

29 July 2022

Hauraki District Council
PO Box 17
PAEROA 3640

Attention: Leigh Robcke

Dear Leigh,

RELEVANT S92 MATTERS IN LAND USE CONSENT APPLICATION FOR WAIHI NORTH PROPOSAL WITH REGARD TO HAZARDOUS SUBSTANCE RISKS

I have undertaken the requested review of the following reports supporting the consent application by Oceana Gold (NZ) Ltd. for the proposed Waihi North development, with respect to the storage and use of hazardous substances in relation to the relevant provisions in s.7.7 of the Operative Hauraki District Plan (HDP):

AEE	Oceana Gold (NZ) (June 2022)	Overarching AEE
AEE	Oceana Gold (NZ) (June 2022)	B1 CFP and Area 1 site specific AEE
AEE	Oceana Gold (NZ) (June 2022)	B2 Area 2 site specific AEE
AEE	Oceana Gold (NZ) (June 2022)	B3 Area 3 site specific AEE
AEE	Oceana Gold (NZ) (June 2022)	B5 Area 5 site specific AEE
AEE	Oceana Gold (NZ) (June 2022)	B6 Area 6 site specific AEE
AEE	Oceana Gold (NZ) (June 2022)	B7 Area 7 site specific AEE
Hazardous Substances	Tonkin & Taylor (2022)	Waihi North Project - Hazardous Substances Risk Assessment - Processing Plant, Water Treatment Plant, Development Site Magazine
Hazardous Substances	Tonkin & Taylor (2022a)	Waihi North Project - Hazardous Substances Risk Assessment - Willows Road (WUG)
Part Ec – HDC Consent Conditions	Oceana Gold (NZ) (June 2022)	Proposed LUC conditions

I have also reviewed the B4 Area 4 site specific AEE and the WWLA Preliminary Site Investigation (Ground Contamination) report which are of limited relevance to this specific subject.

Relevant matters relating to hazardous substances for the request for further information on the Waihi North application under s.92 are as follows:

Overarching AEE:

1. Section 3.2: “HAURAKI DISTRICT COUNCIL APPROVALS” includes in Table 2 the use and storage of hazardous substances in **Area 7**. The Overarching AEE does not in itself provide an assessment of effects of either the use or storage of hazardous substances in Area 7. Neither the Assessment of Effects in s. 5 of the Area 7 specific AEE nor the relevant T&T report mentions or assesses any use or storage of hazardous substances in Area 7 – see below.
2. Section 7: “The Effects of Allowing the Project To Proceed” does not address any risks of use, storage or disposal of hazardous substances. This needs to be addressed/clarified.
3. It is noted that apparently no consultation on this proposal has been carried out with representatives of Fire & Emergency NZ (FENZ) on the management of incidents involving hazardous substances. This requires clarification and the FENZ response (if consultation undertaken) provided.

Site-specific AEEs

4. Section 7.6.2.5 of the **site-specific AEE for Area 5** on “Hazardous Substances and Contaminated Land” states that: “*Measures are also proposed to ensure the risk of fire and the risk of spills of ecotoxic liquid hazardous substances are appropriately managed to minimise the effects to people, property and the environment.*” It is unclear what this means as the only reference in the AEE is to standard procedures to meet the minimum statutory workplace safety requirements. This needs to be clarified.
5. Section 4.1 of the **site-specific AEE for Area 7**: “HAURAKI DISTRICT COUNCIL APPROVALS” mentions in Table 2 the storage and disposal of hazardous substances as part of the new TSF3. Table 5 (p. 84) mentions a diesel tank and ‘packaged goods’. Section 7.6 (p. 131) refers to the ‘transportation, storage and use’ of hazardous substances in Area 7. The Assessment of Effects in s. 5 of the Area 7 specific AEE does not mention or assess any use or storage of hazardous substances in Area 7. This matter needs to be clarified and the risks assessed, as applicable.

Tonkin&Taylor Hazardous Substances Technical Assessment – Waihi North Project - Storage and use of hazardous substances at Processing Plant, Water Treatment Plant and New Explosives Storage Facility (Development Site)

6. The T&T report on the processing plant/development site/WTP does not include, or refer to, any detailed drawing(s) of the hazardous substance storage location(s) or tank storage areas. Drawings of the main storage areas for hazardous substances including details for secondary containment (capacity etc.) for both existing and proposed facilities must be provided.
7. The WWLA Preliminary Site Investigation (Ground Contamination) report repeatedly refers to waste oil storage, including in association with the Engineering Workshops (but also the Northern Rock Stack). The 2012 Hydrocarbon Management Plan lists an annual quantity of 72 tonnes of waste oil produced from various activities at the time. There is no reference made in the T&T report to waste oil storage or disposal. This omission needs to be addressed.
8. The T&T report does not appear to include any assessment of hazardous substance use, storage or disposal for Area 7. This omission needs to be addressed.
9. The T&T report on the processing plant/development site/WTP has a section 5 on ‘Resource consent requirements’ listing some generic matters including an irrelevant possible plan change (this reference should be deleted). However, it does not actually include or mention any proposed consent conditions. As the AEEs are reliant on the technical report in this matter, it should be clarified whether this is an omission or intentional.
10. The T&T report has attached in Appendices C to F a number of hazardous substance management plans. However, compliance with such plans (appropriately updated and amended) is not specified to be included in the consent conditions. Any consent conditions proposed should be reflected in the respective technical reports. There is also no link or reference to the intended relationship to existing management plans under current LUC conditions such as the Hazardous Substances Use and Management Plan - Underground (2019) or the 2012 Hydrocarbon Management Plan. These matters need to be clarified.
11. Table 4 in Appendix G called ‘Risk Assessment’ does not include a fire in the ANE store (surface or underground) as an event assessed. This differs from the ‘Risk Assessment’ in Table 4 of Appendix K of the T&T report on the Wharekirauponga Underground Mine – see below. This anomaly needs to be explained and, as necessary, corrected.

Tonkin&Taylor Hazardous Substances Technical Assessment – Waihi North Project - Storage and use of hazardous substances at Willows Road site and the Wharekirauponga Underground Mine

12. Section 4.1 of the T&T report on the Wharekirauponga Underground Mine lists under control and management of hazardous substances relevant to this application the Health and Safety at Work (Major Hazard Facilities) 2016 Regulations (HSW-MHF). It is not specified anywhere in the application, AEEs or technical report which substances exceed the thresholds of the HSW-MHF. This needs to be clarified.
13. Section 4.4.1 of the report refers to one of the Principal Hazard Management Plans (PHMP) for surface explosives to be attached in Appendix D. This appears to be an error and should be corrected.
14. Table 7.1 in section 7.3 of the T&T report on the Underground Mine refers repeatedly for various substances under 'Potential for off-site effects' for "*Effects due to fire to be considered further*". Section 8 on Assessment of effects does not appear to have any assessment of fire risk of those substances. It is unclear where and how such effects are 'considered'. This needs to be clarified.
15. The T&T report has attached in Appendices D to G a number of hazardous substance management plans. However, compliance with such plans (appropriately updated and amended) is not specified to be included in the consent conditions. Any consent conditions proposed should be reflected in the respective technical reports. There is also no link or reference to the intended relationship to existing management plans under current LUC conditions such as the Hazardous Substances Use and Management Plan - Underground (2019) or the 2012 Hydrocarbon Management Plan. These matters need to be clarified.
16. The T&T report has in Appendix K a 'Qualitative risk analysis' which is not included in the Table of Content. This needs to be corrected.
17. The T&T report on the Underground Mine does not include or mention any proposed consent conditions. As the AEEs rely on the technical report, it should be explained what conditions are proposed as mitigation.

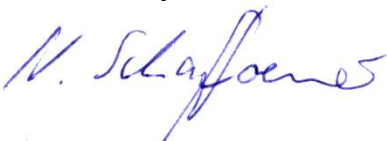
Part E HDC Proposed Consent Conditions

18. The **Proposed Consent Conditions** (PCC) document omits any relevant land use consent conditions for the management of hazardous substances. This omission seems to be based on what it calls 'the T&T report' (it is unclear which of the two reports is meant) not including any recommendations for consent conditions. The proposed conditions just generally state that "*All hazardous substances are to be stored in approved and bunded containment in accordance with the relevant New Zealand Standards and Codes of Practice and the Hazardous Substances and New Organisms Act 1996 and Regulations*". It is unclear which specific standards, codes or regulations are meant to apply to each of the listed substances. The reference is also limited to storage and does not address use or disposal. The proposed conditions therefore appear to be incomplete.
19. There is an inconsistency between the PCC document and the T&T report on the Wharekirauponga Underground Mine in the quantity of oil and greases specified: The PCC lists 8000 litres of oils and greases in underground storage and another 8,000 litres in the SFA in Area 2. The T&T report only lists 8,000 litres in the SFA (that report does not differentiate between Area 1 and Area 2). This needs to be clarified.
20. The PCC make no reference to current LUC conditions in relation to hazardous substances for existing activities or their applicable Hazardous Substances Management Plans. This needs to be clarified.

Conclusion

21. Overall, the matters identified above include a number of omissions which require additional information pursuant to s.92. There are also a number of issues identified which are unclear or inconsistent. These should also be addressed.

Yours sincerely,



N Schaffoener
MNZPI
resources consulting