

**Further submission in opposition to Hawkes Bay Environmental Water  
Group submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

To The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**Hawkes Bay Environmental Water Group**  
603A Ballantyne Street  
Hastings 4120  
  
Submission number: 1

**The particular parts of the submissions we oppose are:**

Newmont opposes the submission by Hawkes Bay Environmental Water Group in relation to Objective 7(b), which seeks to replace the word "excessive" with "any".

Newmont opposes the submission by Hawkes Bay Environmental Water Group that states:

*"We request that robust figures from Australia and New Zealand Environment and Conservation Council (ANZECC 2000) and NZ Periphyton Guideline 2000 be part of the 'National Policy Statement for Freshwater Management' or shall be adopted by all Regional Councils as the minimum standards in their regional plans."*

**The reasons for our opposition are:**

Newmont supported the original wording of Objective 7(b) in its original submission. Newmont opposes the replacement of the word "excessive" with the word "any" in Objective 7(b), so that it would read "*avoiding excessive contamination*". Newmont considers that the original wording of the objective better reflects the holistic approach embedded in the definition of sustainable management in section 5 of the Resource Management Act 1991.

Newmont opposes the submission on the basis that it is trying to turn the NPS into a standards document, instead of a Policy document. The purpose of proposed NPS is to help guide decision-making on Freshwater management under the Resource Management Act 1991 at national, regional and district levels. Newmont considers that it is inappropriate to require Regional Councils to adopt what are essentially Water Quality Guidelines as standards for all freshwater resources in their regional plans through the NPS. In Newmont's view, the NPS should provide Regional Councils with the flexibility to derive standards for Freshwater Resources on a priority basis. The NPS should also allow standards to be derived using a process that takes into account the type of freshwater resource e.g. surface water or groundwater, the notable values, current and likely future uses of the water and the desired outcomes of the water. The blanket imposition of guidelines as standards without appropriate consideration of site specific issues is opposed by Newmont.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:       Newmont Waihi Gold Limited  
  PO Box 190  
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**Further submission in opposition to Manukau City Council submission on  
the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**Manukau City Council**  
Private Bag 76917  
Manukau 2241  
Attn: Pat Holm

Submission number: 7

**The particular parts of the submissions we oppose are:**

Newmont opposes the submission by Manukau City Council in relation to Objective 3. The Manukau City Council seeks to amend Objective 3 to read:

*"To progressively enhance the overall quality of all freshwater resources."*

**The reasons for our opposition are:**

The objective should be reworded to reflect the holistic approach embedded in the definition of sustainable management in Section 5 of the RMA.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in support of Local Government New Zealand  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support of** a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

**Local Government New Zealand**  
PO Box 1214  
Wellington  
Attn: Natasha Bava  
  
Submission number: 11

**The particular parts of the submissions we support are:**

Newmont supports the submission by Local Government New Zealand, proposing a new Policy 9.

**The reasons for our support are:**

Newmont considers that the new policy 9 proposed by Local Government New Zealand is appropriate, and is consistent with the purpose and principles of the Resource Management Act 1991.

However, Newmont remains concerned that the objectives and policies are to be applied to both surface water and groundwater, and considers that different objectives and policies should be developed for each.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in opposition to New Zealand Historic Places Trust  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**New Zealand Historic Places Trust**  
Pouhere Taonga  
PO Box 2629  
Wellington  
Attn: Nicola Jackson  
  
Submission number: 14

**The particular parts of the submissions we oppose are:**

Newmont opposes in part the submission by New Zealand Historic Places Trust in relation to the definition of 'Freshwater Resources' to the extent that the proposed amendments to the definition seek to retain 'groundwater systems' within the definition.

**The reasons for our opposition are:**

The current definition of 'Freshwater Resources' as it stands catches Newmont's mine dewatering takes which come from very deep aquifers, which are mineralised and do not have Notable Values, and in Newmont's view this type of groundwater should be excluded from the definition of 'Freshwater Resources'.

Newmont considers that mine dewatering takes should be excluded from the definition of 'Freshwater Resources' and as suggested in Newmont's original submission, 'Freshwater Resources' would be more appropriate defined in the National Policy Statement as:

*"Freshwater Resources" means the fresh water of New Zealand's rivers, lakes, wetlands and groundwater systems (but does not include fresh water of any ephemeral stream or artificial watercourse, or mine dewatering takes where those takes do not compete with other users due to the depth and/or quality of the groundwater)".*

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in support of West Coast Regional Council submission on the publicly notified proposed National Policy Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support of** a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**West Coast Regional Council**  
388 Main South Road  
Greymouth 7805  
Attn: Lillie Sadler

Submission number: 22

**The particular parts of the submissions we support are:**

Newmont supports the submission by West Coast Regional Council, that Policy 1(c) be deleted in its entirety. Or alternatively if Policy 1(c) is retained, Newmont seeks that any reference to Freshwater Resources should note that groundwater systems are excluded from consideration.

**The reasons for our support are:**

Newmont considers that Policy 1 (c) is an unnecessary duplication of Policy 1(a) and (b). Policy 1(c) states that all regional policy statements (RPS) must specify objectives, policies and methods which –

*“In accordance with Policy 1 (a) and (b), guide and direct the setting in regional plans for all Freshwater Resources of the region of:*

- (i) Freshwater Quality Standards; and*
- (ii) Environmental Flows and Levels*

*including for the protection of Notable Values of any Outstanding Freshwater Resources and the enhancement and restoration of Notable Values of any Degraded Freshwater Resources.”*

Policy 1(c) is an unnecessary duplication of Policy 1(a) and 1(b) and adds nothing further.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in opposition to New Zealand Conservation Authority  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition to** a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**New Zealand Conservation Authority**  
PO Box 10420  
Wellington

Submission number: 42

**The particular parts of the submissions we oppose are:**

Newmont opposes the proposed change to Objective 3 - the New Zealand Conservation Authority seeks that all Freshwater Resources achieve a swimmable standard (at an absolute minimum), as well as being safe for food gathering.

Newmont opposes the proposed change to Objective 5 – the New Zealand Conservation Authority seeks that Objective 5 be expanded to address existing degradation resulting from current land uses, and to require that all waterways must, within specified timeframes, comply with nationally agreed water quality standards.

Newmont opposes the proposed change to Objective 7 – the New Zealand Conservation Authority seeks that the wording of Objective 7(b) be changed by removing the word excessive, so that Objective 7 would read "*to ensure that allocated fresh water is used efficiently particularly in terms of the following: (b) avoiding ~~excessive~~ contamination*".

Policy 1(h) – the New Zealand Conservation Authority seeks to amend (h) to read "...to effectively manage Land-use **and** Development and discharges of contaminants to **prevent** the adverse effects..."

Newmont opposes the proposed change to Policy 1(i)(v) – the New Zealand Conservation Authority seeks that this policy be changed from "Controls adverse effects" to "Avoids adverse effects".

Newmont opposes the proposed change to Policy 1(j)ii - – the New Zealand Conservation Authority seeks that the word 'controlling' be replaced with the word 'preventing'.

**The reasons for our opposition are:**

The amendment sought to Objective 3 is inappropriate, and in many cases unachievable. Newmont considers that groundwater systems should not be subject to Objective 3. Newmont considers that the amendment sought to this Objective, and the direction of the objectives generally, supports Newmont's view that the definition of 'Freshwater Resources' should not include groundwater resources, and objectives should be developed that more appropriately relate to groundwater resources.

Newmont set out a number of reasons in its submission as to why Objective 3 should not relate to groundwater, including "*for mineralised, very deep aquifers such as those that are dewatered for the purposes of mining, and which are not suitable to other users without very expensive treatment processes, it is difficult to justify progressive enhancement*". Such water bodies have no need to reach a swimmable standard.

Newmont similarly considers that groundwater systems should not be subject to Objective 5. Newmont considers that the proposed expansion of Objective 5 is unnecessary.

With regard to Objective 7, Newmont considers that the word 'excessive' should be retained within the wording proposed in the original version of the NPS.

With regard to Policy 1(h), there is no basis to use the word 'prevent'. Newmont considers that there is no basis under the Resource Management Act 1991 to use the word 'prevent'. The Act requires adverse effects on the environment to be avoided, remedied or mitigated. The proposed amendment suggests that any adverse effects must be avoided, whereas such effects could also be mitigated or remedied (depending on the circumstances).

There is no basis to use the word 'avoid' rather than 'control' in Policy 1(i)(v). The use of the word 'control', allows adverse effects to be avoided, remedied or mitigated.

With regard to Policy 1(j)ii, Newmont considers that there is no basis under the Resource Management Act 1991 to use the word 'prevent'. The Act requires adverse effects on the environment to be avoided, remedied or mitigated. The proposed amendment suggests that any adverse effects must be avoided, whereas such effects could also be mitigated or remedied (depending on the circumstances).

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in opposition to Lakes Water Quality Society  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition to** a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**Lakes Water Quality Society**  
53 Te Akau Road  
RD4  
Rotorua

Submission number: 61

**The particular parts of the submissions we oppose are:**

Newmont opposes the submission in relation to Objective 3 which is the proposed rewording of Objective 3 as follows:

*"Objective 3 Curbing degradation of freshwaters - To ensure that there is no further degradation of groundwater or surface freshwaters beyond current levels by recognising and, wherever attainable, reversing any significant and sustained upward trend in the concentration of any pollutant."*

**The reasons for our opposition are:**

The objective should reflect the holistic approach embedded in the definition of sustainable management in Section 5 of the RMA.

Newmont opposes the submission by Lakes Water Quality Society in relation to Objective 3 and considers that Objective 3 should be appropriately be amended as follows:

*To ensure the progressive enhancement of the overall quality of surface water ~~Freshwater Resources~~, including actions to ensure appropriate surface water ~~Freshwater Resources~~ can reach or exceed a swimmable standard.*

This Objective is directed at standards applicable for surface water, but not necessarily groundwater. Newmont considers that the NPS requires specific Objectives relating to groundwater that recognise the different nature of this type of resource, or alternatively that groundwater be deleted from the definition of 'Freshwater Resources'.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in support of Metrowater submission  
on the publicly notified proposed National Policy Statement on  
Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support of** a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

**Metrowater**  
PO Box 27060  
Mt Roskill 1440  
Attn: Ilze Gotelli

Submission number: 66

**The particular parts of the submissions we support are:**

Metrowater's submission seeks to amend the definition of 'Freshwater Quality Standards' to define the standards as ambient-based standards that are based on the Freshwater Resource values and existing or potential use.

Metrowater seeks the Insertion of a new policy in the NPS that sets out all provisions related to Freshwater Quality Standards.

Metrowater seeks to refocus the NPS to direct the Government to develop a National Environmental Standard that sets out the framework for standard setting but allows regional and territorial authorities to establish an appropriate standard for individual Freshwater Resources. Metrowater suggests the following framework:

- Allow standards to be set on the basis of the type of waterbody, the values associated with the waterbody, and its current or potential use;
- Provide direction on the specification of values and uses;
- Allow Regional and Territorial Authorities to prioritise water bodies to ensure that emphasis is given to those bodies with high values or protection requirements (e.g., to maintain water quality for drinking water purposes); and
- Allow the standards to be established as desired outcomes such as to maintain or enhance water quality to enable contact recreation or for drinking water purposes.

Metrowater's submission sought to integrate Policy 1(a) and Policy 2(a) into the new policy on Freshwater Quality Standards to reflect the role of the Regional Councils to establish the Freshwater Quality Standards based on the national guidelines.

**The reasons for our support are:**

The NPS requires that regional councils set Freshwater Quality Standards, but is not clear on what is meant by "standard". The definition of "Freshwater Quality Standard" does not provide any useful guidance on what is intended, and leaves it open for each Regional Council to establish a rule. Newmont agrees with the Metrowater submission that the "standards" – whether they be numeric, process-based, or based on the best practicable option, should be specific to particular water bodies and not be generic to ensure the relevance of any standards that are established by the National Policy Statement.

Newmont supports the submission that it would be appropriate for the central government to set out the framework for setting the standards referred to in the NPS. In Newmont's view, the regional council should then be given the mandate to determine the "standard" or outcome for each water body based on the framework set out at the central level. It should not be left to each regional council to set the standard as a rule in the Regional Plan as is currently provided in the draft NPS (Policy 2).

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in support of Solid Energy Coals of New Zealand  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support of** a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

**Solid Energy Coals of New Zealand**  
Private Bag 502  
Huntly  
Attn: David Hom  
  
Submission number: 68

**The particular parts of the submissions we support are:**

Newmont supports the submission by Solid Energy Coals of New Zealand in relation to Policy 2(c)(i), which sought to amend Policy 2(c)(i) as follows:

*"Require that all water permits for the Consumptive Use of freshwater granted after the date of commencement of this NPS (other than the uncontrollable passive take of groundwater) include conditions for the efficient Consumptive Use of freshwater, including as a minimum, providing for the use of industry good practice and technology to achieve efficient use".*

Newmont supports the proposed amendment to Policy 2 (c)(iv) to direct regional councils that conditions in resource consents on the monitoring and reporting on matters relating to paragraph (b) of policy 3 should only require consent holders to monitor and report on their own operations.

**The reasons for our support are:**

Newmont agrees that it is appropriate for Policy 2(c)(i) to be amended to exclude the requirement for the efficient consumptive use of freshwater when the water take is the "passive" extraction of groundwater, as a consequence of mine dewatering.

Newmont considers the proposed amendment to Policy 2 (c)(iv) is appropriate, as consent holders should only be required to monitor and report on their own operations. Newmont considers that It would be an onerous requirement for consent holders to have to monitor and report on the operations of others.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in opposition to Auckland Regional Council  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**Auckland Regional Council**  
21 Pitt Street  
Private Bag 92012  
Auckland  
Attn: Jonathan Streat

Submission number: 74

**The particular parts of the submissions we oppose are:**

Newmont opposes the submission by **Auckland Regional Council** in relation to Objective 2, which seeks to recognise the interrelationship between freshwater management issues and land use, as well as acknowledging the interconnected nature within water resources themselves (including surface water, groundwater and coastal).

**The reasons for our opposition are:**

Groundwater has no ecological value or life-supporting capacity, unless it is a shallow groundwater system that is connected to surface water. The groundwater taken by Newmont is drawn from deep aquifers and the water is generally heavily mineralised and has no life-supporting capacity. The deep aquifers utilised by Newmont are generally mineralised and have no life-supporting capacity and should not be subject to Objective 2. Newmont considers that the proposed amendments by Auckland Regional Council are unnecessary, and that Objective 2 would be more appropriately amended as follows:

*To ensure that the effective integrated management (including by the co-ordination and sequencing of Land-Use Development (including water takes and discharges of contaminants) with investment in infrastructure for supply, storage and distribution of fresh water) of the effects of Land-Use Development and discharges of contaminants on the quality and available quantity of fresh water are is appropriately considered taking into account the quality and available quantity of freshwater*

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in support of Waikato River Municipal Users Group  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support of** a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

**Waikato River Municipal Users Group**  
Simon Berry  
Level 3  
Old South British Building  
1-12 Shortland Street  
AUCKLAND  
Submission number: 77

**The particular parts of the submissions we support are:**

Newmont supports the submission by **Waikato River Municipal Users Group** in relation to Objective 5, which seeks to protect the notable values of Freshwater Resources. The amendment sought is as follows:

*"To control the effects of land-use development and discharges of contaminants to avoid adverse effects on the notable values ~~further degradation~~ of Freshwater Resources and achieve the purpose of the Act."*

**The reasons for our support are:**

Objective 5 may be interpreted to prevent any discharges to freshwater resources even where the adverse effect on the quality of that freshwater resource is minimal. The objective, as currently worded in the NPS, places primary emphasis on the chemical composition of water on its own, without reference to the wider environment. Water chemistry is managed as "an end in itself" rather than "a means to an end". The objective should be reworded to reflect the holistic approach embedded in the definition of sustainable management in Section 5 of the RMA.

While a discharge may alter the composition of a receiving water body, it will not necessarily affect the values for that water body. The amendment proposed would allow

the notable values identified by the Community to be protected and would recognise the assimilative capacity of freshwater resources.

Newmont supports the proposed amendments by Waikato River Municipal Users Group as follows:

*To control the effects of Land-use Development and discharges of contaminants to avoid **adverse effects on the notable values** of Freshwater Resources and achieve the purpose of the Act.*

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submission in support of Pioneer Generation submission  
on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support of** a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

**Pioneer Generation**  
Ellis Street  
PO Box 275  
Alexandra 9340  
Attn: Peter Mulvinill

Submission number: 79

**The particular parts of the submissions we support are:**

Newmont supports the submission by Pioneer Generation in relation to Objective 6. Pioneer Generation seeks that Objective 6 be amended to read:

*"To ensure that demands (including social, economic and cultural demands) for freshwater are sustainably managed in a manner that has regard to the following:*

- a. the available supply of freshwater*
- b the need to provide for resilience against the biophysical effects of climate change (such as through infrastructure for supply, storage and distribution of freshwater),*
- c. the environmental effects (both negative and positive) that arise from allocation of water;*
- d. the need to ensure that the rights of existing users are not derogated by allocation to new applicants; and*
- e. the level of investment and community with an existing abstraction, particularly in catchments where over-allocation necessitates a review of the water being abstracted."*

**The reasons for our support are:**

Newmont considers that the proposed amendments to Objective 6 are appropriate as the proposed amendments seek recognition of existing infrastructure that is already in place. The proposed amendments to Policies 1, 2 and 3 would recognise the existing physical environment, and the value of investments which is consistent with sections 5 and 104(2A) of the Resource Management Act 1991.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submissions in opposition to the Resource Management Law  
Association  
submission on the publicly notified proposed  
National Policy Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition to** a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

Resource Management Law Association  
c/- 4 Shaw Way  
Hillsborough  
Auckland 1041  
Attn: Karol Helmink  
  
Submission number: 89

**The particular parts of the submissions we oppose are:**

Paragraphs 50 and 51 of the Resource Management Law Association submission, which requests that the NPS key objectives be redrafted for direct inclusion into regional policy statements. The submission relies on section 55(2A)(b) of the Resource Management Act 1991 and seeks to directly include the NPS key objectives into regional policy statements

**The reasons for our opposition are:**

Local authorities are already required by section 55(2) to amend documents to give effect to a provision in a national policy statement that affects the document. The provision that the Resource Management Law Association refers to, provides that an NPS may direct that specific provisions are to be included in a document, without notification or hearing, under clause 16 of Schedule 1. If the NPS made the direction suggested by the Resource Management Law Association, this would remove the ability for the public to participate, and is opposed by Newmont on that basis.

With regard to paragraph 51, Newmont considers it appropriate for the changes to regional plans to not take effect until the Regional Policy Statement changes have become operative.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:	Newmont Waihi Gold Limited PO Box 190 Waihi
Tel:	07 863 8192
Fax:	07 863 8924
Email:	Glen.Grindlay@Newmont.com

**Further submission in opposition to Water Rights Trust Group  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**Water Rights Trust Group**  
106 Soleares Avenue  
Mount Pleasant  
Christchurch 8081  
Attn: Murray Rodgers

Submission number: 92

**The particular parts of the submissions we oppose are:**

Newmont opposes the submission by Water Rights Trust Group which proposes the following standards:

*Standards must be set urgently that enable the following principles to be upheld:*

- 1.) Recreational contact with water - all rivers, streams and lakes must be safe for gathering food and safe to swim in.*
- 2.) Drinking water - All groundwater must be safe for human consumption without needing to be treated.*
- 3.) Flow regimes - Flow regimes for each river or stream must meet environmental and ecological standards.*

*Any exceptions must be identified, and either excluded from this requirement, or given a timeframe by which recovery of the resource is to be achieved.*

**The reasons for our opposition are:**

It is inappropriate for standards to be set requiring all groundwater to be safe for human consumption without needing to be treated. The proposed standards are unworkable. Natural groundwater derived from some aquifers, is often unsuitable for human consumption without treatment. This is not due to pollution by land use, but rather due to the water having naturally high levels of some chemical species due to it being mineralised. Newmont opposes the proposed standards 1-3 in the Water Rights Trust Group submission.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:       Newmont Waihi Gold Limited  
                                  PO Box 190  
                                  Waihi

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**Further submission in opposition to Dairy New Zealand submission on the publicly notified proposed National Policy Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**Dairy New Zealand**  
House 61  
c/- PO Box 160  
Lincoln University 7647  
Canterbury  
Attn: Penny Nelson  
  
Submission number: 106

**The particular parts of the submissions we oppose are:**

Newmont opposes the submission by Dairy New Zealand in relation to Objective 2. Dairy New Zealand seeks to amend Objective 2 as follows:

*“To ensure effective integrated management of the effects of land use and water resource development on the quality and available quantity of surface and groundwater resources.”*

**The reasons for our opposition are:**

Newmont considers that the original wording of Objective 2 is more appropriate (subject to the minor rewording suggested in Newmont’s original submission) and more consistent with the purpose and principles of the Resource Management Act 1991 and should be retained.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:           Newmont Waihi Gold Limited  
  PO Box 190  
  Waihi

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**Further submission in support of Trustpower Limited submission  
on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support of** a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

**Trustpower Limited**  
Truman Lane  
Private Bag 12023  
Tauranga Mail Centre  
Tauranga  
Attn: Kerry Watson

Submission number: 110

**The particular parts of the submissions we support are:**

Newmont supports the submission by Trustpower Limited to:

*Amend Policies 1, 2 and 3 to:*

- 1) clearly define/clarify key terminology used*
- 2) allow for adequate research and consultation to be undertaken prior to provision drafting;*
- 3) set appropriate thresholds. Independent experts should be employed, appropriate criteria established within the proposed NPS; and freshwater resources should be assessed against such criteria, particularly in terms of assessing the values of freshwater resources;*
- 4) recognise that environmental flows need to be identified on a case by case basis and that flows setting should be restricted to a specific methodology/methodologies;*
- 5) delete the requirement for upper allocation limits;*
- 6) ensure that the proposed NPS is not contrary to other central government policy;*
- 7) take into account the flow regimes that have been established for existing lawfully operating activities, and only adjust such regimes if there is a robust reason to do so and if the benefits of such restrictions outweigh the costs to other aspects of the environment;*
- 8) take into account the first in, first served approach to water allocation and recognise that prioritisation of the take, diversion and use of water should occur on a first in, first served basis;*
- 9) recognise and provide for the sustainable management of physical resources by recognising the value of existing investment in physical resources and the*

*principle of non-derogation;  
10) recognise that any restrictions imposed in times of low flow could be the exception and not the rule, particularly for activities such as hydroelectric power generation schemes that while technically considered consumptive, do return the water that they use for generation to a freshwater resource.*

Newmont supports the submission by Trustpower Limited to:

*Amend Objective 6(c) as follows:  
(c) "the environmental effects" (both negative and positive) that arise from the allocation "of water";  
Add new Objective 6(d) and (e) as follows:  
" (d) the need to ensure that the rights of existing users are not derogated by allocation to new applicants; and  
(e) the level of investment and community benefit associated with an existing abstraction, particularly in catchments where over allocation necessitates a review of the water being abstracted."*

**The reasons for our support are:**

Newmont considers that the proposed amendments to Policy 1, 2 and 3 are appropriate as they seek to provide greater clarity to these Policies.

Newmont considers that the proposed amendments to Policy 6 are appropriate, as they recognise the need to ensure that existing users rights are not derogated by allocation to new applicants, and they recognise investment and community benefits associated with existing abstractions.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service: Newmont Waihi Gold Limited  
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Email: Glen.Grindlay@Newmont.com

**Further submission in support of The New Zealand Fertiliser  
Manufacturers' Research Association (Inc) submission on the publicly  
notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support of** a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

**The New Zealand Fertiliser Manufacturers' Research Association (Inc)**  
PO Box 9577  
Newmarket  
Auckland  
  
Submission number: 111

**The particular parts of the submissions we support are:**

Newmont supports the submission by NZ Fertiliser Manufacturers' Research Association (Inc) to:

*Amend Policy 1a to delete the word "set" and replace with "determine appropriate".*

*Amend Policy 2a to delete the word "set" and replace with "determine appropriate".*

**The reasons for our support are:**

Newmont considers that the proposed amendments to Policy 1a and 2a are appropriate, as the term "set" applies a top down prescriptive approach using blanket values as opposed to a local, site specific or catchment approach. The alternate wording proposed, which is 'determine appropriate' will allow for a local, site specific or catchment approach.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:       Newmont Waihi Gold Limited  
                                  PO Box 190  
                                  Waihi

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**Further submission in opposition to National Wetland Trust of New Zealand submission on the publicly notified proposed National Policy Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**National Wetland Trust of New Zealand**  
PO Box 177  
Pukekohe 2340  
Attn: Karen Denyer

Submission number: 117

**The particular parts of the submissions we oppose are:**

Newmont opposes in part the submission by National Wetland Trust of New Zealand in relation to the definition of 'freshwater resources' to the extent that the proposed amendments to the definition seek to retain 'groundwater systems' within the definition.

Newmont considers that 'Freshwater Resources' would be more appropriately defined as follows:

*"Freshwater Resources" means the fresh water of New Zealand's rivers, lakes, wetlands and groundwater systems (but does not include fresh water of any ephemeral stream or artificial watercourse, or mine dewatering takes where those takes do not compete with other users due to the depth and/or quality of the groundwater)".*

**The reasons for our opposition are:**

The current definition as it stands catches Newmont's mine dewatering takes which come from very deep aquifers, which are mineralised and do not have Notable Values and in Newmont's view, this type of groundwater should be excluded from "Freshwater Resources".

Newmont considers that mine dewatering takes should be excluded from the definition of 'Freshwater Resources' and as suggested in Newmont's original submission, 'Freshwater

Resources' would be more appropriate defined in the National Policy Statement as:

*“Freshwater Resources” means the fresh water of New Zealand’s rivers, lakes, wetlands and groundwater systems (but does not include fresh water of any ephemeral stream or artificial watercourse, or mine dewatering takes where those takes do not compete with other users due to the depth and/or quality of the groundwater)”.*

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:       Newmont Waihi Gold Limited  
  PO Box 190  
  Waihi

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**Further submissions in support of Genesis Power Limited  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support** of a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

Genesis Power Limited  
c/- Andrea Marshall  
PO Box 17-188  
Greenlane  
AUCKLAND  
Submission number: 122

**The particular parts of the submissions we support are:**

The proposed insertion of a new Policy 1 reading:

*Nothing in this national policy statement empowers a decision-maker to do anything that would lessen or diminish the rights of a consent holder under an existing resource consent.*

The proposed insertion of a new Policy 2 reading:

*Decision-makers shall attribute priority status to resource consent applications for activities undertaken pursuant to existing resource consents, over other resource consent applications.*

The proposed amendment to existing Policy 2(c)(iii) which seeks the following amendment:

*Require that, where appropriate, all discharge permits affecting Freshwater Resources granted after the date of commencement of this National Policy Statement include conditions for - ....*

**The reasons for our support are:**

Where, the effects on Freshwater Resources of a particular activity have already been thoroughly canvassed through the resource consent process and dealt with through the imposition of conditions, Regional Council's and other decision-makers should not have the ability to derogate the rights (and responsibilities) of consent holders.

Existing resource consent holders should be given priority as they have the infrastructure already in place for their activities and require continued supply for operation. This proposed Policy would recognise the existing physical environment, and the value of investments consistent with sections 5 and 104(2A) of the Resource Management Act 1991.

It may not always be appropriate for conditions to be imposed under Policy 2(c)(iii)(A), (B) or (C) and the amendment proposed by Genesis Energy recognises this.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:       Newmont Waihi Gold Limited  
  PO Box 190  
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**Further submissions in support of Contact Energy Limited  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support** of a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

Contact Energy Limited  
Rosemary Dixon  
Legal Counsel  
Contact Energy Limited  
L1 Harbour City Tower  
29 Brandon Street  
PO Box 10742  
Wellington  
Submission number: 125

**The particular parts of the submissions we support are:**

Amend Policy 1(a) and Policy 1(c) so that Regional Councils are not required to set flows and water levels and Freshwater Quality Standards for all Freshwater resources in the Region.

Amend Policy 2 (c)(iii)(A) to provide for adverse effects to be mitigated where they cannot be avoided or remedied.

**The reasons for our support are:**

**Policies 1(a) and 1(c)**

The purpose of the National Policy Statement is to help guide decision making on freshwater management under the RMA at national, regional and district levels. Council's are responsible for setting local rules and standards for managing fresh water, and should have the discretion to set flows and water levels and Freshwater Quality Standards for those Freshwater resources in their regions where there is a demonstrated need to do so, and to not set flows, water levels and Freshwater Quality Standards when there is demonstrable need to do so. Newmont considers that it is likely that there will be insufficient data available in relation to groundwater in particular to determine sustainable

yields or levels for all groundwater in the region. It would be a costly and time-consuming exercise for Council's to be required to gather that level of data.

Similarly it would be difficult to justify the imposition of groundwater levels for all aquifers, particularly where there is no development pressure, either due to it being impractical to extract the groundwater, e.g. the aquifer is very deep, the yield is very small, or the quality of the groundwater renders it unsuitable for use without expensive treatment.

In Newmont's case, the effects of dewatering have already been thoroughly addressed by way of consent hearings and conditions of consent. No other users pump from these very deep, mineralised aquifers and in Newmont's view there is no need to set water levels for this groundwater.

**Policy 2 c)(iii)(A)**

Policy 2(c)(iii)(A) requires regional councils to require all discharge permits post the Proposed National Policy Statement for Freshwater Management to include conditions for "protection against degradation of the quality of groundwater". In Newmont's view, this ignores, and is inconsistent with, s5(2)(c) of the Resource Management Act 1991, which provides that adverse effects can be avoided, remedied or mitigated.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:       Newmont Waihi Gold Limited  
  PO Box 190  
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**Further submission in opposition to Te Runanga o Ngai Tahu submission  
on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**Te Runanga o Ngai Tahu**  
c/- Paul Horgan / Maree Willets  
PO Box 13046  
Christchurch  
Submission number: 127

**The particular parts of the submissions we oppose are:**

Newmont opposes the proposed introduction of a new Objective 3 reading:

*To ensure that Freshwater Resources are managed in a way, or at a rate that recognises and provides for the interconnections (including spatial and temporal) between them.*

Newmont opposes the proposed amendment to Objective 3 which is:

To ensure the ~~progressive~~ enhancement of the ~~overall~~ quality of Freshwater Resources, including actions to ensure that the water quality of appropriate Freshwater Resources can reach or exceeds a swimmable standard and is consistent with Tangata Whenua Values and Interests.

Newmont opposes the submission in relation to Objective 5 which seeks to replace the wording of Objective 5 with "*to ensure that the existing and future effects of Land-Use development and discharges of contaminants are managed so as to avoid the degradation of Freshwater Resources*".

Newmont opposes the proposed amendment to Policy 2(c) which seeks to allow for the imposition of conditions on consents granted prior to the commencement of the National Policy Statement.

Newmont opposes in part the submission by Te Runanga o Ngai Tahu in relation to the definition of 'freshwater resources' to the extent that the proposed amendments to the definition seek to retain 'groundwater systems' within the definition.

**The reasons for our opposition are:**

Newmont accepts that in many cases the interconnections between Freshwater Resources and land-uses need to be managed, however it is inappropriate to include groundwater (especially where there is no surface connection) within Objective 3. The proposed changes to Objective 3 are opposed as being unnecessary and impossible to a large extent with regard to groundwater systems, for example requiring the water quality of groundwater systems (as caught by the definition of 'Freshwater Resources') to exceed a swimmable standard. Newmont considers that the wording proposed does not reflect the holistic approach embedded in the definition of sustainable management in section 5 of the Resource Management Act 1991.

With regard to Objective 5, the suggesting wording is inconsistent with section 5 of the Resource Management Act, which provides for adverse effects to be avoided, remedied or mitigated. The need to meet a swimmable standard is more applicable to surface water and reiterates the point that the definition of 'Freshwater Resources' incorrectly includes groundwater. Groundwater should be more appropriately have specific objectives and policies that relate to the characteristics of that resource.

The proposed amendment to Policy 2(c) which seeks to allow for the imposition of conditions on consents granted prior to the commencement of the National Policy Statement is inappropriate, where a consent holder has obtained consents, and conditions have already been imposed to avoid, remedy or mitigate the adverse effects of the consented activity.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service: Newmont Waihi Gold Limited  
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**Further submission in opposition to Environmental Defence Society  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

Environmental Defence Society  
c/- Shay Schlaepfer  
PO Box 95 152  
Swanson  
Waitakere  
Submission number: 128

**The particular parts of the submissions we oppose are:**

Objective 1 - Newmont opposes the submission by Environmental Defence Society in relation to Objective 1 which seeks the following changes:

*Replace Objective 1 with the following:*

*"Objective 1 - Sustaining the potential of freshwater to meet the reasonably foreseeable needs of future generations.*

*To sustain the potential of Freshwater to meet the reasonably foreseeable needs of future generations by:*

*(a) Ensuring that there is no further degradation of groundwater's or surface Freshwaters beyond current levels by recognising and, wherever attainable, reversing any significant and sustained upward trend in the concentration of any pollutant;*

*(b) Establishing standards and undertaking management actions to improve water quality so that, as soon as practicable and no later than 31 December 2028, the quality of surface Freshwaters is suitable for safe swimming and other recreation in and on the water, and for the protection, propagation and safe harvesting of fish, shellfish, wildlife and mahinga kai;*

*(c) Ensuring that Freshwater flowing into the Coastal Marine Area is of a quality suitable to meet any objectives and policies established for that Area."*

Objective 2 - Newmont opposes the submission by Environmental Defence Society in relation to Objective 2 which seeks the following changes:

*Replace Objective 2 with the following:*

*"Objective 2 - Safeguarding the life-supporting capacity of Freshwaters*

*To safeguard the life-supporting capacity of Freshwaters by:  
(a) Identifying the expected biodiversity and life-supporting characteristics of surface Freshwaters, based on relatively unmodified regional reference sites;  
(b) Establishing, by 31 December 2013, standards for the life-supporting capacity of all surface Freshwaters and groundwaters, and the land uses which impact on them, to achieve the standards as soon as reasonably practicable and no later than 31 December 2028."*

Objective 6 - Newmont opposes the submission by Environmental Defence Society in relation to Objective 6 which seeks the following changes:

*Replace Objective 6 with the following:  
"Objective 6 - Default environmental flows and levels  
To ensure that, until any National Environmental Standard becomes operative, flow regimes in any water body do not fall below the mean annual flow rate, and that water takes are not likely to either reduce the mean annual flow from natural groundwater springs flowing from the groundwater, or reduce the mean level of the groundwater as measured over a five year period."*

Policy 1 – Newmont opposes the submission by Environmental Defence Society in relation to Policy 1.

Policy 2(b)(i) – Newmont opposes the submission by Environmental Defence Society in relation to Policy 2(b)(i).

Policy 5 - Newmont opposes the submission by Environmental Defence Society in relation to Policy 5 which seeks the following changes:

*Add new Policy 5 as follows  
"Until operative district and regional plan provisions are in place to implement Policies 1-4, the following provisions shall be incorporated into all district and regional plans:  
(a) All land use intensification activities, in catchments with Degraded Freshwater, shall require a notified resource consent.  
(i) Without limiting the exercise of its discretion, the Council shall have regard to the following assessment, and any other relevant provisions of the Plan, and the relevant matters set out in section 104 of the Act:  
(A) The ability to avoid the overall degradation of the Freshwater;  
(B) Any mitigation measure employed to offset the adverse effects of the activity, and the viability and effectiveness of those measures; and  
(C) The extent that the landowner is willing to work collaboratively with the Council in order to determine an appropriate process for improving the quality of the water body.  
(b) An interim flow regime shall apply to all Freshwater waterways which provides that permits to take or divert water shall not be issued if their effect is to reduce flows below the mean annual flow; and  
(c) An interim sustainable extraction regime shall apply to all groundwater which, having regard to the baseline in Policy 1(a), provides that permits to take water shall not be issued if their effect is likely to either:  
(i) Reduce the mean annual flow from natural groundwater springs flowing from the groundwater, or*

*(ii) Reduce the mean level of the groundwater as measured over a five year period."*

**The reasons for our opposition are:**

Newmont considers that the original wording of Objective 1 is appropriate and consistent with the purpose and principles of the Resource Management Act 1991. The proposed changes by Environmental Defence Society are in Newmont's submission unnecessary and in some cases unachievable.

The other amendments are not appropriate for a National Policy Statement as they unnecessarily complicate the NPS and do not provide clear or direct guidance. Newmont supports Objective 1 as originally proposed without amendment. In addition the above Objective includes reference to groundwater. Newmont submits that natural groundwater from some aquifers has no life-supporting capacity, and should be recognised in groundwater specific objectives and policies or alternatively deleted from the definition of 'Freshwater Resources'.

The objectives suggested are complex and far too detailed than would be expected in a document providing national guidance.

Newmont opposes the submission by Environmental Defence Society in relation to Policy 1 as the definition of 'Freshwater Resources' includes groundwater systems, and Policy 1 would have the effect of requiring Newmont to turn off mine dewatering pumps during times of low flow, which would result in significant environmental effects.

Newmont opposes the submission by Environmental Defence Society in relation to Policy 2(b)(i), as the proposed changes suggesting the imposition of conditions on discharge permits are unnecessary and in some cases unachievable.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service: Newmont Waihi Gold Limited  
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**Further submissions in support of the Oil Industry Environmental Working Group submission on the publicly notified proposed National Policy Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support** of a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

The Oil Industry Environmental Working Group  
c/- David le Marquand  
Burton Planning Consultants Limited  
PO Box 33-817  
Takapuna  
Auckland  
Submission number: 131

**The particular parts of the submissions we support are:**

Paragraph 4.3 where the Oil Industry Environmental Working Group expresses concern that groundwater falls within the definition of Freshwater Resources. This is further expressed at paragraph 4.8 in relation to Objective 3 where concern is expressed in relation to the focus on swimmable standards when applied to groundwater.

**The reasons for our support are:**

As outlined in paragraph 1.27 of Newmont's primary submission, groundwater appears to have been inadvertently included in the definition of Freshwater Resources and therefore is caught by a number of the objectives and policies. Groundwater taken by Newmont for dewatering purposes in its mining activities is highly mineralised and it is unrealistic for such water to need to achieve a swimmable standard. In many instances this water source is not used by any other users and is definitely not used for the purpose of swimming in situ, nor after extraction.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service:       Newmont Waihi Gold Limited  
                                  PO Box 190  
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**Further submissions in support of Meat and Wool New Zealand  
submission on the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support** of a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

Meat and Wool New Zealand  
PO Box 121  
Wellington  
Attn: Jessie Chan

Submission number: 132

**The particular parts of the submissions we support are:**

Newmont supports paragraph 5.1.2 of the Meat and Wool New Zealand submission, that the requirements for Freshwater Quality standard and Environmental Flows and Levels to be set for all freshwater resources as outlined in Policy 1(a) is unnecessarily onerous and will be a significant drain on resource.

Newmont supports paragraph 5.3.4 of the Meat and Wool New Zealand submission, that the references to protection against degradation as outlined in Policy 3(b)(i) go further than the RMA and should be removed. Newmont agrees that the principles in the NPS should align with those in the Resource Management Act 1991.

Newmont supports paragraph 5.6.2 of the Meat and Wool New Zealand submission, that Policy 6(b) is inconsistent with the principles of the Resource Management Act 1991 which seek to ensure that the adverse effects of activities can be avoided, remedied or mitigated. Newmont agrees that 'protection against degradation' goes further than the Act and should be removed.

**The reasons for our support are:**

With regard to Policy 1(a), Newmont considers that Councils should be given the discretion to set flows and water levels and Freshwater Quality Standards for those Freshwater resources in their regions where there is a demonstrated need to do so. Policy 1(a) is unnecessarily onerous and will be a significant drain on resources.

Newmont agrees that the policy should be amended to refer only to appropriate freshwater resources.

Similarly it would be difficult to justify the imposition of groundwater levels for all aquifers, particularly where there is no development pressure, either due to it being impractical to extract the groundwater, e.g. the aquifer is very deep, the yield is very small, or the quality of the groundwater renders it unsuitable for use without expensive treatment.

In Newmont's case, the effects of dewatering have already been thoroughly addressed by way of consent hearings and conditions of consent. No other users pump from these very deep, mineralised aquifers and in Newmont's view there is no need to set water levels for this groundwater.

With regard to Policy 3(b)(i) Newmont considers that the principles in the NPS should align with those in the Resource Management Act 1991, and accordingly supports the submission of Meat and Wool New Zealand that the references to protection against degradation as outlined in Policy 3(b)(i) go further than the RMA and should be removed.

With regard to Policy 6(b), the proposed wording is inconsistent with the principles of the Resource Management Act 1991 which seek to ensure that the adverse effects of activities can be avoided, remedied or mitigated. Newmont supports the submission by Meat and Wool New Zealand that 'protection against degradation' goes further than the Act and should be removed.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

Address for service: Newmont Waihi Gold Limited  
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Waihi

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**Further submission in opposition to Ecologic Foundation submission on  
the publicly notified proposed National Policy  
Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **opposition** to a submission on the proposed national policy statement for freshwater management (the proposal).

**We oppose the submission of:**

**Ecologic Foundation**  
c/- Guy Salmon  
PO Box 756  
Nelson  
Submission number: 134

**The particular parts of the submissions we oppose are:**

Objective 1 - Newmont opposes the submission by Ecologic Foundation in relation to Objective 1 which seeks the following changes:

*Replace Objective 1 with the following:*

*"Objective 1 - Sustaining the potential of freshwater to meet the reasonably foreseeable needs of future generations.*

*To sustain the potential of Freshwater to meet the reasonably foreseeable needs of future generations by:*

*(a) Ensuring that there is no further degradation of groundwater's or surface Freshwaters beyond current levels by recognising and, wherever attainable, reversing any significant and sustained upward trend in the concentration of any pollutant;*

*(b) Establishing standards and undertaking management actions to improve water quality so that, as soon as practicable and no later than 31 December 2028, the quality of surface Freshwaters is suitable for safe swimming and other recreation in and on the water, and for the protection, propagation and safe harvesting of fish, shellfish, wildlife and mahinga kai;*

*(c) Ensuring that Freshwater flowing into the Coastal Marine Area is of a quality suitable to meet any objectives and policies established for that Area."*

Objective 2 - Newmont opposes the submission by Ecologic Foundation in relation to Objective 2 which seeks the following changes:

*Replace Objective 2 with the following:*

*"Objective 2 - Safeguarding the life-supporting capacity of Freshwaters  
To safeguard the life-supporting capacity of Freshwaters by:  
(a) Identifying the expected biodiversity and life-supporting characteristics of surface Freshwaters, based on relatively unmodified regional reference sites;  
(b) Establishing, by 31 December 2013, standards for the life-supporting capacity of all surface Freshwaters and groundwaters, and the land uses which impact on them, to achieve the standards as soon as reasonably practicable and no later than 31 December 2028."*

Objective 6 - Newmont opposes the submission by Ecologic Foundation in relation to Objective 6 which seeks the following changes:

*Replace Objective 6 with the following:  
"Objective 6 - Default environmental flows and levels  
To ensure that, until any National Environmental Standard becomes operative, flow regimes in any water body do not fall below the mean annual flow rate, and that water takes are not likely to either reduce the mean annual flow from natural groundwater springs flowing from the groundwater, or reduce the mean level of the groundwater as measured over a five year period."*

Policy 1 – Newmont opposes the submission by Ecologic Foundation in relation to Policy 1.

Policy 2(b)(i) – Newmont opposes the submission by Ecologic Foundation in relation to Policy 2(b)(i).

Policy 5 - Newmont opposes the submission by Ecologic Foundation in relation to Policy 5 which seeks the following changes:

*Add new Policy 5 as follows  
"Until operative district and regional plan provisions are in place to implement Policies 1-4, the following provisions shall be incorporated into all district and regional plans:  
(a) All land use intensification activities, in catchments with Degraded Freshwater, shall require a notified resource consent.  
(i) Without limiting the exercise of its discretion, the Council shall have regard to the following assessment, and any other relevant provisions of the Plan, and the relevant matters set out in section 104 of the Act:  
(A) The ability to avoid the overall degradation of the Freshwater;  
(B) Any mitigation measure employed to offset the adverse effects of the activity, and the viability and effectiveness of those measures; and  
(C) The extent that the landowner is willing to work collaboratively with the Council in order to determine an appropriate process for improving the quality of the water body.  
(b) An interim flow regime shall apply to all Freshwater waterways which provides that permits to take or divert water shall not be issued if their effect is to reduce flows below the mean annual flow; and  
(c) An interim sustainable extraction regime shall apply to all groundwater which, having regard to the baseline in Policy 1(a), provides that permits to take water shall not be issued if their effect is likely to either:  
(i) Reduce the mean annual flow from natural groundwater springs flowing from*

*the groundwater, or  
(ii) Reduce the mean level of the groundwater as measured over a five year period."*

**The reasons for our opposition are:**

Newmont considers that the original wording of Objective 1 is appropriate and consistent with the purpose and principles of the Resource Management Act 1991. The proposed changes by Ecologic Foundation are in Newmont's submission unnecessary and in some cases unachievable.

The other amendments are not appropriate for a National Policy Statement as they unnecessarily complicate the NPS and do not provide clear or direct guidance. Newmont supports Objective 1 as originally proposed without amendment. In addition the above Objective includes reference to groundwater. Newmont submits that natural groundwater from some aquifers has no life-supporting capacity, and should be recognised in groundwater specific objectives and policies or alternatively deleted from the definition of 'Freshwater Resources'.

The objectives suggested are complex and far too detailed than would be expected in a document providing national guidance.

Newmont opposes the submission by Ecologic Foundation in relation to Policy 1 as the definition of 'Freshwater Resources' includes groundwater systems, and Policy 1 would have the effect of requiring Newmont to turn off mine dewatering pumps during times of low flow, which would result in significant environmental effects.

Newmont opposes the submission by Ecologic Foundation in relation to Policy 2(b)(i), as the proposed changes suggesting the imposition of conditions on discharge permits are unnecessary and in some cases unachievable.

We seek that the part of the submission identified above be disallowed.

We **wish** to be heard in opposition to this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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**Further submissions in support of the Carter Holt Harvey  
submission on the publicly notified proposed  
National Policy Statement on Freshwater Management**

**To** The Chairman  
Board of Inquiry

Name of person making further submission:

Newmont Waihi Gold Limited  
PO Box 190  
Waihi

This is a further submission in **support** of a submission on the proposed national policy statement for freshwater management (the proposal).

**We support the submission of:**

Carter Holt Harvey  
173 Captain Springs Road  
Onehunga 1061  
Auckland  
Attn: Murray Parrish

Submission number: 148

**The particular parts of the submissions we support are:**

The amendment proposed by Carter Holt Harvey to Policy 1(j), to add a new (iii) "*by recognising existing infrastructure and investment and the need for new development and growth.*"

The amendments proposed to Policies 2 and 3 to better recognise the balance between existing economic investments, new development and freshwater management.

**The reasons for our support are:**

The proposed amendments seek recognition of existing infrastructure that is already in place. The proposed amendments to Policies 1, 2 and 3 would recognise the existing physical environment, and the value of investments consistent with sections 5 and 104(2A) of the Resource Management Act 1991.

We seek that the part of the submission identified above be allowed.

We **wish** to be heard in support of this submission.

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

.....  
Glen Grindlay  
General Manager  
Newmont Waihi Gold Limited

**14 April 2009**

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