

Submission Form 16 to the Otago Regional Council on consent applications

This is a Submission on (a) limited notified/publicly notified resource consent application/s pursuant to the Resource Management Act 1991.

Submitter Details:
(please print clearly)

Full Name/s: Millers Flat Water Company Limited

Postal Address: P.O. Box 52, Millers Flat
Central Otago Post Code: 9544

Phone number: Business: _____ Private: _____

Mobile: 0274 798 333

Email address: mfwater@gmail.com

I/ we wish to **SUPPORT** / **OPPOSE** / submit a **NEUTRAL** submission on (circle one) the application of:

Applicant's Name: Hawkeswood Mining Limited

And/or Organisation: _____

Application Number: RM23.819

Location: 1346 - 1536 Teviot Road Miller Flat

Purpose: To construct bore, take + use groundwater, discharge water + sediments + discharge to air to alluvial gold mine

The specific parts of the application/s that my submission relates to are: (Give details)

See attached

My/Our submission is (include: whether you support or oppose the application or specific parts of it, whether you are neutral regarding the application or specific parts of it and the reasons for your views).

See attached.

I/We seek the following decision from the consent authority (*give precise details, including the general nature of any conditions sought*)

If the resource consents are granted we wish the
condition as specified in the attached to be
made.

I/we:

- Wish to be heard in support of our/my submission
 Not wish to be heard in support of our/my submission

If others make a similar submission, I/we will consider presenting a joint case with them at a hearing.

- Yes
 No

I, ~~am~~/am not (choose one) a trade competitor* of the applicant (for the purposes of Section 308B of the Resource Management Act 1991).

**If trade competitor chosen, please complete the next statement, otherwise leave blank.*

I, ~~am~~/am not (choose one) directly affected by an effect as a result of the proposed activity in the application that:

- a) adversely affects the environment; and
b) does not relate to trade competition or the effects of trade competition.

I, ~~do/do not~~ (choose one) wish to be involved in any pre-hearing meeting that may be held for this application.

I ~~do/do not~~ request* that the local authority delegates its functions, powers, and duties to hear and decide the application to 1 or more hearings commissioners who are not members of the local authority.

I ~~have/have not~~ served a copy of my submission on the applicant.


Signature/s of submitter/s

(or person authorised to sign on behalf of submitter/s)

18/2/24

(Date)

Notes to the submitter

If you are making a submission to the Environmental Protection Authority, you should use form 16B.

The closing date for serving submissions on the consent authority is the 20th working day after the date on which public or limited notification is given. If the application is subject to limited notification, the consent authority may adopt an earlier closing date for submissions once the consent authority receives responses from all affected persons.

You must serve a copy of your submission on the applicant as soon as is reasonably practicable after you have served your submission on the consent authority.

Privacy: Please note that submissions are public. Your name and submission will be included in papers that are available to the media and the public, including publication on the Council website. Your submission will only be used for the purpose of the notified resource consent process

If you are a trade competitor, your right to make a submission may be limited by the trade competition provisions in Part 11A of the Resource Management Act 1991.

If you make a request under section 100A of the Resource Management Act 1991, you must do so in writing no later than 5 working days after the close of submissions and you may be liable to meet or contribute to the costs of the hearings commissioner or commissioners.

You may not make a request under section 100A of the Resource Management Act 1991 in relation to an application for a coastal permit to carry out an activity that a regional coastal plan describes as a restricted coastal activity.

Please note that your submission (or part of your submission) may be struck out if the authority is satisfied that at least 1 of the following applies to the submission (or part of the submission):

- it is frivolous or vexatious:
- it discloses no reasonable or relevant case:
- it would be an abuse of the hearing process to allow the submission (or the part) to be taken further:
- it contains offensive language:
- it is supported only by material that purports to be independent expert evidence, but has been prepared by a person who is not independent or who does not have sufficient specialised knowledge or skill to give expert advice on the matter.

The address for service for the Consent Authority is:

Otago Regional Council, Private Bag 1954, Dunedin, 9054
or by email to submissions@orc.govt.nz

Hawkeswood Mining Limited

Submission on applications to Otago Regional Council for resource consents to operate an alluvial goldmine

Introduction

1. Millers Flat Water Company (MFWC) is a community-owned and operated water supply company which provides potable water to 123 connections within Millers Flat and to a restricted supply extension to the north of Millers Flat along Teviot Road. The company is operated by five voluntary directors and has 110 shareholders.
2. The original water scheme was commissioned in March 2010 with 85 connections and the Teviot Road extension was commissioned in 2013. The scheme has a current capacity for 155 connections and has at present expressions of interest for a further ten connections.
3. The source of water is a 17 metre deep groundwater bore about 40 metres from the left (east) edge of the Clutha River just downstream from the Millers Flat bridge. Water is pumped from this bore to three cartridge filters then to three ultraviolet (UV) reactors and then to nine 30,000 litre tanks up Oven Hill Road before reticulation to its water users.
4. In addition to supplying water to individual households, water is supplied to the local hall, swimming pool, bakehouse, public toilets, Millers Flat Tavern, Millers Flat School, two transport yards, an engineering workshop, fire station, church, scout den and the Millers Flat Holiday Park. The reticulation includes 15 high-pressure fire hydrants.

Water Services Act

5. MFWC is defined as a Drinking Water Supplier in the Water Services Act 2021 (WSA21) and as such has a number of legal duties and other requirements. MFWC has a duty to supply safe and sufficient drinking water and to comply with Drinking Water Standards and compliance rules. It is required to maintain a Water Safety Plan, notify the regulator (Taumata Arowai) of risks and hazards and identify and manage risks to the water source.
6. The Directors are the primary individuals who are responsible for fulfilling these duties and ensuring that the shareholders have access to a safe and reliable water supply.

Proposed Goldmining Activity

7. Hawkeswood Mining Limited (HML) proposes to establish an alluvial goldmine north of Millers Flat between Teviot Road and the Clutha River. The goldmine pit at its closest point will be about 1.5 km northwest of the MFWC groundwater bore. The goldmine operation will include pumping of groundwater to lower water levels in the mine pit to enable access to the gold-bearing gravels on the schist basement rock. MFWC has a neutral position regarding the activity of goldmining but wishes

to highlight some matters that require management to fulfil its duties and responsibilities under the WSA21.

Consent Applications

8. HML has applied for consents to the Otago Regional Council (ORC) and Central Otago District Council (CODC) for a period of 10 years. The consents include a landuse consent from CODC and consents to construct a bore (mine pit), take and use groundwater, discharge water containing sediment and discharge to air from the ORC. MFWC is making a submission to both the ORC and the CODC. This submission is to the ORC.

Issues of Concern

9. The primary issue of concern is the effect of mine pit dewatering on groundwater quality and levels and whether these effects will extend to the MFWC bore. Although the Environmental Associates (EA) technical assessment **predicts** that effects on the bore are unlikely, MFWC's duty of care to the shareholders (water users) requires it to be sure that this will be the case in practice. The e3 Scientific (e3S) technical reviews prepared for the ORC indicate that the "site hydrology is complex and difficult to assess" and "the aquifer testing is difficult to interpret". Furthermore, e3S indicates that a contaminated plume of water beneath the [closed] landfill may be mobilised. As recommended by e3S, the EA technical assessment proposes groundwater level and water quality monitoring and provision of this data to the ORC. MFWC recommends that in addition to this, HML is required to arrange a technical assessment by an appropriately qualified independent consultant of all the groundwater level and water quality data collected each year and determine if the predictions made in the application are correct and whether any effects on the MFWC water source are likely. The data and technical assessment should be provided to the MFWC at the time they are provided to the ORC. This will enable MFWC to fulfil its legal duty of ensuring that its water source remains unaffected by mining and therefore safe and reliable for its water users. The review condition proposed by EA is also necessary so that the ORC can revise conditions if unexpected effects arise from the exercise of the consents.
10. The other issue for this submission is the ability of MFWC to provide additional connections to bore owners who may be affected by mine pit dewatering and the status of discussions between MFWC and HML to provide water connections. The option of MFWC providing connections to its scheme is mentioned a number of times in the HML application documents. A number of discussions were held between MFWC and HML on this topic during 2022. Initially up to 22 water connections was suggested by HML but this was later reduced to 13 connections. MFWC considered that a written agreement was required which specified such matters as maximum number of connections, location, duration, costs, ownership of connections, and timing. HML did not see a need for a written agreement. MFWC subsequently confirmed by email that it would "consider applications for new connections

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within the reticulation of its scheme as and when required". This is not a commitment to supply a connection but rather a commitment to consider an application for a connection/s.

11. As mentioned above, the current capacity of MFWC is 155 connections of which 123 are installed and applications for a further 10 connections have been made. This leaves available spare capacity at 22 connections. The capacity of the scheme may be able to be increased but this would require appropriate technical assessments and investments and would obviously take some time to implement.
12. If the Resource Consent is granted, we wish the following consent condition to be made:

That groundwater level and water quality monitoring be a condition of the consent and that this information be provided to MFWC directly on an ongoing basis as it comes to hand. The independent consultant's review of the data required to be paid for by the applicant also be provided. If any negative effects on groundwater level and/or water quality are noted, then the mining operation shall cease immediately until the effect of those matters are able to be understood and remedied or mitigated. MFWC is to be consulted in relation to any remedy or mitigation measures to ensure that the domestic water source is protected.

13. Please contact the undersigned if clarification is required of this submission.



Tony Dons
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18 February 2024