryl Seymour	support
Aaron Shepherd	support
BL Skinner	support
Gary Skinner	support
Maureen Skinner	support
Duncan Smeaton	support
Adriene Smith	support
Gail Smith	support
Collette Spalding	opposition
RH & SM Spurr	support
Steve Staite	support
Trudie Stephens	support
Sterling Tavern	support
Ann Stevens	support
Tony Stevens	support
C Steward	support
Brian Stokes	support
Mr IL Stroobant	support
Mrs JM Stroobant	support
Summit Hardware, Waihi	support
Ian Swan	support
Aaron Tamati	support
Steve & Christina Syratt	support
Aklastair Taylor	support
Te Kupenga O Ngati Hako Inc	opposition
Darren Te Rire	support
Te Ruunanga A Iwi O Ngati Tamatera	opposition
The Laundry	support
Doug Thomas	support
GR Thompsen	support
Wayne Thompson	support
Todd & Pollock Crane Hire Ltd	support
S Toweel	support
Pauline & Barry Townsend	opposition
Alex Travers	support

Brett Twidle	support
United Gooder Limited	support
Jason H Ulrich	support
Paul Vidanovich	support
Waihi Bakery	support
Waihi Volunteer Fire Brigade	support
Waikato District Health Board	concerns
Roger Wainhouse	support
Jim Waite	support
Sharlaine Waite	support
Marty Waldron	support
Noel Walker	support
Bruce Watson	support
West City Cleaning	support
Steven West	support
Christopher Whittingham	support
Wightman Contractors	support
Cliff Wiki	support
Jeannine Wiki	support
Jarek Wilkojc	support
Kevin Williams	support
Kit Wilson	support
Jean Wilstshire	opposition
Darren Wolfenden	support
Works Infrastructure Paeroa	support

## **APPENDIX 11 NAMES OF SUBMITTERS WHO SPOKE AT THE HEARING**

### **Submitters who spoke in Support**

Mr Craig Smart  
Ms Kirsty Hollis  
Mr Brian Bullen  
Mr Stuart Rabone  
Mr Ian Robinson  
Mr David Croker  
Ms Jeannine Wiki  
Mr Shayne Bennie  
Mr Ian Hay  
Ms Kristin Temel  
Mr Martin McKenna  
Mr Neil Howe  
Mr Kit Wilson  
Mr Neil Fisher  
Mr Peter Keall  
Mr Rex Dillimore  
Mr Bryan Skinner

### **Submitters who spoke neither for nor against**

Mr Barry Townshend

### **Submitters who spoke in Opposition**

Transit NZ – Mr Ben Tobias  
Mr Alasdair Gray  
Mrs Ann Nicholls  
Mr David Bell  
Ms Ruth Ordish  
Ms Tessa MacKenzie  
Ms Colette Spalding  
Mr Laleet Prasad  
Mrs Natalie Leach  
Mr Ron Arthur  
Mr Gunter Bobsien  
Ohinemuri Earthwatch  
Te Ruunanga A Iwi O Ngati Tamatera