

Gore District Council Decisions



NOTIFICATION UNDER s95A - VOLUNTEERED PUBLIC NOTIFICATION

Resource Management Act 1991

Application reference	LU 24035
Applicant	Waikaka Gold Mines Limited
Proposal	<p>Application under Section 88 of the Resource Management Act 1991 (RMA) to establish and operate a gold mine.</p> <p>Application under Clause 11 of the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC) for soil disturbance.</p>
Location	972 Waikaka Road, Chatton North, Southland
Legal Description	Lot 2 Deposited Plan 346166 and Lot 2-3 Deposited Plan 13018 and Lot 2, 4, 6, 8 Deposited Plan 7758 and Part Lot 1, 3 Deposited Plan 7758 and Part Section 49 Block XIV Chatton Survey District and Section 124 Block XIV Chatton Survey District and Lot 7 Deposited Plan 7758 and Part Section 49 Block XIV Chatton Survey District and Lot 4-5 and Lot 10 Deposited Plan 13018 and Lot 6, 8, 12-13 Deposited Plan 13018 and Lot 2-3 Deposited Plan 5492, Lot 1 Deposited Plan 10945 and Lot 9 Deposited Plan 13018 and Part Lot 5 Deposited Plan 7758; Lot 7, Lot 11 and Lot 14 Deposited Plan 13018 and Crown Land Parcel ID 3263720 and 3210676.
Operative District Plan (ODP) Zoning:	Rural
Proposed District Plan (PDP) Zoning:	General Rural
Overall Activity Status:	Discretionary

The applicant has requested that the application be publicly notified. Pursuant to section 95A(2)(a) of the Resource Management Act 1991, the consent authority must notify an application for a resource consent if requested by the applicant (section 95A(3)(a)).

It is therefore recommended that the application be publicly notified pursuant to section 95A(2)(a) of the Resource Management Act 1991.

1. PROPOSAL & SITE

Proposal

Waikaka Gold Mines Limited (Applicant and WGML) has applied jointly, to Environment Southland (ES) and Gore District Council (GDC), for resource consents relating to the establishment and operation of a gold mine. The site is located near 972 Waikaka Road, Chatton North, Southland (site).

The total area of mining is approximately 85ha, ancillary activities will occupy a further 10ha of land. The total project area is 95 hectares (Ha). The activity will operate over a period of seven to eight years.

The maximum volume of earthworks is estimated to be approximately 446,000 cubic metres. The depth of excavation varies across the site between 20 metres (m) to 50m below ground level. The mine pit will be dewatered to enable the operation of a dry, open-cut mine. Overburden will be stripped and progressively replaced in the mine void, creating a moving mine-cell up to a maximum area of 5Ha, requiring movement of around 20.7 million bcm¹ of material.

The mining activity will include on-site processing of gold-bearing wash using gravity and water separation methods. This includes processing 300,000 bcm of wash per year. The wash will be fed into a conventional land-based Gold Recovery Plant (GRP) located within the application site. The operation will be further supported by on-site workshops, storage, office, staff amenities and other ancillary activities. The GRP and ancillary activities will form part of the overall Site Infrastructure Area.

Overburden stockpiles will be between 3m and 10m in height and will be located within the site for the duration of the activity. A dedicated stockpile area will be created, and other smaller stockpiles may be created on a temporary basis on top of backfill or marginal to the mined area.

Mining is proposed to operate Monday to Saturday 7am – 7pm. No earthworks or processing work will occur on Sundays or public holidays. Some machinery maintenance and dust control activities may occur on Saturday afternoons, Sundays and public holidays. Between 26-30 staff will be employed on the project, and the site will be rehabilitated on completion of the mining activity.

The proposal further includes the temporary diversion of four sections of the Waikaka Stream and Shepherd's Creek, with each diversion lasting approximately one year. The streams will be returned to their current alignment and the Applicant will undertake enhancements of the rehabilitated stream channels. This will include riparian plantings, a higher proportion of native species and cobble substrate with minimal sediment cover. The operation will further include discharge of treated water from the site to the Waikaka Stream.

This application is informed by various technical experts, including engineering, geotechnical, hydrogeology, hydrology, river engineering, ecology, noise, landscape and a number of other resource management areas. Expert reports provide assessment of the potential impacts of the proposal on the environment and people, and also practical mitigation measures that are reasonable and feasible to comply with.

¹ A bank cubic metre (bcm) is a cubic metre of rock or material in situ before it is extracted

A full description of the proposal, including vehicle access, signage, lighting, hazardous substances and the mining operation is provided in the Application AEE.

Site Description

The site is located near 972 Waikaka Road, Chatton North, Southland approximately 4km south-west of Waikaka township and 22km north of Gore, as shown in Figure 1 below.

Co-ordinates of the location are as follows:
NZTM2000 E 1289065, N 4904586

The land within the application site is under a combination of private and public ownership. A full summary of land parcels with the legal description, Record of Title and ownership details has been submitted with the consent application.

The site is currently operated as four working farms with the Waikaka River traversing the site in a north-westerly to south-easterly direction. Shepherd's Creek flows in a southerly direction, joining the Waikaka Stream within the site. The site is generally located within the Waikaka Stream valley floor, with rolling hills to the west and an escarpment to the east.

Remnants of the previous mining operation are present on the site, including a pond and soil stockpile.

A full description is provided in the Application AEE.

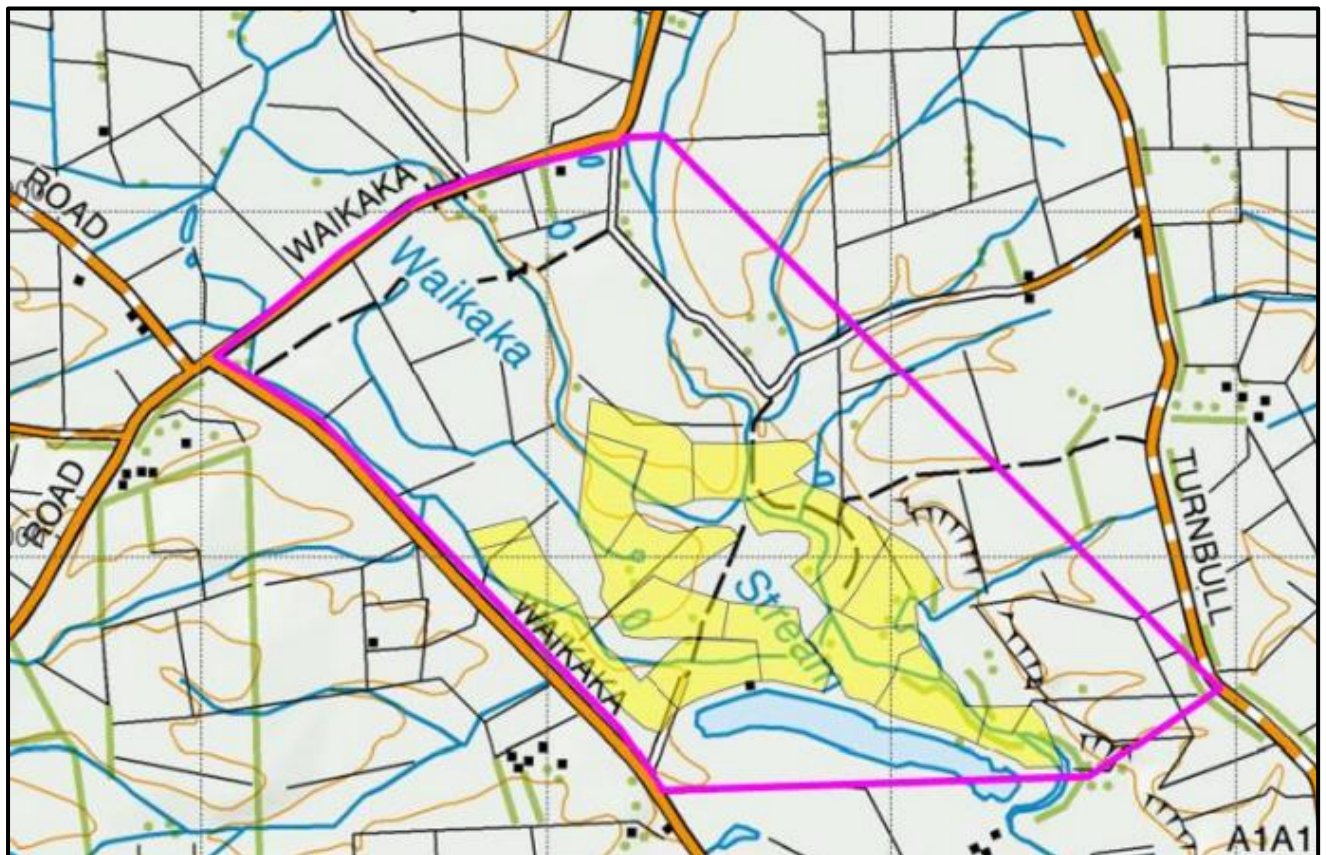


Figure 1: Site location plan. Mining Permit Boundary shown in pink outline. Mine path indicated by yellow shading [Source: Applicant's AEE].



Figure 2: Site location. Source [GDC GIS Imagery]

2. PLANNING FRAMEWORK

Gore Operative District Plan

- A **discretionary** consent pursuant to Rule 2.4.2 for any land use activity that does not comply with Rule 4.2.1 or Rule 4.2.2 and is not otherwise explicitly provided for as a permitted, controlled, discretionary, non-complying or prohibited activity by any other rule in this Plan is a discretionary activity.

The activity is considered to be mineral extraction. Mineral extraction is not listed as a permitted activity within the rural zone.

Mineral extraction means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, for the purpose of obtaining the mineral or chemical substance; but does not include prospecting or exploration; and “to mine” has a corresponding meaning.

- A **restricted discretionary** consent pursuant to Rule 4.10.1 (3) as proposed signage does not comply with standard 4.10.1(2)(b) for the rural zone. Signage identifying the site will be visible from public spaces and the frontage road has a speed limit of 100kph. More than two signs will be erected on the site and total signage will exceed 2m². The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.
- A **restricted discretionary** consent pursuant to Rule 4.9.1(2) in relation to site coverage. Structures forming the Infrastructure Area will likely have a combined footprint exceeding

the 1500m² threshold. The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.

- A **restricted discretionary** consent pursuant to Rule 4.13.1(1) for any land use that involves earthworks or results in the disturbance of the ground where the period from the commencement of such earthworks or disturbance until the completion of rehabilitation work exceeds twelve months. The proposed earthworks are anticipated to occur over a 7-8 year period. The matters over which Council shall exercise its discretion are the adverse effects of the earthworks or the disturbance of the ground.
- A **restricted discretionary** consent pursuant to Rule 6.9(2) for the storage of hazardous substances as the proposed storage or use of hazardous substances exceeds the quantities specified in Table 6.2. Diesel is classed as a 3.1D Flammable Liquid in Table 6.1. and 2,000L of above-ground storage is permitted in the Rural Zone. 60,000L of diesel will be stored on the site in above ground containers, either as a single tank or two 30,000L tanks. A mobile tanker with capacity between 2,000L and 4,000L will be used to take diesel to machinery for refuelling on site. The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.
- A **restricted discretionary** consent pursuant to Rule 5.9.4 as the proposal does not comply with Rule 5.9.2 in relation to landscaping of off-street parking. Twelve vehicle parking space are provided. The off-street parking facility will comply with the standards in Rule 5.9.2 (3) – (7), except that landscaping will not be provided in accordance with (7)(a). The matters over which Council shall exercise its discretion are the adverse environmental effects of the matters with which there is non-compliance.

Gore Proposed District Plan

- A **discretionary** consent pursuant to Rule ECO-R1(3) as the activity does not comply with ECO-R1(1) and ECO-R1(2) but is located outside of a Significant Natural Area.

ECO-R1 has immediate legal effect. The Application states there is likely to be removal of some form of native vegetation from the project area. There is no native vegetation across large areas of the site that are currently formed as paddocks, though it is likely that there may be some indigenous vegetation along the margins of the Waikaka Stream.

Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011

The Applicant engaged Geoscience to prepare a PSI appended as Attachment [M] to investigate the application site for the presence of contaminants. The PSI indicates that activities listed on the HAIL list have been undertaken on the site therefore the NESCS is applicable to the proposal.

The activity includes disturbing the soil described in clause 5(4) of the NESCS and a change of use, and the land is described by both clause 5(7)(c) and 5(8)(d) of the NESCS.

- Consent is required as a **discretionary** activity, pursuant to clause 11 of the NESCS, as a detailed site investigation (DSI) does not exist for the site.

3. SECTION 95A NOTIFICATION

Step 1 – Mandatory public notification

Public notification has been requested. (s95A(3)(a)).

Public Notification is not required in terms of refusal to provide further information or refusal of the commissioning of a report under section 92(2)(b) of the Act (s95A(3)(b)).

The application does not include exchange to recreation reserve land under section 15AA of the Reserves Act 1977 (s95A(3)(c)).

Step 2 – Public notification precluded

Public notification is not precluded by any rule of national environmental standard (s95A(5)(a)).

The proposal is not a controlled activity or boundary activity as defined by section 87AAB and does not relate to a residential site. Public notification is not precluded.

The proposal is not a prescribed activity (95A(5)(b)(i-iv)).

Step 3 – If not precluded by Step 2, public notification is required in certain circumstances

Public notification is not specifically required under a rule or national environmental standard (s95A(8)(a)).

A consent authority must publicly notify an application if it decides under s95D(8)(b) that the activity will have or is likely to have adverse effects on the environment that are more than minor (s95A(2)(a)). An assessment under s95D is not required as the applicant has requested public notification.

Step 4 – Public Notification in Special Circumstances

Public notification is required if there are special circumstances that warrant the application being publicly notified (s95A(9)).

As the applicant has requested public notification and I consider that a special circumstances assessment is not required in this instance.

OVERALL DECISION - S95A NOTIFICATION

Pursuant to 95A, public notification of this application is requested by the applicant.

EFFECTS ON PERSONS

Section 95B(1) requires a decision whether there are any affected persons (under s95E). The following steps set out in this section, in the order given, are used to determine whether to give limited notification of an application for a resource consent, if the application is not publicly notified under section 95A. In this instance, public notification is required pursuant to s95A and assessment under Section 95B(1) is not required.

However, notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003.

4. NOTIFICATION & SERVICE

Section 2AA of the Resource Management Act sets out that *public notification* means the following:

- (a) giving notice of the application or matter in the manner required by section 2AB; and*
- (b) giving that notice within the time limit specified by section 95, 169(1), or 190(1); and*
- (c) serving notice of the application or matter on every prescribed person.*

3.1 PUBLIC NOTICE

Public notice of the application is to be given in the prescribed form by way of advertisement in **The Ensign**.

3.2 SERVICE

Notice of the application is to be served on every prescribed person, as set out in clause 10(2) of the Resource Management (Forms, Fees and Procedure) Regulations 2003 as follows:

(2) The consent authority must serve that notice on—

- (a) every person who the consent authority decides is an affected person under section 95B of the Act in relation to the activity that is the subject of the application or review:*

The applicant has requested public notification under section 95A(3)(a), therefore Section 95B(1), Steps 1-4 to determine Limited Notification are not relevant.

- (b) every person, other than the applicant, who the consent authority knows is an owner or occupier of land to which the application or review relates:*

**J. Gardyne Limited
Darren Leslie Weir, Victoria Suzanne Weir
Gore District Council
Gardyne Agriculture Limited
Pullar Siding Farm Limited**

- (c) the regional council or territorial authority for the region or district to which the application or review relates:*

Environment Southland

- (d) any other iwi authorities, local authorities, persons with a relevant statutory acknowledgement, persons, or bodies that the consent authority considers should have notice of the application or review:*

The iwi authorities to be served notice are as follows:

**Aukaha
Te Ao Marama Incorporated**

**Ngai Tahu Group Management
Hokonui Rūnanga**

Other local authorities and bodies that the consent authority considers should have notice of the application are as follows:

**Clutha District Council (Glenkenich Rural Water Scheme)
Regional Conservator: Department of Conservation
Public Health South
Land Information New Zealand
Otago Fish & Game NZ
Heritage New Zealand Pouhere Taonga
New Zealand Historic Places Trust Pouhere Taonga**

Any other person whom the consent authority considers should have notice of the application is as follows:

Taking into consideration the scale of the activity, there are potential adverse effects on the owners/occupies of the properties depicted in Figure 3 below. As such it is considered the following persons should have notice of the application:

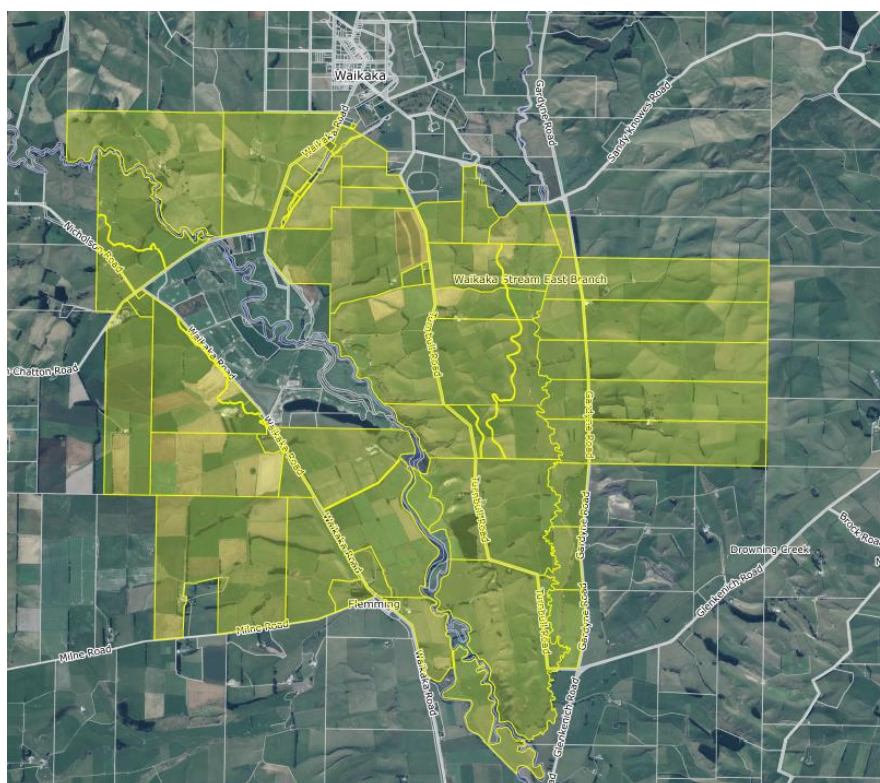


Figure 3: Parties to be served

Table of Parties to be served:

Owner	
Alistair David Hunt & Bernadette Ellen Hunt	210A Milne Road RD 3
Southbrook Farm Limited	1237 Waikaka Road RD 3
Mervyn James Clifford & Judy-Anne Mary Clifford	21-41 Nicholson Road RD 3

D & J Byars Limited	99 Gardyne Road RD 5 , 15 Gardyne Road RD 5
Liviu Radu & Maria Elena Radu	26 Milne Road RD 3
Garfield Farm Ltd	1345 Waikaka Road RD 3 , 1345 Waikaka Road Waikaka , 1345 Waikaka Road RD 5 , 1424 Waikaka Road RD 3
Rosehill Farm Ltd	754 Waikaka Road RD 3
Carl Wiebe Zijlstra & Raelene Joy Zijlstra	0 Waikaka Road RD 3
Murray Ian Drummond & Deborah Jane Drummond	872 Waikaka Road RD 3
Hugh Donald Gardyne & Kathleen Margaret Gardyne	213 Gardyne Road RD 5
Nicholaas David Vanderley & Mary Christina Vanderley	0 Turnbull Road RD 5 48 Sandy Knowes Road RD 5
Lisa Marie Stevenson & Marie Elphinstone Stevenson	440 Turnbull Road RD 5
Glenda Sheree Hall & John Andrew Hall	437 Turnbull Road RD 5
Christopher Paul Gerken & Sonia Carol Gerken	774 Waikaka Road RD 3
AR Weir & Co Ltd	0 Turnbull Road RD 5
Thomas Brownlee & Susan Linda Brownlee	971 Waikaka Road RD 3
Heritage Strategic Investments Ltd	0 Sandy Knowes Road RD 5
Stuart Leslie Davie & Shona Jane Davie & BPA Trustees 2009 Ltd	210 Turnbull Road RD 5
Southern Jack Ltd	526 Turnbull Road RD 5

- (e) *the Minister of Conservation, if the application or review relates to an activity in a coastal marine area or on land that adjoins a coastal marine area:*

N/A

- (f) *the Minister of Fisheries, the Minister of Conservation, and the relevant Fish and Game Council, if an application relates to fish farming (as defined in the Fisheries Act 1996) other than in the coastal marine area:*

N/A

- (g) *Heritage New Zealand Pouhere Taonga, if the application or review—*
 (i) *relates to land that is subject to a heritage order or a requirement for a heritage order or that is otherwise identified in the plan or proposed plan as having heritage value; or*
 (ii) *affects any historic place, historic area, wāhi tūpuna, wahi tapu, or wahi tapu area entered on the New Zealand Heritage List/Rāangi Kōrero under the Heritage New Zealand Pouhere Taonga Act 2014:*

N/A

- (h) *a protected customary rights group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent or the review of consent conditions.*

N/A

(ha) a customary marine title group that, in the opinion of the consent authority, may be adversely affected by the grant of a resource consent for an accommodated activity:

N/A

(i) Transpower New Zealand, if the application or review may affect the national grid.

N/A

Report prepared by



Joanne Skuse
CONSULTANT PLANNER

Decision made by



Werner Murray
DELEGATE

Report Dated: 19.05.2025