

BEFORE THE DUNEDIN CITY COUNCIL

IN THE MATTER of the Resource Management Act 1991 ("**RMA**")

AND

IN THE MATTER of Plan Change 1 – Minor Improvements – Non-Heritage
Topics ("**PC1**")

**LEGAL SUBMISSIONS on behalf of
OCEANA GOLD (NEW ZEALAND) LIMITED**

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MAY IT PLEASE THE PANEL:

INTRODUCTION

- 1 Oceana Gold (New Zealand) Limited ("**OceanaGold**") is a significant multi-national gold producer, with a portfolio of operating, development and exploration assets. In Otago OceanaGold carries out open pit mining and underground mining at the Macraes Mine, situated west of Palmerston in East Otago.
- 2 The Macraes Mine is the largest hard rock mine that has ever been operated in New Zealand. It has been operating continuously since 1990 and has produced over 5 million ounces of gold. OceanaGold is a significant contributor to local and regional economies. One facet of this is through direct employment. Presently OceanaGold directly employs close to 700 people at Macraes Mine and about a further 25 staff based in the Dunedin office.
- 3 OceanaGold has 35 years' experience in considering legislation, examining relevant planning documents, and applying for and obtaining numerous resource consents under the Resource Management Act 1991 ("**RMA**") from the Otago Regional Council ("**ORC**"), Waitaki District Council ("**WDC**") and, since 2013, the Dunedin City Council ("**DCC**") because its Coronation and Coronation North open pit mining traverses the DCC/WDC boundary. Further mineral resources are located within the DCC boundary in OceanaGold's mining permit area, and further development of the Macraes Mine within Dunedin City is highly probable. The DCC is, and will continue to be, involved with the Macraes Mine in its capacity as consent authority.
- 4 OceanaGold made a submission - S276 - and further submissions - FS6 - on PC1. OceanaGold's submissions commented on parts of PC1 that appeared to have implications for ongoing operations and future development at the Macraes Mine. What OceanaGold seeks to achieve by participating in this process is to ensure that the "minor improvements" recommended in PC1 do not have unintended consequences for the Macraes Mine, and do not unduly constrain existing and future development of the mineral resource. Maintaining continuity of mining operations and associated workforce stability is critical to the company.

- 5 These submissions do not repeat everything contained in OceanaGold's written submissions, they cover three main points and summarise the Section 42A Report recommendations that are accepted.

CHANGE CP1 – Improvements to the management of high trip generators - s42A Report section 4.2 pages 6-21.

- 6 OceanaGold submitted on this topic to clarify the operation of the 'high trip generators' provisions in relation to Macraes Mine. Its activities easily exceed the Appendix 6C threshold of 250 heavy vehicle movements per day, but activities occur on private haul roads and not the public transport network. The high trip generator provisions are designed to manage 'effects on accessibility and the safety and efficiency of the transport network', not private roads, but this was not clear in original PC1 drafting. Shift changes at Macraes Mine occur within set hours per day, morning, afternoon and night. Associated with shift change times light vehicle movements on the public transport network increase and, although most staff are transported to and from the site by bus, may surpass 50 movements per hour. Our submission queried whether an averaging approach across a day would be applied, this would be our preference.
- 7 In response to OceanaGold's submission the Report Writer has recommended:
- (a) the wording "50 vehicle movements per hour" is amended to "50 vehicle movements within any hour of the day", and
 - (b) addition of a footnote to the bottom row of Appendix 6C to clarify that the 250 heavy vehicle movements per day threshold is intended to apply only to traffic generated on the public road network and not private haul roads: "These thresholds apply to vehicle movements occurring on the public road network only (S276.020)".
- 8 OceanaGold accepts the recommended changes.

CHANGE D10 – Boundary setbacks for structures in rural and rural residential zones - s42A Report section 4.11 pages 49-55.

- 9 OceanaGold supports the amenity considerations of the change but submitted on it because a range of mining related activities would be captured by it, including large structures like dams. Boundary setback will not always be practical. While this would not prevent a resource consent being obtained where there are no impacts, or manageable impacts, on the amenity of residential activities on adjoining sites, it introduces an additional consent requirement for an already highly consented activity.
- 10 OceanaGold acknowledges that the s42A Report writer has recommended changes in response to the Port Otago submission which would amend Rule 16.6.10.1.a so that a boundary setback for structures is only necessary if there is a residential building present on an adjoining site held in separate ownership, and in the Rural zone an appropriate minimum setback from side and rear boundaries would be 40m away from any residential building on an adjoining site held in separate ownership. These changes would help to reduce OceanaGold's concerns. It is acknowledged that the DCC is not minded to provide exclusions from the rule for particular activities, e.g. mining. Provided the recommended changes are made OceanaGold is prepared to address this issue where it arises on a case-by-case basis.

CHANGE EARTH 1 – Geotechnical investigation and driving of piles for building foundations - s42A Report section 4.14 pages 65-74.

- 11 OceanaGold submitted on this change because it would be inappropriate for the definition of 'construction and site investigation' to capture mining-related activities which are already managed under the activity definition 'mining', including for example geotechnical investigations. If it did apply to mining-related activities then the associated performance standards would be unworkable in practice and introduce additional consent requirements.
- 12 The s42A Report writer has recommended an addition to the definition to clarify that it "does not include site investigation provided for under the definitions of mineral exploration, mineral prospecting and mining (S276.002)." OceanaGold endorses this recommendation. On the basis that this change is implemented the further changes that OceanaGold

sought to the temporary activity performance standards (s276.008, 009 and 010) because they would not be workable for the Macraes Mine are not needed.

S42A Report recommendations accepted by OceanaGold

- 13 OceanaGold has reviewed, and accepts, the following recommendations made by section 42A Report writers on topics it had submitted on:
- (a) **Change CP24** – Corrections due to removal of car parking provisions - s42A Report section 4.9 pages 42-44.
 - (b) **Change D18** – Definition of ground level - s42A Report section 4.13 pages 62-65.
 - (c) **Change PHS6** – Construction noise controls for long-term duration construction - s42A Report section 4.22 pages 121-136.
 - (d) **Change RES7** – Density for residential activity in moveable buildings -s42A Report section 4.24 pages 140-145.
 - (e) **Change RES13** – Stormwater open watercourse setbacks - s24A Report section 4.25 pages 146-185.
 - (f) **Change RU6** – Rural industry and intensive farming assessment rules in rural zones - s42A Report section 4.29 pages 193-197.
 - (g) **Change RU7** – Policy 16.2.1.7 and assessment guidance for residential activity on undersized lots - s42A Report section 4.30 pages 198-202.
 - (h) **Change SD1** – Description of plan methods in policy 2.2.2.1.a - s42A Report section 4.31 pages 202-204.
 - (i) **Change TA3** – Construction vibration rule 4.5.4.1.b - s42A Report section 4.32 pages 204-224.

CONCLUSION

- 14 Mining is an important activity in the Otago region and within Dunedin City. Accordingly, it is appropriate that the minor improvements introduced by PC1 do not have unintended consequences for the Macraes Mine. OceanaGold appreciates the consideration that the s42A Report writers

have given to its submission and commends to the panel the recommendations that have been made in the S42A Report on topics of interest to the company.

DATED this 12th day of August 2025



J E St John

Counsel for OceanaGold (New Zealand) Limited