Fast-track

Te Kāwanatanga o Aotearoa
New Zealand Government

Your Comment on the Waihi North draft conditions

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email to Substantive@fasttrack.govt.nz.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	Fish and Game		
First name	Clare		
Last name	Robertson		
Postal address	156 Brymer Road, RD9, Hamilton 3289		
Home phone / Mobile phone	[redacted]	**Work phone**	[redacted]
Email (a valid email address enables us to communicate efficiently with you)	[redacted]		

Please provide your comments below, include additional pages as needed.

Thank you for your comments

Auckland/Waikato Fish & Game Council
03/12/2025

To: Waihi North Expert Panel

Subject: Proposed Conditions and Request for Clarification and Reiteration of the Fish & Game Submission – Evaluation of Effects

Dear Waihi, North Expert Panel,

Auckland/Waikato Fish & Game wish to thank the Panel for its work in preparing the Decision for the Waihi North Project. We acknowledge the complexity of the material and the range of perspectives that needed to be considered.

We are writing to seek clarification regarding how the matters raised in our submission were addressed, and to reiterate the specific relief we sought, which remains unresolved in the Evaluation of Effects. While paragraph [144] summarises our concerns, we have not been able to identify where the Panel has directly responded to the substantive issues we raised, particularly regarding trout habitat, trout passage, and the use of previously consented discharges as a baseline for assessing new or expanded discharges.

While we note the applicant's responses summarised in paragraphs [146]– [148] and the Panel's findings in [152]– [155], it appears the Evaluation of Effects largely adopts the applicant's view without addressing the contrary evidence or requested relief. Similarly, regarding monitoring, paragraphs [653]– [659] acknowledge Fish & Game's comments but provide no substantive discussion of how the points we raised have been considered or why our requested monitoring amendments were not incorporated.

To assist our understanding and to support constructive ongoing engagement, we would appreciate clarification from the Panel on the following matters:

1. How Fish & Game's key submission points were evaluated, particularly those relating to the protection of trout habitat and angling values, the assessment of cumulative effects, and concerns regarding the reliance on previously consented discharge conditions as an ecological baseline.

2. Which aspects of the Evaluation of Effects directly respond to Fish & Game's requested amendments to monitoring and ecological assessment requirements, or alternatively, the reasoning for determining that such amendments were unnecessary.

3. Whether there is scope for further explanation or supplementary reasoning regarding how trout habitat values and the relief sought by Fish & Game were considered in the overall evaluation of effects and in the development of consent conditions.

We raise these questions to ensure clarity regarding how our statutory interests have been considered. We also respectfully reiterate our requested relief and seek confirmation of whether the Panel intends to address it in a manner consistent with the protection of trout habitat values.

Fish & Game have provided comments on the proposed conditions. We also wish to recommend the following additional conditions to further ensure the protection of aquatic habitat, including the safeguarding of trout values in addition to native fish values:

1. **Trout Habitat Protection**
   The Consent Holder shall ensure that all diversions, wetlands, or modified channels maintain suitable trout habitat, including stable pools, spawning gravel, adequate cover, and flow regimes appropriate for juvenile and adult trout.

2. **Receiving Environment Standards for Discharges**
   The inclusion of enforceable water-quality standards within the Mataura Stream and wider Ohinemuri catchment that meet recognised thresholds necessary to sustain trout populations. Turbidity standards include:

   - *Turbidity should not exceed 5 NTU above background levels when background is ≤50 NTU;*
   - *Turbidity increases should not exceed 10% above background where background is >50 NTU;*
   - *These thresholds should be measured after reasonable mixing in the receiving* water, not solely at the discharge point (Attachment 1).

3. **Trout Passage**
   All diversion channels, dams, culverts, and modified waterways shall allow free passage of trout at all life stages. Passage structures shall meet standards consistent with NIWA or equivalent guidance for trout passage [1].

4. **Targeted Fish Monitoring**
   A fish monitoring program shall be established, including assessment of trout and native fish abundance, distribution, movement, and condition, in addition to macroinvertebrate indices. Monitoring results shall be reported to the Waikato Regional Council and Fish & Game annually.

5. **Baseline and Cumulative Effects Assessment**
   Prior to any new or expanded discharge, the Consent Holder shall demonstrate that proposed activities will not adversely affect trout or native fish values, using the baseline assessed on the basis of current physical conditions and permitted activities rather than relying on previously consented discharges[2].

6. **The Biodiversity Project Area**
   *In addition to the designated "Biodiversity Area" which includes approximately 18,870 hectares of public conservation land***,** *the Biodiversity Project area includes the effected aquatic receiving environment which includes the Mataura Stream and wider Ohinemuri catchment.*

7. **The objectives of the Biodiversity Project are:**

   a) *to provide long term (intergenerational) ecological* ***(terrestrial and aquatic)*** *benefits to the Biodiversity Area and wider Ohinemuri catchment, over and above the management of mining effects.*
   b) *and to assist tangata whenua in their exercise of kaitiakitanga.*

8. **Biodiversity Project Panel**
   Prior to commencing any construction, the Consent Holder must invite the following entities to participate in a Biodiversity Project Group:

   a. *Ngāti Hako*
   b. *Ngāti Maru*
   c. *Ngāti Porou ki Hauraki*
   d. *Ngāti Pū*
   e. *Ngāti Tamaterā*
   f. *Ngāti Tara Tokanui / Ngāti Koi*
   g. *Ngaati Whanaunga*
   h. *Department of Conservation*
   i. *Fish and Game*

[1] New Zealand Fish Passage Guidelines | Earth Sciences New Zealand | NIWA
[2] The precautionary principle and policy direction under the NPS-FM require new discharges to meet much stricter instream limits, particularly in sensitive receiving environments like the Mataura Stream. https://environment.govt.nz/acts-and-regulations/national-policy-statements/national-policy-statement-freshwater-management/

Thank you for your attention to this matter. We remain available to provide further information or engage in discussion as required.

Yours sincerely,

Clare Robertson

[redacted]

Environmental Officer
Auckland/Waikato Fish & Game Council

Attachment 1: Some Examples of providing Salmonid Fishery Values

Standard	Detail
E. coli	If a single sample from a monitoring site is greater than 540 E. coli per 100 mL, the regional council must, as soon as practicable, take all practicable steps to notify the public and keep the public informed that the site is unsuitable for primary contact, until further sampling shows a result of 540 E. coli per 100 mL or less.
Phytoplankton (trophic state)	<2 annual median attribute band A <10 annual maximum Unit: milligrams chlorophyll-a per cubic metre
Periphyton	Use only the 17% exceedance threshold in Table 2 NPS-FM if that level of exceedance would have occurred under natural occurring processes. The term "conspicuous" has been removed from the NPS-FM 2020 (previously in the 2017 version). Conspicuous periphyton had been interpreted to mean "growing on rocks". Because of this, approximately 25% of the nation's rivers (naturally soft-bottom reaches) were excluded from consideration for nutrient outcomes to control periphyton in the NPS-FM 2017. Changes in periphyton abundance and frequency of blooms can be expected to increase as a result of climate change impacts. Warmer weather, longer periods of low flow, and less frequent 'flushing flows' to remove periphyton can be expected in many parts of the country. As such, you can expect increased periphyton growth during these conditions. This means controls on nutrients to limit periphyton growth will become even more important in the future.
Nitrogen concentrations	Nutrients impact the water quality and induce algae blooms that can decrease water clarity and dissolved oxygen, causing death to sensitive aquatic species. Nutrients also impact macroinvertebrate species composition, reducing food availability for trout, salmon and indigenous fish species. These effects start to occur at nitrogen concentrations above 0.8 mg/l.
Sediment	Deposited sediment cover in most places should be no higher than 20% and below 10% in important habitat/spawning areas for both native fish and trout and salmon. Suspended sediment should provide for water clarity of at least 0.61 - 2.22m, with this varying depending on the waterbody and needing to be much higher where threatened species, trout fishing and spawning, or swimming are identified values.
Temperature	for water bodies during spawning season cool water below 11 degrees for trout. Salmon require water below 14.5 degrees to successfully spawn and 16 degrees for egg maturation.
Dissolved Oxygen	If fish cannot take up enough oxygen to meet their energy demand for essential functions, ultimately they will suffocate and die. We expect dissolved oxygen target attribute states to be set above the national bottom line outlined in Table 7 of the NPS-FM, and applied throughout the catchment, not just

	downstream of point source discharges. In salmon spawning reaches during spawning season, dissolved oxygen must not be allowed to fall below 7 mg/l at any time.
Habitat Extent	Natural form and extent as well as river habitat and shading can be measured by the Habitat Quality Index and the Natural Character Index, Rapid Habitat Assessment and Stream Ecological Valuation.
Nutrient standards	DIN limits should be < 1.0 mg/L to protect salmonid fishery values. Outcomes for DIN concentrations should be set at around 0.3 - 0.6mg/L and median DRP concentrations should be set at around 0.01 - 0.03mg/L, where these nutrient limits are already met, or are achievable. Where nutrient concentrations exceed these values, reductions overtime should be considered. Changes may be intergenerational.
Hydrological Variability	Hydrological variability should be within 10% of natural flows for small streams and 20% for larger rivers. This does not include permitted activity takes which is largely an unknown quantity.