

Before the Waikato Regional
and Hauraki District Councils

Under the Resource Management Act 1991 (**RMA**)

In the matter of An application for resource consents to extend the Waihi Gold Mine via underground and open pit mining methods known as Project Martha

By **OceanaGold (New Zealand) Limited**
Applicant

Further statement of evidence of Kerry Watson for Oceana Gold (New Zealand) Limited

12 November 2018

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Qualifications and experience

- 1 My name is Kerry Watson. My qualifications and experience were set out in my primary statement of evidence dated 29 October 2018.
- 2 I have prepared this further statement of evidence in relation to three questions put to me by the Hearings Commissioners on 31 October 2018. I address each question in turn.
- 3 The first question was “What can you tell us about those discussions that might provide us with an evidential basis for determining that adverse effects on the relationship of Ngati Hako with Pukewa will be avoided, remedied or mitigated?”
- 4 This question was in relation to paragraph 18 of my statement of evidence and related to the ongoing discussions to address Ngati Hako’s desire to have certainty about an end date for mining in the open pit. At present we are continuing to progress discussions in good faith with Ngati Hako on a confidential basis and while no agreement has been reached I’m hopeful that we will reach a positive outcome in the future.
- 5 The second question asked was “What can you tell us about the contents of the draft Cultural Balance Monitoring Plan that might provide us with an evidential basis for determining that adverse effects on the relationship of Ngati Hako with Pukewa will be avoided, remedied or mitigated?”
- 6 I have discussed the best way to answer this question with Ms Clarkin of Ngati Hako and we have agreed that as the author of the draft document and the individual that has been leading discussions relating to the plans development with iwi that she will provide further information on the plans content. She will provide this during her submission which I understand is scheduled for Thursday.
- 7 The third and final question asked of me was to provide an update on the ongoing discussions with Ngati Hako in relation to this application.
- 8 Since the lodgement of the application we have continued discussions with Ngati Hako. These discussions have focused on exploring changes to the consent conditions included in the consent application to address Ngati Hako’s concerns raised both in their submission and subsequent meeting with the Hauraki District Council and Waikato Regional Council detailed in the section 42a report.
- 9 I am pleased to advise that Ngati Hako and OceanaGold have agreed a suite of mutually acceptable consent conditions that address Ngati Hako’s concerns in relation to this application.
- 10 I have attached these conditions to my evidence which I will now summarise.

- 11 The cultural awareness programme - will continue without any changes proposed to the consent conditions.
- 12 Cultural Balance Monitoring Plan - We have agreed that it is appropriate to include a time frame for the completion of the Cultural Balance Monitoring Plan and that this time frame be 12 months from the first exercise of this consent.
- 13 Through our ongoing discussions Ngati Hako has advised that Tuna habitat and abundance were the primary drivers for the concerns raised in relation to the Ohinemuri River. To address these concerns, we have agreed that specific consideration of both Tuna habitat and abundance be included in the Cultural Balance Monitoring Plan, allowing them to form part of the recommendations to restore and or enhance the mauri of Pukewa and the surrounding land forms.
- 14 In addition to the Cultural Balance Monitoring Plan Ngati Hako and OceanaGold have also agreed to an addition to the Cultural Balance Monitoring Plan reporting condition. This is to ensure consultation with members of the Iwi Advisory Group is undertaken in the preparation of the annual Cultural Balance Monitoring Plan report.
- 15 The Iwi Advisory Group - will continue without any changes proposed to the consent conditions.
- 16 Peer Review - We have agreed a consent condition to ensure Iwi representation in the peer review process. This condition provides for a representative of the Iwi Advisory Group to participate in the peer review process and ensure that a cultural lens is applied to the peer review process and that once implemented the recommendations of the Cultural Balance Monitoring Plan are given appropriate consideration. This is an important linkage as the Cultural Balance Monitoring Plan will closely link to closure and rehabilitation works.
- 17 Finally, we have agreed to the inclusion of an advice note clarifying the involvement and purpose and this role in the peer review process.



Kerry Watson

12 November 2018

RECOGNITION OF TANGATA WHENUA VALUES

Cultural Awareness Programme

- 4A. The consent holder shall ensure that a Cultural Awareness Programme is provided to all of the consent holder's staff and full-time contractors working at the Waihi operations as soon as practicable after commencement of this consent. The Cultural Awareness Programme shall be provided on a six-monthly basis thereafter for the duration of mining activities as part of this consent, so as to ensure that any new staff members or new full-time contractors that have commenced work for the consent holder in the previous six-month period receive the benefit of the Cultural Awareness Programme.
- 4B. The Cultural Awareness Programme shall be prepared and delivered by tangata whenua who have a particular interest in the Waihi area in conjunction with the consent holder. The consent holder shall be solely responsible for all reasonable costs associated with the preparation and delivery of the Cultural Awareness Programme. The consent holder shall keep a record of when the Cultural Awareness Programme has been delivered to its staff and full-time contractors, and which staff and full-time contractors have attended the Cultural Awareness Programme. This record shall be made available to the Councils at the same time as the report required by Condition 4D.

Cultural Balance Monitoring Plan

- 4C. The consent holder shall, in consultation and collaboration with tangata whenua who have a particular interest in the Waihi area, engage an appropriately experienced consultant or group to prepare a Cultural Balance Monitoring Plan specific to the consent holder's operation in Waihi.

The purpose of the Cultural Balance Monitoring Plan is to develop recommendations and solutions that achieve the goals of the plan. The goal of the Cultural Balance Monitoring Plan is to achieve the restoration and or enhancement of the mauri of Pukewa and the surrounding land forms, as well as focus on Tuna habitat and abundance in the Ohinemuri River Catchment. The Cultural Balance Monitoring Plan will seek to achieve the goals by providing a framework for a collaborative approach with the consent holder and tangata whenua on shared understandings, build and ensure effective collaborative relationships and build support for kaitiaki capacity. The Cultural Balance Monitoring Plan may include, for example, a description of the area that is subject of the plan, intended outcomes and a timeline for achieving those outcomes.

The Cultural Balance Monitoring Plan shall be provided to the Councils within 12 months of the first exercise of this consent. In the event that tangata whenua with a particular interest in the Waihi area choose not to actively participate in the preparation of the Cultural Balance Monitoring Plan, the consent holder and participating tangata whenua may continue to proceed with the preparation of the Plan so that it is able to be finalised and provided to the Council by the date specified above.

- 4D. On each anniversary of the completion of the Cultural Balance Monitoring Plan, the consent holder in consultation with the Iwi Advisory Group shall prepare and provide an annual report detailing the activities undertaken during the preceding year and progress made against the objectives and outcomes of the plan. This report shall be provided to those tangata whenua with a particular interest in the Waihi area and shall also be provided to the Councils.

Iwi Advisory Group

- 4E. Upon the first exercise of this consent, and at six-monthly intervals thereafter, the consent holder shall invite representatives of those tangata whenua with a

particular interest in the Waihi area and the Councils to attend a meeting. The costs associated with the venue for the meeting, and any associated catering costs, will be met by the consent holder. The purpose of the meeting is to provide a forum at which any of the attendees can raise any matters of concern to them, and the consent holder can update the attendees on its activities within the prior six months. In that regard, the consent holder shall present a summary of:

- a. The mining activities undertaken;
- b. Progress with the implementation of the Cultural Awareness Programme and the Cultural Balance Monitoring Plan;
- c. A summary of relevant environmental monitoring results; and
- d. Progress on any matters raised at any preceding meeting that required follow up by the consent holder.

Annual Consultation Reports

- 4F. The consent holder shall forward to the Councils a report annually, covering the period to 1 June of each year, that details the discussions and outcomes of ongoing consultation with iwi that have an interest in the Waihi area in relation to the spiritual and cultural interests of the iwi. Each report shall be produced in conjunction with the iwi that have an interest in the Waihi area and forwarded to the Councils within three months of the end of the period to which the particular report relates.

PEER REVIEW PANEL

5. The consent holder shall engage, at its cost, a Peer Review Panel ("the Panel"). The members of this Panel shall be fully independent of the planning, design and construction of the Martha Pit, Martha Underground Mine and all its associated facilities.
6. The primary function of the Panel is to ensure that the conditions relating to the design, construction and operation of the Martha Pit and Martha Underground Mine and rehabilitation associated with the key components of the Martha Pit (with particular focus on pit slope stability issues) are met, that the Martha Pit is stable and that such work is undertaken by appropriately qualified personnel in accordance with best practice.
7. The Panel shall comprise:
 - a. Technical specialist(s) who between them have demonstrated expertise in the following fields:
 - (i). Geotechnical engineering, with recognised experience in open pit construction and open pit and underground rock mechanics;
 - (ii). Hydrogeology, with recognised open pit mining experience; and
 - (iii). Rehabilitation and closure.
 - b. An active observer from the Iwi Advisory Group that is required as part of Condition 4E.
8. The members of the Panel identified in 7(a), and their defined field(s) of expertise, shall be approved by the Councils prior to appointment to the Panel.

9. Each member of the Panel identified in Condition 7(a) may act as peer reviewer only in their area of expertise, but the full Panel shall review all plans relating to the planning, design and construction of the Martha Pit and all its associated facilities.
10. The Panel may co-opt other specialist members to assist in any of its functions for specified periods subject to the approval of the Councils.
11. The consent holder shall provide the Panel with all records, plans, designs etc that the Panel requests, and shall afford the Panel full access to the site at all reasonable times.
12. The Panel, or individual members of the Panel, may be the same panel as that which undertakes peer review as required by any other authorisations at this site (including authorisations issued prior to the Act).
13. To carry out its primary function, each member of the Panel identified in Condition 7(a) shall report in writing to the relevant Council (or Councils) on all matters which are submitted to them for review within their area of expertise, other than draft proposals submitted to it by the consent holder and which are superseded, and at least at the following times:
 - a. Prior to the commencement of any mining activities authorised by this consent;
 - b. At all critical project stages;
 - c. On completion of mining;
 - d. On completion of lake filling;
 - e. On completion of closure;
 and at least on the following matters:
 - f. The Pit Slope Management Plan and any subsequent updates as are appropriate;
 - g. Progress against the Annual Work Programme;
 - h. Site development including hydrogeological issues and geotechnical issues;
 - i. Performance against the requirements of the Pit Slope Management Plan;
 - j. Pit slope stability monitoring;
 - k. Status of underground mining (particularly upper level mining), backfilling of historic stope voids and interaction between underground workings and the open pit; and
 - l. Rehabilitation and closure plans.

Advice Note – As an active observer the Iwi Liaison Group representative shall be provided with all peer review reports, participate in site visits, participate in peer reviewer discussions and be an active participant in the peer review meeting to ensure that a cultural lens is able to be considered in the review process and that the recommendations contained within the Cultural Balance Monitoring Plan are given appropriate consideration.