

BEFORE THE HEARING PANEL APPOINTED BY WAITAKI DISTRICT COUNCIL

IN THE MATTER OF of the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Waitaki District Plan

HEARING TOPIC Hearing Stream 3: Noise – Temporary Activities

STATEMENT OF EVIDENCE BY ETHAN JOHN GLOVER

OCEANA GOLD NEW ZEALAND LIMITED – SUBMITTER 295

8 October 2026

1. INTRODUCTION

Qualifications and Experience

- 1.1 My full name is Ethan John Glover. My experience and qualifications are provided in my evidence for Hearing Stream 1.

Involvement in the Process

- 1.2 I have been engaged by Oceana Gold New Zealand (“**OGNZL**”) to provide planning advice in respect of the Exemptions Version of the Waitaki Proposed District Plan (the “**Proposed Plan**”).

- 1.3 In preparing this evidence, I have reviewed:

- (a) The Operative Waitaki District Plan (the “**Operative Plan**”) and the Proposed Plan insofar as they are relevant to OGNZL’s submissions and further submissions on the matters addressed in this hearing stream;
- (b) OGNZL’s primary submissions and further submissions on the Proposed Plan;
- (c) The provisions of the Otago Regional Policy Statement 2021 (the “**RPS**”), as relevant to this hearing stream;
- (d) The following section 32 evaluation reports;
 - (i) Section 32 evaluation report: Noise; and
 - (ii) Section 32 evaluation report: Temporary Activities.
- (e) The following section 42A reports:
 - (i) Section 42A Report: Noise (prepared by Briar Belgrave);
 - (ii) Section 42A Report: Temporary Activities (prepared by Briar Belgrave); and
- (f) The evidence of Alison Paul on behalf of OGNZL that was prepared for Hearing Stream 1.

Code of Conduct

- 1.4 Although this is not an Environment Court hearing, I note that in preparing my evidence I have reviewed the Code of Conduct for Expert Witnesses contained in the Environment Court Practice Note 2023 (“**Code**”). I have complied with the Code in preparing my evidence. I confirm that the technical matters on which I gave evidence are within my area of expertise,

except where relying on the opinion or evidence of other witnesses. I have not omitted to consider material facts known to me that might alter or detract from my opinions expressed.

Scope of Evidence

- 1.5 In my evidence I respond to the matters raised in the Section 42A Reports relating to noise and temporary activities.

2. RESPONSE TO SECTION 42A REPORT: NOISE

- 2.1 I have reviewed the Section 42A Report: Noise prepared by Ms Briar Belgrave. I do not propose to repeat the matters covered in the Section 42A Report other than to set out areas of disagreement.

- 2.2 To summarise, the OGNZL submission sought the following general relief in respect of noise:

- (a) Retain the noise standard for the Existing Mining Area subject to ensuring the “boundary of any site” is not applied arbitrarily to land parcels;
- (b) Ensure any noise standards set for the Special Purpose Zone: Macraes Mining (“**SPZMM**”) are appropriate and reflect the nature of existing and potential mining activities to be undertaken in this zone;
- (c) Relocate the noise rules that apply to SPZMM to the SPZMM chapter of the Plan; and
- (d) Ensure new sensitive activities are required to set back an appropriate distance from the SPZMM to protect existing and potential mining activities from reverse sensitivity.

- 2.3 Of relevance to OGNZL, the key change to the notified provisions of the Proposed Plan that Ms Belgrave recommends is application of the noise limits at notional boundaries rather than site or zone boundaries. While I am generally supportive of that change, I do consider that further amendments to the noise provisions are required to ensure they do not unduly constrain OGNZL’s mining activities in the SPZMM, to address the following:

- (a) The application of the noise limits to dwellings / properties owned by OGNZL within the SPZMM;
- (b) The need for separate standards for existing and proposed mining areas if the

standards are applied at notional boundaries;

(c) The management of reverse sensitivity without the General Rural Zone in play; and

(d) The gap created by the removal of the General Rural Zone from NOISE-S1.

2.4 Each of these are discussed in more detail below, before I propose amendments to address these matters.

Noise Limits and Notional Boundaries

2.5 Arbitrary application of the noise limits at the zone boundary under the Operative Waitaki District Plan (“**Operative Plan**”) has resulted in a number of OGNZL’s development proposals requiring resource consent as a non-complying activity. In many cases, non-compliance with the Critical Zone Standard of the Operative Plan or noise has been caused by a “technical” breach resulting from mining activities straddling the boundary of the zone. It has been accepted during resource consent processes that the appropriate place to monitor noise compliance is at the notional boundary of adjacent dwellings that are not owned by OGNZL and this is reflected in OGNZL’s resource consent conditions.

2.6 I am therefore supportive of Ms Belgrave’s recommendation to apply notional boundary noise limits to the SPZMM. I do, however, consider that the proposed notional boundary noise limits of NOISE-S1 should not apply to the notional boundary of dwellings owned by OGNZL. Application of noise limits to OGNZL owned dwellings (as would be the case applying the provisions as recommended by Ms Belgrave), would in some areas have the effect of shifting the noise ‘compliance’ boundary closer to OGNZL’s existing activities than the Operative Plan. This outcome is inefficient, and may place substantial compliance hurdles on OGNZL’s operations, and create additional consenting requirements.

2.7 In paragraph 2.12 below, I recommended further changes to NOISE-S1 to address the above. The approach applied by my recommendations better aligns with the noise compliance approach accepted through various resource consent processes.

2.8 Adopting the notional boundary noise compliance approach also means that the noise limits applying to the Existing Mining Area within the SPZMM become redundant and I recommend consequential amendments below to address this.

Noise, Reverse Sensitivity and Plan Integration

- 2.9 The OGNZL submission sought to manage reverse sensitivity by applying a setback for sensitive activities in the General Rural Zone from the SPZMM. However, with the adjacent General Rural Zone provisions no longer 'in play', the ability of the Proposed Plan to manage reverse sensitivity is constrained. As a minimum, in my opinion, noise limits should only apply to notional boundaries of privately owned dwellings that exist at the date that the Proposed Plan was notified or the date of the decision (or other specific date). Application of the noise limits to notional boundaries of future dwellings within the SPZMM may have the effect of constraining existing established mining activities within the SPZMM. Again, this approach would be reflective of OGNZL's noise related resource consent conditions.
- 2.10 The removal of the General Rural Zone from NOISE-S1 creates a gap in terms of noise standards applying at notional boundaries on land adjacent to the SPZMM. Ms Belgrave suggest that the Rural Zone provisions of the Operative Plan will continue to apply. However, the architecture of the Operative Plan and Proposed Plan differ in this respect - the Operative Plan manages noise emitting activities via the zone provisions for the land within which that noise originates. The Proposed Plan does the inverse and applies standards based on where the noise is received. I therefore cannot see how the noise provisions of each plan will be efficiently and effectively integrated without further amendment.
- 2.11 To ensure the proposed noise provisions function effectively, in my opinion, NOISE-S1 needs to include appropriate noise standards for the part of the Operative Rural Zone that remain after any changes to zoning are considered through the Proposed Plan process. Such amendment would appear to be "in scope" given NOISE-S1 would apply only to activities occurring within the proposed zones or otherwise managed under the under the Proposed Plan. Noise generating activities occurring within the remaining parts Operative Rural Zone would continue to observe the Critical Zone Standards in the Rural Zone Chapter of the Operative Plan.
- 2.12 To address the above matters, I propose the following amendments to NOISE-S1 (my amendments to the Section 42A track change version (in red) of the Proposed Plan shown in ~~blue strikethrough~~ and underline):

NOISE-S1 Maximum Noise limits			
	Maximum noise level at or within the boundary ¹ of any site receiving noise (from the activity) as measured where the site receiving the noise is zoned.		
	Daytime 7:00am— 10:00pm	Night time 10:00pm—7:00am	
General Residential Zone Medium Density Residential Zone Settlement Zone Rural Lifestyle Zone Rural Zone (Operative Plan) General Rural Zone (excluding Ōamaru Airport) Special Purpose Zone Macraes Mining Potential Mining Area	50dB LAeq	40dB LAeq	70dB LAF(max)
Open Space Zone Sport and Active Recreation Zone	55dB LAeq	45dB LAeq	75dB LAF(max)
Commercial and Mixed Use Zones (including Ōmārama Airport) Ōamaru Airport	60dB LAeq	50dB LAeq	80dB LAF(max)
Industrial Zones Special Purpose Zone Macraes Mining- Existing Mining Area	70dB LAeq	70dB LAeq	
¹ for sites in the Rural Lifestyle Zone, Rural Zone (Operative Plan) and the Special Purpose Zone Macraes Mining and General Rural Zone , the boundary is the notional boundary. In respect of noise generated within the Special Purpose Zone – Macraes Mining, NOISE-S1 does not apply to any property owned by Oceana Gold (New Zealand) Limited (or any successor thereof) or any property where a dwelling did not exist at [insert date of decision].			
Note: Refer to the relevant provisions of the ODP in relation to the management of noise generated in the Rural Zones			

- 2.13 In accordance with section 32AA of the RMA, it is more efficient and effective to align the SPZMM noise standards with existing established resource consent conditions which appropriately manage the effects of mining activities. Similarly, ensuring the noise standards in the Proposed Plan include appropriate limits for properties zoned Rural Zoned in the Operative Plan receiving noise from within the SPZMM enables noise generating activities within the SPZMM to be managed exclusively by the Proposed Plan. This is more efficient and effective than the alternative which is to rely on the Operative Plan provision where noise generating activities in the SPZMM affect adjacent Rural

Zoned land. I note the costs and benefits of that outcome (which emerges as a potential outcome due to parts of the Proposed Plan being withdrawn in response to “plan stop”) have not yet been evaluated under s32AA.

3. RESPONSE TO SECTION 42A REPORT: TEMPORARY ACTIVITIES

- 3.1 In respect to temporary activities, OGNZL’s original submission sought to ensure that the general district wide sections – including in respect of Temporary Activities - of the Proposed Plan do not apply to activities associated with the operation of the Macraes Mine within the SPZMM.
- 3.2 I have reviewed the Section 42A Report: Temporary Activities prepared by Ms Briar Belgrave. The OGNZL submission point in respect of Temporary Activities is not addressed in the Section 42A Report.
- 3.3 Exploration and mining activities are inherently temporary in nature, with some activities occurring for decades, some for one or two years and some for just a few months. In my view the mining specific provisions of the SPZMM should apply to all activities associated with operation of the Macraes Mine - including where those activities are temporary. At present, there is ambiguity as to whether the Temporary Activities provisions of the Proposed Plan apply to ‘temporary’ exploration and mining activities that occur within the SPZMM.
- 3.4 To make it clear that ‘temporary’ Macraes Mine exploration and mining activities are managed under the provisions of the SPZMM rather than the Temporary Activities chapter of the Proposed Plan, in my view the following text should be added to the user notes of the Temporary Activities chapter (in blue underline):

User Notes:

For some activities, a resource consent may be required by rules in more than one chapter in the District Plan. Plan users are encouraged to check all District-Wide matter chapters, as well as the relevant zone chapter.

For new buildings or structures, other relevant rules may include (but not limited to) the following:

[deleted as part of the withdrawal of parts of the Proposed Plan]

Rule INF-R21 in the Infrastructure chapter - applies to buildings and structures within the National Grid Yard.

Rule INF-R22 in the Infrastructure chapter - applies to buildings and structures within the Electricity Distribution Yard.

[Temporary activities associated with the operation of the Macraes Mine in the Special Purpose Zone: Macraes Mining are managed under the rules of the Special Purpose Zone: Macraes Mining.](#)

For activities not provided for as a permitted, restricted discretionary, discretionary, or prohibited activity in this District-Wide Matter chapter, please defer to the underlying zone or any other relevant overlay rules to determine the activity status.

Please refer to the General Approach chapter for more information on the steps plan users should take to determine what rules apply to an activity and to determine the consent status of an activity.

Note: All buildings are subject to meeting the requirements of the Building Act 2004.

- 3.5 In accordance with section 32AA of the RMA, it is more efficient and effective to make it explicit that the Temporary Activities provisions do not apply to 'temporary' exploration and mining activities in the SPZMM than the ambiguity that is currently in the Proposed Plan.

4. CONCLUSION

- 4.1 For the reasons set out above, I support the recommended use of notional boundaries, subject to the amendments I propose to ensure the noise provisions for the SPZMM appropriately manage effects without unnecessarily constraining established mining activities. I also recommend clarifying that temporary activities associated with the operation of the Macraes Mine are managed under the SPZMM provisions. In my opinion, the changes I recommend increase the efficiency and effectiveness of the provisions in terms of section 32AA of the RMA.



Ethan Glover

8 October 2026