

National Policy Statement Assessment

National Policy Statement on Freshwater Management (NPS-FM)

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 wellbeing of water bodies will be temporarily affected during the diversions, but the Applicant's proposal to rehabilitate and enhance waterbodies demonstrates prioritisation of the health and well-being of waterbodies and freshwater ecosystems. Discharges will be treated so effects are 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 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.

The proposal's design and mitigation strategies are crafted to minimise impacts on freshwater and to improve the condition of Waikaka Stream and Shepherd's Creek, despite a temporary loss of river values. The project's dedication to ensuring comprehensive rehabilitation with an enhancement component and appropriate treatment of discharged water, provides 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 Southland Regional Water Plan, relevant iwi resource management plan and consultation with Hokonui Rūnanga.

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 ensuring the temporary diversion of waterbodies do not negatively impact fish passage, and that discharges are treated sufficiently to ensure less than minor adverse effects. The proposal is consistent with these Policies.

Policy 11 addresses freshwater allocation and efficient use. The take is 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 is not classified as Highly Productive Land (HPL) in any Regional Policy Statement (RPS) or District Plan. However, parts of the site, zoned rural general and comprising land use capability classes 2 and 3, may meet the criteria for HPL.

The NPS-HPL aims to protect HPL for current and future land-based primary production, as identified in the NPS's sole objective.

Policies 1, 4 and 8 seek to recognise HPL as a resource with finite characteristics and long-term values whilst prioritising and supporting land-based primary production. Whilst the proposed activity is not considered land-based primary production, it is considered appropriate under Clause (g) of section 3.9(2), as it is a temporary activity that will not permanently impact the productive capacity of the land.

Policies 5, 6 and 7 aim to avoid urbanisation, subdivision and rezoning of HPL except where provided for in the NPS-HPL. The proposal does not seek to rezone, subdivide or develop the site in a way that is contrary to these Policies, rather provide for a temporary land use for mining with small-scale and temporary adverse effects.

Reverse sensitivity effects are covered by Policy 9, of which the proposal is consistent with. The site's temporary land use for mining, with a small-scale impact and a commitment to progressive rehabilitation, will not constrain land-based primary production activities on HPL.

The site's temporary land use for mining, with a small-scale impact and a commitment to progressive rehabilitation, aligns with the NPS-HPL's Objective and Policies. The proposal is considered appropriate under Clause (g) of section 3.9(2), as it is a temporary activity that will not permanently impact the productive capacity of the land, and it meets the exemption criteria without causing reverse sensitivity effects on nearby primary production.

National Policy Statement for Indigenous Biodiversity 2022 (NPS-IB)

The NPS-IB seeks to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally, being the sole Objective. Consistency with the respective Policies, provide the basis for consistency with this Objective, and the NPS-IB more generally. It is noted the site is not located within a Significant Natural Area (SNA).

Engagement with Hokonui Rūnanga is ongoing, with the Applicant keen to implement their cultural advice to honour the mana of tangata whenua and thus meet consistency with Policies 1 and 2.

Policies 8, 13 and 14 seeks to maintain or increase indigenous biodiversity outside SNAs, and the proposed activities may involve disturbances to indigenous biodiversity, particularly through work in and near waterways, planned enhancements like riparian plantings and habitat improvements are expected to mitigate these effects.

Further, the proposal is consistent with Policy 10, which aims for social, economic, cultural, and environmental wellbeing to be recognised and provided for.

Despite temporary effects, the proposal is consistent with the NPS-IB's Objective and relevant Policies by maintaining, or potentially improving, indigenous biodiversity values in the long term.

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 Applicant commissioned an expert to undertake an ecological assessment of the site, including the Waikaka Stream and a number of existing ponds and farm drains within the project area. The ponds are all old dredge ponds and thus do not meet the definition of natural wetland. No other natural wetlands were identified within the project area. The proposal does not involve the installation of any structures affecting fish passage. 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)

Whilst the site registers show no record of Hazardous Activities and Industries List (HAIL) operations, a Preliminary Site Investigation was conducted which reveals past gold mining activities, categorized under HAIL E.7, and notes the presence of a closed landfill (HAIL G.3) near Shepherd's Creek, east of the mine, and historical pesticide use (HAIL A.10). This part of the site is defined as a 'piece of land' under clause (5) of the NESCS

The NES-CS applies to this project due to soil disturbance and land characteristics outlined in clauses 5(4), 5(7)(c), and 5(8)(d). Resource consent for a Discretionary Activity is mandated under NES-CS Clause (11).

Resource Management (National Environmental Standards for Air Quality) Regulations 2004 (NES-AQ)

The NES-AQ defines thresholds for five air contaminants: carbon monoxide, nitrogen dioxide, PM10, ozone, and sulphur dioxide stating, "*The ambient standards are the minimum*

requirements that outdoor air quality should meet in order to guarantee a set level of protection for human health and the environment”.

The only contaminant that may arise from the proposal is PM10, as a small proportion of dust. However, with appropriate control practices, the discharge of PM10 to air is expected to be negligible. Hence consent is not required under the NES-AQ.

Other National Environment Standards

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