

National Policy Statement Assessment

National Policy Statement on Freshwater Management

The National Policy Statement on Freshwater Management 2020 (NPS-FM) sets out the objectives and policies for freshwater management under the RMA. The NPS-FM applies to all freshwater including groundwater.

The sole objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises:

- a. First, the health and well-being of water bodies and freshwater ecosystems.
- b. Second, the health needs of people (such as drinking water).
- c. Third, the ability of people and communities to provide for their social, economic, and cultural well-being, now and in the future.

The effects on the health and well being of water bodies is assessed as no more than minor, with appropriate monitoring proposed to ensure effects are as predicted.

The proposal will not affect the health needs of people. Effects on people's drinking water supplies are appropriately mitigated by monitoring conditions and provision of alternative water supply if the quantity of water is temporarily affected.

In regard to the third priority, the proposal enables people and communities to provide for their social, economic, and cultural wellbeing.

Policy 1 gives effect to Te Mana o Te Wai, which is detailed in section 1.3 of the NPS-FM. The hierarchy of obligations in Te Mana o Te Wai are reflected in the Objective of the NPS-FM.

Aukaha have advised that they are uncertain whether the activity gives effect to Te Mana o Te Wai and provides for the mauri of wai māori, noting uncertainties with aquifer testing and water quality. Additional hydrological testing has been undertaken to address this concern. The Applicant's hydrologist, Mr Heller, considers that the additional testing puts the certainty of effects in a very strong position, and provides additional confidence that the proposal will adequately protect water and give effect to Te Mana o Te Wai.

Policy 2 requires the active involvement of tangata whenua and that Māori freshwater values are identified and provided for. Māori freshwater values are defined in the NPS-FM however these values have not yet been identified in this area as the NPS-FM establishes a prescribed process through which this must be achieved. However, consideration has been given to Māori freshwater values identified by tangata whenua based on direction provided in the RPW and relevant iwi resource management plans. Notwithstanding the above, given that the proposed take and discharge will have effects that are less than minor on the receiving environment, in respect of both hydrology (surface water and groundwater) and ecology, it is considered that the proposal is consistent with this policy.

Policy 3 requires consideration of effects in an integrated way. The range of effects associated with this proposal have been assessed and mitigated in an integrated way.

Policy 5 requires improvement to the health and well-being of degraded water bodies and freshwater ecosystems, and the maintenance or improvement of the health and wellbeing of

all other waterbodies and freshwater ecosystems. Based on the mitigation measures proposed and the assessment of effects, this policy is met.

Policies 9 and 10 protect the habitat of indigenous freshwater species and the habitat of trout and salmon. This is achieved by setbacks from waterbodies and augmentation of the Tima Burn during dewatering.

Policy 11 addresses freshwater allocation and efficient use. The take is mostly non-consumptive and there are no issues of inefficiency. The proposal is consistent with this policy.

Policy 15 enables communities to provide for social, economic and cultural wellbeing. The proposal is consistent with this by enabling a development which may contribute to social, economic, and cultural wellbeing.

Overall, the proposal is consistent with the NPS-FM.

National Policy Statement for Highly Productive Land 2022 (NPS-HPL)

The site has not been identified or classified in any Regional Policy Statement (RPS) or District Plan as Highly Productive Land (HPL). Section 3.5(7) sets out criteria for identifying HPL, prior to maps of HPL being included in an operative RPS. In regard to these criteria:

- The site is zoned rural general.
- The site comprises land with land use capability class 4 and 7.
- The site is not identified for future urban development or subject to a plan change.

As none of the site comprises land with land use capability class 1-3, the NPS-HPL is not relevant.

National Environmental Standard Assessment

National Environmental Standard for Freshwater (NES-F)

The NES-F applies to works within freshwater bodies inclusive of rivers and wetlands. The site is near to both the Tima Burn and the Clutha River / Mata-au. However, no works are proposed within 20m of any permanently flowing watercourse and there are no known wetlands to consider. For these reasons, no consent requirements under the NES-F will be triggered.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NES-CS)

There is a known historic landfill near the site. The Applicant engaged a contaminated land expert, EC Otago, to assist with defining the boundaries of the historic landfill, and determine an appropriate setback distance, to avoid any soil disturbance near the historic landfill.

A set of historic stockyards were also identified in the property review by EC Otago and these fall within the proposed mine area. This part of the site is defined as a 'piece of land' under clause (5) of the NES-CS and so the NES-CS does apply to the area of the stockyards. The remainder of the site area is not 'piece of land' under the NES-CS. Resource consent is

required for soil disturbance in the stockyards area for a Discretionary Activity (NES-CS clause 11), given no DSI exists.

Other National Environment Standards

No other National Environmental Standards are relevant in respect of this proposal.