

Submission on the Proposed Thames-Coromandel District Plan



Coromandel Watchdog of Hauraki

[watchdog.org.nz](http://watchdog.org.nz)

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To: District Plan Manager

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**1. This is a submission on the notified Thames-Coromandel District Council Proposed District Plan (the Plan) and is lodged by the Coromandel Watchdog of Hauraki Inc. (being an incorporated society formed in 1995) (Coromandel Watchdog).**

- 1.1. Coromandel Watchdog will not gain an advantage in trade competition through this submission.
- 1.2. Coromandel Watchdog wishes to be heard in relation to its submission.
- 1.3. Coromandel Watchdog is interested in the entire Plan and wishes to be involved in any discussions concerning the Plan.
- 1.4. Coromandel Watchdog opposes the Plan in its current form for the following reasons:
  - 1.4.1. It does not promote the sustainable management of resources;
  - 1.4.2. It is not the most appropriate way to achieve the purpose of the Resource Management Act 1991 (**RMA**) and is inconsistent with the principles in Part 2 of the RMA.
  - 1.4.3. It is contrary to relevant provisions in the Hauraki Gulf Marine Park Act 2000, the New Zealand Coastal Policy Statement 2010, the Waikato Regional Council Regional Policy Statement, as well as other strategies (including the Coromandel Blueprint and the Waikato Conservation Management Strategy).
  - 1.4.4. It does not avoid, remedy or mitigate adverse effects on the environment.
  - 1.4.5. For the further reasons set out below in this submission.
- 1.5. This submission addresses a number of specific topics and provisions. Coromandel Watchdog seeks that the Thames Coromandel District Council make the changes set out in this submission and/or such similar or consequential relief.
- 1.6. In particular, Coromandel Watchdog seeks that mining activities (of any description excluding quarrying) be prohibited in all zones and in relation to all overlays, except where it is included as a site specific activity and/or in a

site development plan and/or in a structure plan identified in Special Purpose Provisions. By being prohibited, Mining activities should be required to undertake a plan change process; particularly given effects are likely to be site specific or variable over the district. This is preferable to ensure all relevant effects are properly assessed. Further details as to the Special Purpose Provisions will be provided at the hearing.

- 1.7. Giving effect to the general and specific relief set out below ensures that the provisions of the Proposed District Plan raised by this submission:
  - 1.7.1. Address the relevant provisions in sections 5-8 of the RMA;
  - 1.7.2. Implement the statutory tests in section 32 and the requirements in the First Schedule of the RMA;
  - 1.7.3. Address relevant statutory functions of the consent authority and the related statutory requirements for the District Plan;
  - 1.7.4. Address the considerations identified by the Environment Court for planning instruments in decisions such as *Long Bay-Okura Great Park Society Inc. v North Shore City Council* (and subsequent case law);
  - 1.7.5. Avoid, remedy or mitigate the relevant and identified environmental effects.
  - 1.7.6. Ensure consistency with the Hauraki Gulf Marine Park Act 2000, the New Zealand Coastal Policy Statement 2010, the Waikato Regional Council Regional Policy Statement, as well as other strategies (including Blueprint and the Waikato Conservation Management Strategy).

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## **1. Introduction**

Coromandel Watchdog is a grassroots, not-for-profit, community organisation. Watchdog was established in 1979 with the objective of working to protect the peninsula from the gold mining industry and the long term detrimental, and widespread impacts of the industry.

Since then Watchdog has had a long history of engaging in planning processes and sees the strength of these processes in upholding community values at a legislative level. This history includes robust participation in the last District Plan review and consequential Memorandum of Understanding with the Council.

Watchdog is participating in this District Plan review process because we recognise the Plan as vital framework, which is related to other legal and planning tools, and from which stems the consent process. Watchdog supports the Council to give weight and integrity to their direction for the Peninsula (as set out in the Blueprint (2009), Council's Submission to the CMA Review (2012), and in Council's Vision, Mission and Outcomes (2013)) by supporting changes to the plan to allow for strong protection of the Natural Character of the Thames-Coromandel area in this Plan.

This submission outlines why and how Mining Activities should be prohibited in the District, including the Acts to which the Council is responsible, which require the Plan to protect biodiversity and sustainability. We support changing the Plan so that all Zones and Overlays are protected from mining with a prohibited status for all activities. We support a Plan Change Process being required for any Mining Activity consent application. This proposal, as explained in our submission, is fundamentally beneficial to the Council and the communities of the District.

## **2. Background**

### **2.1: Coromandel Gold: The history of mining in the Coromandel and opposition to it**

The mining operations, which began 1867 and ended in 1930, left a toxic legacy. The economic benefits of this era are inconsequential, with the bust far outweighing any boom and the cost of cleaning up the mess still on-going. The impacts of this period have lasted now longer than the period of time itself. This is the legacy we have inherited and the Council must recognise and learn from this in its decision to allow any future mining and as to how it will manage the contaminated sites spread throughout the district.

Mining has not gone unopposed in the District. Opposition to mining has been widespread and relatively successful. Local community organisations successfully campaigned against mining throughout the 1980's and 1990's culminating in the passing of the Coromandel No Mining Bill banning mining in conservation land in northern Coromandel. In 2010, when that protection came under threat tens of thousands of New Zealanders united to retain the integrity of Schedule Four and the communities of the Coromandel were reactivated.

Opposition to further mining activities in the District continues to be widespread, strong, community led, non violent, from a cross-section of the community, and, successful. It is vital that if the history of mining is recognised in the Plan that the history of opposition to mining also be recognised, as it is in the Council's submission to the Crown Minerals Act Review (2012).

## **2.2 The Framework**

### **2.2.1 Planning Context**

Since the last District Plan review process there has been extensive work of identifying and mapping significant natural areas, outstanding and amenity landscapes, these have been included in the Plan and have their own rules which override District Wide Rules. This framework in the plan allows for prohibition of mining activities across these overlays to protect their significant value (as recognised in legislative framework outlined below).

Prohibition is not a ban. Under a prohibited status, a plan change process must occur before it is possible to apply for a resource consent. The plan change process leaves greater power with the Council and therefore also with tangata whenua, residents and other affected parties. The resource consent process leaves much to be desired, it often results in disempowerment and discouragement due to inequitable legal costs.

### **2.2.2 Legislative Framework**

#### **a) The Resource Management Act (RMA)**

##### **i - General overview**

The scheme of the RMA is hierarchical, both within the RMA itself and in terms of

the subordinate statutory planning documents which are created under the RMA. It moves from the statutory purpose and overarching principles in Part 2 (sections 5-8) to national policy statements (sections 45-55) (including the NZCPS (sections 56-58A)) then to regional policy statements (sections 59-62), then to regional and district plans (sections 63-70 and 72-77). Within the plans, the hierarchy continues through a structure of objectives, policies and rules or other methods.

## **ii - Part 2 matters**

The purpose of the RMA, set out in section 5, is a complex statement encompassing both the enabling of people and communities to provide for various dimensions of their wellbeing while also avoiding, remedying or mitigating the adverse effects of people's activities on the environment. The purpose of the Resource Management Act 1991 ("RMA") is "to promote the sustainable management of natural and physical resources" which means managing the use, development and protection of those resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural wellbeing; while

- a) sustaining the potential of those resources to meet the reasonably foreseeable needs of future generations;
- b) safeguarding the life-supporting capacity of water and ecosystems; and
- c) avoiding, remedying or mitigating any adverse effects of activities on the environment.
- d) These elements form environmental bottom lines that should be achieved by proposed activities.

## **iii - The matters of national importance set out in section 6 must be recognised and provided for.** Sections 6(a), (b) and (c) are particularly relevant:

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall recognise and provide for the following matters of national importance:

- (a) The preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
- (b) The protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.
- (c) The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

**iv - Section 7** provides for 'other matters' which persons exercising functions and powers under the RMA must 'have particular regard to'. These matters must be specifically considered and given appropriate weight.

In achieving the purpose of this Act, all persons exercising functions and powers under it, in relation to managing the use, development, and protection of natural and physical resources, shall have particular regard to—

- (a) Kaitiakitanga:
  - (aa) The ethic of stewardship

- (b) The efficient use and development of natural and physical resources
- ...
- (c) The maintenance and enhancement of amenity values
- (d) Intrinsic values of ecosystems
- ...
- (f) Maintenance and enhancement of the quality of the environment
- (g) Any finite characteristics of natural and physical resources
- (h) The protection of the habitat of trout and salmon
- ...

**v** - There are many elements to a mining operation, including the extraction of ore in an open pit, the crushing and use of chemicals to extract the minerals, the transport of hazardous substances, and waste disposal on a large scale. The Plan in its current form does not give effect to the Part 2 purpose and principles including ss5 (social, cultural wellbeing; health and safety; avoidance, remediation, mitigation of effects); ss6(a), (b) and (c) (preservation of coastal environment and protection of outstanding natural features and landscapes and significant indigenous vegetation and significant habitats of indigenous fauna); s7(aa) (stewardship); s7(b) (efficient use of resources); s7(c) (amenity values); s7(f) (quality of environment).

**vi** - Mining does not fulfil the purposes and principles of the RMA - to promote the sustainable management of natural and physical resources.

3.11.1.6.1 "Section 5 concerns are '... to ensure present people and communities do not, in pursuit of their own well-being, consume or destroy the existing stock of natural and physical resources, so as improperly to deprive future generations of the ability to meet their needs.'" See Canterbury R.C. v Selwyn D.C. W/142/96 at page 13 1997 NZRMA

**vii** - Our submission shows that there is frequent and large-scale environmental devastation and threats to human health from modern gold mines, with many of the worst effects manifesting well after closure. It may perplex why gold mines with potential for adverse affects are approved in highly developed countries like the United States, Canada and Australia when the extent of the environmental and health risks is so evident, and the answer lies in the fragmented laws in those countries. They do not have an integrated Resource Management law as we do in New Zealand. We are at the forefront of this integrated approach, and unlike other countries, we require our management of resources to be sustainable.

**viii** - It is also instructive to consider some decisions of the Environment Court where it found that proposals did not promote sustainable management:

- Development of a comprehensive residential use on an important lake side promontory would modify the finite natural resources of the site and defeat the purposes of s5 - see Gill & Others v Rotorua D.C. & Schwanner, W029/93 1 &2 NZPTD 631, (1993) 2 NZRMA 604.
- Where land had high potential value for primary production, subdivision for residential use would be in conflict with sustainable management - see



Pickmere & Others v Franklin D.C. A046/93 1&2 NZPTD 655

- In the particular circumstances of the case it was held that a proposal would not promote sustainable management because of the future need for the natural character of the coastal environment and the need to avoid adverse visual effect on it - see Lambley v Whangarei D.C. A086/93 I&2 NZPTD 771.
- Subdivision of productive land into lots that may not be big enough for independent production in the long term would not promote sustainable management, see Meekel v Whakatane D.C. A060/94 3 NZPTD 721.
- The word "sustain" places the emphasis on ensuring that resources are not used up at a rate greater than their recuperative properties allow, see Marlborough D.C. v Southern Ocean Seafoods Ltd W006/95 4 NZPTD 182, [1995] NZRMA 220.

The plain purpose and intention of the RMA leads you to one conclusion: mining in the Thames-Coromandel District cannot promote sustainable management of natural and physical resources. The Council has a strong mandate from the RMA to make mining a prohibited activity in certain zones, and to impose the strictest controls to ensure the environment is protected from the adverse effects of mining which infringe these fundamental RMA requirements for sustainable management of resources.

#### **b) SUBORDINATE PLANNING DOCUMENTS**

The Plan in its current form (particularly in relation to mining activities) is contrary to the provisions of the New Zealand Coastal Policy Statement 2010, the Waikato Regional Council Regional Policy Statement, as well as other strategies (including Blueprint and the Waikato Conservation Management Strategy). [Further details will be provided at the hearing.]

#### **c) THE CROWN MINERALS ACT 1991 (CMA)**

Mining in New Zealand is regulated principally by two Acts: the CMA and the RMA. The CMA is intended to manage and allocate Crown-owned minerals, while the RMA manages and controls the environmental effects associated with mining activity.

The CMA applies to Crown-owned minerals. Crown-owned minerals include all gold, silver and petroleum. The Crown also owns a number of other minerals as an incident of the ownership of land, and through reservation of Crown ownership of minerals in the alienation of land from the Crown. Generally, all land disposed of by the Crown since 1 April 1948 by way of freehold title has minerals reserved to the Crown. There were also reservations of mineral ownership to the Crown before this date.

There has not been an adequate assessment carried out of the interrelationships between the RMA and other legislative regimes (such as the Crown Minerals Act), which impact on amenity, social wellbeing and the property interests of affected community.

Schedule 4 of the CMA prohibits mining on all conservation land on the Coromandel Peninsula north of the Kopu-Hikuai Road and in the internal waters of the Coromandel Peninsula, the Plan should give effect to this.

#### **d) HAURAKI GULF MARINE PARK ACT 2000 (HGMPA)**

The Hauraki Gulf Marine Park Act 2000 recognises that the Hauraki Gulf has a quality and diversity of biology and landscape that makes it outstanding within New Zealand. The islands of the Gulf are valued as the habitats of plants and animals, once common, now rare, and are often the only places in the world where these species exist naturally.

Section 7 of the HGMPA recognises the national significance of the Hauraki Gulf. The interrelationship between the Hauraki Gulf, its islands, and catchments and the ability of that interrelationship to sustain the life-supporting capacity of the environment of the Hauraki Gulf and its islands are matters of national significance.

Section 8 provides protection and enhancement measures. The following two measures are important:

- the protection and, where appropriate, the enhancement of the life-supporting capacity of the environment of the Hauraki Gulf, its islands, and catchments.
- the protection and, where appropriate, the enhancement of the natural, historic, and physical resources of the Hauraki Gulf, its islands, and catchments.

The contamination issues associated with mining activities are outlined in detail in this submission. The Plan in its current form is contrary to sections 7 and 8 of the HGMPA.

### **2.3 The Coromandel Experience**

The Coromandel holds a special place in many people's hearts. The forgiving climate, white sandy beaches and lush flora and fauna makes it a year-round destination and visitors come from both near and far to relax and rejuvenate. The natural environment is an inherent part of the visitor experience and the lifestyles and livelihoods of residents. The Coromandel is a national treasure, its diverse economy and communities are precious deserve to have the aspirations outlined in the Coromandel Peninsula Blueprint realised.

### **2.4 Impacts of Mining**

#### **2.4.1 Economic Impacts**

Of late in we are often being told that extractive industries are good for the economy, when in fact gold mining presents very real dangers to our economy and offers little to neither our national nor local economies.

Gold mining is a boom and bust industry meaning that income from a mine, direct and indirect, is unstable and short term whereas, the detrimental effects are significant and long term. Whilst mining does provide employment, generally it is a very small percentage and predominantly lower paid positions that go to locals while nonresidents who already work in the industry fill specialised roles. The combination of gold being a finite resource and the boom and bust nature of the industry means that every mine will eventually close the employment it provides is unstable and unreliable.

Furthermore, the adverse effects of having the mine in the first place will remain, from reduced land values, to the rate increases due to stress on infrastructure, to costly hearing processes to prevent or mitigate the effects of the mine, to increased insurance in areas where increased flooding occurs, and the damage to our ecosystems - which inherently hold value as they support other industries.

In the Coromandel in particular our economy relies on the health of our natural environment. For sustainable industries such as aquaculture and tourism, along with the many other smaller cottage industries, mining threatens their survival.

Here in the Coromandel especially we have too much to lose by allowing a mine in our area.

#### **2.4.2 Social Impacts**

From right in the beginning when a permit application is lodged to when a mine closes and beyond, there is a myriad of negative social impacts when the gold mining industry comes to town.

Some of these impacts are:

- Social disharmony such as rises in youth delinquency, mental health issues and drug and alcohol problems
- A drain on community volunteers who could instead be contributing to projects of community benefit
- Loss of quality of life
- Loss of recreation areas
- Visual impacts
- Increased road accidents
- Residents being made to feel powerless
- Dust, vibration and noise pollution

These problems stem from the effects of industrialisation of an area and the boom and bust nature of gold mining and can take considerable time to mitigate and recover from. When considering the prohibition of mining activities throughout our district Watchdog asks that the social impacts are considered.

#### **2.4.3 Environmental Impacts**

The myth of modern mining being safe now and therefore immune to the toxic and long-

term impacts of historical mining is dangerous and untrue. Mining still causes huge environmental contamination in the form of acid mine drainage, toxic waste storage and brings major industrialisation to the areas affected.

### **Underground Mining**

The use of terms such as 'keyhole mining' and 'surgical extraction' hide the realities of what will happen if new mining operations go ahead, whether underground or surface mining, the adverse effects are significant.

An underground mining operation still requires considerable above-surface associated infrastructure to be built and installed. This includes access roads, bridging, work platforms/land benching, drainage works, siltation works, the supply of electricity and/or natural gas, storage of fuels, equipment and vehicles, and the siting of large scale processing equipment. The processing of ore requires that it be transferred to a plant either on-site or further afield.

The toxic by-products are the same; releasing of heavy metals such as arsenic and mercury and the subsequent acid mine drainage and indefinite storage of toxic tailings (whose ecological footprint is much larger than the mine itself might be) and the risks they pose to human health and environmental sustainability as well as the economic costs of cleaning them up.

### **Impacts and threats of mining to biodiversity**

The detrimental impacts that industrialisation mining would have on the biodiversity value of the Coromandel would be significant. Many of our ecosystems are delicate, our endemic species rare and the effects mining would have on the water table, to air quality, the disturbance of vibration and dust, would undermine their survival.

The Department of Conservation, alongside community conservation groups such as the Moehau Environment Group, are working hard to re-establish and protect endemic species such as the Coromandel Brown Kiwi, the Archey's Frog, the Helms Butterfly, Moehau Stag Beetle and native species such as the Pateke and North Island Robin or Toutouwai in this area. The conservation efforts would be devastated by a gold mine in the area.

## **3. Submission**

### **3.1 Introduction**

This submission now turns to the specifics of the matters raised by Coromandel Watchdog of Hauraki Inc., referring to specific points or parts of the Plan.

Given the outstanding landscapes and ecology of the Coromandel Peninsula, and for the benefit of future generations, we need much stronger planning regulations to protect our communities and environment.

The special nature of the Coromandel warrants robust protection, especially as there is so much economic revenue and employment dependent on our reputation as a clean green holiday destination. Large scale industrial mining is contrary to the Natural Character of this District.

### **3.2 Submission Point 1: Sections 14 & 37 Mining Activities**

Coromandel Watchdog opposes these sections and seeks that mining activities (of any description excluding quarrying) be prohibited in all zones identified in these Sections. Primarily we seek the deletion of Section 14 and 37 and the Plan amended so that objectives, policies and rules as amended below are included in relevant sections of the Plan.

If these sections are not deleted we seek the relief outlined below, specifically:

**14.1, 14.2.2, 14.3, 37.1 and 37.4**

#### **3.2.1 Reasons**

Given the significant adverse effects associated with mining activities, it is appropriate that a precautionary approach be adopted and that mining activities be prohibited in all zones and overlays. A prohibited activity status does not make impossible that activity being carried out in the future. However, it would ensure that mining activities would require a plan change. Plan changes involve a different and more consultative process than that for applications for resource consent. A plan change would lead to greater community involvement, which is appropriate for an activity with high potential for significant adverse effects on the community.

A plan change process also has the following characteristics:

- (a) Notification and public consultation is mandatory;
- (b) A cost/benefit evaluation under section 32 is required;
- (c) A holistic approach may be taken (rather than a focus on one site as happens with a resource consent application);
- (d) Any person has standing to get involved;
- (e) The local authority considering the plan change acts as a planning authority, rather than as a hearing authority as it does when considering resource consent applications. The

latter role is a narrower, quasi-judicial role.

Many zones are left vulnerable to underground and surface mining and their significant adverse effects - this is contradictory to the objectives and policies in Section 14. To remain consistent, in particular with Objective 3, prohibited status must be applied to all zones to allow for an alternative Plan Change Process as outlined above.

Prohibited activity status may be appropriate in circumstances where the Council takes a precautionary approach due to insufficient information about an activity to determine what provision should be made for that activity in the local authority's plan (*Coromandel Watchdog of Hauraki Inc. v Chief Executive of the Ministry of Economic Development* [2008] 1 NZLR 562). Mining activities fall within that category. Adverse effects from mining activities are site specific and/or variable across the district. There is insufficient information currently available to determine the provisions that should apply if mining activities are included in 'blanket' district-wide rules. Prohibited activity status is appropriate in this case.

The Sections existence in its current form will cause on-going litigation because:

- Mining is potentially toxic, harmful and hazardous
- Modern mining is inconsistent with the Natural Character of the District
- It is not Sustainable Management as described in the RMA
- It is inconsistent with Community Values
- It contradicts the Coromandel lifestyle and economy based on tourism, fishing, and clean, green countryside vibe
- There is strong community support for a 'no mining' stance on the Coromandel

The language in Section 14.1 does not clearly state how future mining activities will have a major adverse impact on the unique Conservation Values and Natural Character of the Coromandel. We must acknowledge the adverse effects of Mining Activities on small communities, such as Waihi, and potential for catastrophic environmental effects on human habitat.

The sentence "The District has a long history of mining for gold and other minerals" (p73) does not acknowledged that the Gold Mining Boom lasted under 70 years, between 1867 and 1930, and was a small scale industry compared to the Mining Activities of today.

This Section does not acknowledge the long term economic, social and environmental legacy and the detrimental effects that historical mining has in the District.

Of particular concern in Section 14.1 is the statement "The Plan includes provisions to enable the Council to take the presence of mineral resources into account when assessing proposals for subdivision, use and development of land" (p73). Along with Section 14.2.2, this gives Mining Activities precedence over other forms of development. We oppose Mining Activities having such a priority.

There is no acknowledgement of the 40 year history of the 'No Mining' campaign in Coromandel, and the fact that a large number of Coromandel residents are opposed to mining, and also how this opposition has contributed significantly to our Natural Character.

Prospecting and exploration cannot be considered in isolation to other mining activities, they are precursors to mining. Permits are granted without consultation with communities affected by the activities. We know there is gold in the ranges of the peninsula. Any prospecting or exploration activities provide information to companies as to whether they want to apply for a mining permit.

From the time a prospecting permit is applied for, the draining of community resources begins. The stress, physical health effects, financial strain and uncertainty for the future takes a heavy toll on the community. This is unnecessary when there lacks sufficient evidence that gold mining is globally, nationally or locally beneficial or that it is environmentally safe. Energy and resources in the community could instead be directed into other projects of community benefit.

Section 37.4.1 fails to provide any rules for Underground Mining activities in affected Zones outside the access Zone. It is obvious that Underground Mining will have effects in all Zones it occurs in, and provision must be made for these.

We support Quarrying activities to be separated from Mining Activities to avoid confusion, and to allow the continuation of Quarrying activities in the District without unnecessary litigation. Quarrying differs from mining in many ways including that the resources are used locally and the activity has direct benefit to the local community.

### **3.2.2 Relief sought**

We require Sections 14 and 37 be amended to prohibit mining, or other such relief that has the same effect, for the plan to remain consistent with the Natural Character and Community Values of the District.

Amend Section 14 as follows:

#### **14.1**

The District has a long history of mining for gold and other minerals historically occurred in the District between 1867 and 1930 on a much smaller scale than modern mining operations. Since then mining activities have been limited to extensive prospective activity and the opening of a hobby-scale mine. There is a long history of strong, active community opposition to the resumption of mining on the Coromandel Peninsula.

Some minerals are in areas that have high landscape, natural character or biodiversity values. Industrialisation from mining activities poses a significant threat to the value of these areas. Deciding whether, where and how to extract protect these areas from adverse effects from mining activities minerals is an important and significant resource management issue for the District.

The Plan separates mining activities into separate components that reflect the potential effect these activities have on the environment. These activities are: prospecting, exploration, underground mining, surface mining, mineral processing, and waste

rock/tailings storage and quarrying. These activities are all connected and should not be considered separately when assessing impacts of an activity, for example prospecting is likely to lead to exploration/mining or underground or surface mining will inevitably require mineral processing plants and tailings storage facilities.

...

~~While mining can have economic benefits to the District, m~~ Mining operations also have the potential to adversely affect the natural and built environment, ~~unless carefully managed.~~ These impacts depend on the sensitivity and importance of the area, the scale of the operation, and how well the operation is managed.

...

### 14.2.2

Delete section 14.2.2.

### 14.3

Amend 14.3 as follows:

#### Objective 1a

Mining activities do not compromise or ~~significantly~~ adversely affect identified landscape, natural character or biodiversity values within the District.

#### Objective 1b

Mining activities provide economic, social and environmental benefits to the District, and avoid, ~~remedy, mitigate or compensate for~~ adverse effects on the environment, economy and community.

#### Policy 1a

Mining activities shall avoid adverse effects on the **Outstanding Landscape Overlay, Natural Character Overlay**, and areas of significant indigenous vegetation and significant habitats of indigenous fauna.

#### Policy 1b

Mining activities shall ~~remedy, mitigate or compensate~~ avoid adverse effects on existing natural values within the **Coastal Environment**.

#### Policy 1c

Existing mining extraction activities shall:

- a) ~~Remedy, or mitigate~~ and avoid further land modification and adverse effects on the ecological, landscape, heritage, natural character, soils, water quality, cultural and amenity values of surrounding areas and on the



- amenity values of settlements; and
- b) Avoid natural hazard and instability risk; and
  - c) Avoid or remedy adverse effects on water supply catchments; and
  - d) Avoid mobilisation of heavy metal and sulphide concentrates outside the excavation and fill area; and
  - e) Limit heavy vehicle movements to a scale that does not compromise the safety of road users and the amenity values of the neighbourhood.

#### **Objective 2**

~~Mining activities are not unduly constrained by subdivision, use and development.~~

#### **Policy 2a**

~~Subdivision, use and development shall be located and use appropriate buffers to safeguard the efficient operation of and access to existing aggregate extraction and mining operations.~~

#### **Objective 3 2**

People, property and the environment are protected from contamination and residual risks posed by mining activities.

#### **Policy 3 2a**

The identification, assessment and management of the potential effects of mining activities shall ensure that these activities avoid contamination of people, property and the environment.

#### **Policy 3 2b**

Mining activities shall be located so that any residual risks to people, property and the environment, particularly soil and water contamination, are ~~minimised~~ avoided.

#### **Objective 4 3**

Historic and cultural heritage values of archaeological sites and Māori cultural sites are protected from inappropriate mining activities.

#### **Policy 4 3a**

Mining activities that are likely to destroy or damage or adversely affect the historic and cultural values of historic sites, archaeological sites and Māori cultural sites shall be avoided.

### **Amend Section 37 as follows:**

#### **37.1**

## RProspecting

1. Prospecting is a ~~permitted~~ **prohibited activity**.

## RULE 2 Exploration

1. Exploration is a ~~permitted~~ **prohibited activity**, provided:

a) ~~It is in the Industrial Area, the Rural Area or the Conservation Zone; and~~

b) ~~No more than 50 m<sup>2</sup> of indigenous vegetation is cleared; and~~

c) ~~Prior to commencing exploration a rehabilitation plan is provided to the Council detailing the steps that will be undertaken to rehabilitate the site upon completion of exploration.~~

2. ~~Exploration that is not permitted under Rule 2.1 b) or c) is a **restricted discretionary activity**.~~

3. ~~The Council restricts its discretion to all the matters in Table 3 at the end of Section 37.~~

4. ~~Exploration that is not permitted under Rule 2.1 a) is a **discretionary activity**.~~

...

## 37.4

### RULE 3 Mineral processing

#### **Quarrying**

#### **Surface mining**

#### **Underground mining**

#### **Waste rock/tailings storage**

1. The activity status of an activity listed in Rule 3 is shown in Table 1.

**Table 1 - Activity Status of Mineral Processing, Quarrying, Surface mining, Underground mining and Waste rock/tailings**

storage

Zone	Mineral processing	Quarrying	Surface mining	Underground mining	Waste rock/tailings storage
Rural	Non-complying Prohibited	Restricted discretionary	Discretionary Prohibited	Discretionary Prohibited	Non-complying Prohibited
Rural Lifestyle	Non-complying Prohibited	Restricted discretionary	Discretionary Prohibited	Discretionary Prohibited	Non-complying Prohibited
Industrial	Discretionary Prohibited	Restricted discretionary	Prohibited	Discretionary Prohibited	Non-complying Prohibited
Light Industrial	Discretionary Prohibited	Restricted discretionary	Prohibited	Discretionary Prohibited	Prohibited
Marine Service	Non-complying Prohibited	Non-complying	Prohibited	Discretionary Prohibited	Prohibited
Airfield	Non-complying Prohibited	Non-complying	Non-complying Prohibited	Discretionary Prohibited	Prohibited
Road	Non-complying Prohibited	Non-complying	Non-complying Prohibited	Discretionary Prohibited	Prohibited
Commercial	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Gateway	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Pedestrian Core	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited
Conservation	Non-complying Prohibited	Discretionary	Non-complying Prohibited	Discretionary Prohibited	Prohibited
Open Space	Prohibited	Non-complying	Prohibited	Non-complying Prohibited	Prohibited
Recreation Active	Prohibited	Non-complying	Prohibited	Non-complying Prohibited	Prohibited
Recreation Passive	Prohibited	Non-complying	Prohibited	Non-complying Prohibited	Prohibited
Coastal Living	Non-complying Prohibited	Non-complying	Prohibited	Discretionary Prohibited	Prohibited

<b>Extra Density Residential</b>	Prohibited	<del>Prohibited</del>	Prohibited	<del>Non-complying</del> Prohibited	Prohibited
<b>Low Density Residential</b>	Prohibited	<del>Prohibited</del>	Prohibited	<del>Non-complying</del> Prohibited	Prohibited
<b>Residential</b>	Prohibited	<del>Prohibited</del>	Prohibited	<del>Non-complying</del> Prohibited	Prohibited
<b>Village</b>	Prohibited	<del>Prohibited</del>	Prohibited	<del>Non-complying</del> Prohibited	Prohibited
<b>Waterfront</b>	Prohibited	<del>Prohibited</del>	Prohibited	<del>Non-complying</del> Prohibited	Prohibited

...

**NOi**

1. The underground mining rule ~~only~~ applies to the zone where the activity is at the ground surface and to all zones that are affected by the activity. ~~The rule does not apply to other zones where activity is underground.~~

### **3.3 Submission Point 1 a: Enhanced controls for any mining activities in Special Purpose Provisions**

Coromandel Watchdog seeks that mining activities (of any description excluding quarrying) be prohibited in all zones and in relation to all overlays, except where it is included as a site specific activity and/or in a site development plan and/or in a structure plan identified in Special Purpose Provisions. Further details as to the Special Purpose Provisions will be provided at the hearing. However, any mining activity should be the subject of firm controls and measures to avoid, remedy or mitigate adverse effects, including:

- (a) Enhanced public notification requirements in respect of any
- (b) Enhanced amenity compensation requirements;
- (c) Limits on the hours of operation;
- (d) Limits and restrictions on the number of vehicle movements
- (e) Restrictions on tailing storage;
- (f) The requirement for rehabilitation plans to be submitted outlining applications relating to mining activities; associated with mining activity; proposed mitigation, timing for closure of mining activities, enhanced bond obligations and related matters;

(g) The requirement for independent monitoring, particularly in relation to blasting, vibration, water-related issues that impact on land settlement/amenity effects, noise and air quality. In the event of breach, enforcement mechanisms that incentivise the consent holder to comply or that require payments to be made to an independently administered social wellbeing fund or similar for use by the community;

(h) The requirement for any consent holder to fund independent

(i) The requirement for any consent holder to fund an independent

(j) The requirement that any consent holder must fund a dispute social research in relation to community health and wellbeing prior, during and after mining activities; Community Liaison officer, complaints handling and resolution processes. All reports should be provided on a website managed by the Council that includes live updates on GIS maps of activities in order to achieve transparency; resolution process that enables affected residents to access authorised representatives of the consent holder to address concerns and complaints in a timely manner, with the involvement of an independent mediator or facilitator;

### **3.4 Submission Point 2: Section 32 - Landscape and Natural Character Overlay Rules**

We oppose Section 32 in its current form, specifically:

#### **32.3, 32.5, 32.7**

##### **3.4.1 Reasons**

For the multitude of reasons outlined in the background of this submission and in 6.2.1, we require the Plan to Prohibit all Mining Activities in Outstanding Natural Landscapes, Natural Character and Amenity Landscape Overlays in the Section 32 rules.

##### **3.4.2 Relief Sought**

#### **32.3**

Amend 32.3 as follows:

...

**RULE Above-ground electricity or telecommunication line**

**7 Afforestation**

**All subdivision activities**

**Electricity or telecommunication facility**

**Telecommunication mast, tower, dish and associated antenna and equipment**

**Two or more dwellings per lot**

**Underground mining**

1. An activity listed in Rule 7 is a **non-complying activity**.

**RULE Mineral prospecting**

**8 Mineral exploration**

**Mineral processing**

**Quarrying**

**Underground mining**

**Surface mining**

**Waste rock/tailings storage**

1. An activity listed in Rule 8 is a **prohibited activity**.
2. The underground mining rule applies to the zone where the activity is at the ground surface and to all zones than are affected by the activity.

...

**32.5**

Amend Section 32.5 as follows:

...

**RULE Quarrying**

**13 Surface mining**

**Underground mining**

1. An activity listed in Rule 13 is a **discretionary activity**.

**RULE Mineral prospecting**

**14 Mineral exploration**

**Underground mining**

**Surface mining**

**Waste rock/tailings storage**

**Mineral processing**

1. An activity listed in Rule 14 is a **prohibited activity**.
2. The underground mining rule applies to the zone where the activity is at the ground surface and to all zones than are affected by the activity.

...

**32.7**

Amend Section 32.7 as follows:

...

**RULE 1 Quarrying**

~~**Surface mining**~~

~~**Underground mining**~~

1. An activity listed in Rule 17 is a **non-complying activity**.

**RULE Mineral prospecting**

**18 Mineral exploration**

**Surface mining**

**Underground mining**

**Mineral processing**

**Waste rock/tailings storage**

1. An activity listed in Rule 18 is a **prohibited activity**.
2. The underground mining rule applies to the zone where the activity is at the ground surface and to all zones than are affected by the activity.

**3.5 Submission Point 3: Section 10 - Natural Hazards**

We support Section 10 in part, specifically:

**10.1, 10.3 - Objective 1, all Policies relating to this objective, specifically Policy 1f**

We seek the retention of this objective and all policies relating to it, specifically policy 1f, to avoid inappropriate mining development that increases the risk levels of natural hazards in the District.

### **3.5.1 Reasons**

It is pleasing that the geological instability of the District is acknowledged in this Section. Geological instability coupled with inappropriate development poses significant adverse affects to the safety of the District and must be avoided.

Geological instability is the reason for the landslide occurring underneath the Golden Cross Mine's Waitekauri Tailings Dam near Waihi, and at the Council's landfill in Whitianga, not to mention the slips on roads after heavy rainfall. A precautionary approach outlined by 1f is appropriate in this District given the nature of natural hazards.

### **3.5.2 Decision sought**

#### **10.1**

Retain 10.1

#### **10.3**

Retain Objective 1 and all policies relating to it.

## **3.6 Submission Point 4: Section 7 - Coastal Environment**

We support Section 7 in part, specifically:

### **7.3**

We seek the retention of Objective 1 and we seek additional policy to ensure Mining Activities are avoided by classifying them as Prohibited activities.

### **3.6.1 Reasons**

We require the Plan to specifically protect our coastal environment from mining. The Coastal Zone has been removed without giving adequate protection to coastal biodiversity from adverse impacts of mining.

The Hauraki Gulf Marine Park Act protects the entire Gulf from pollution, such as will inevitably occur from any Mining Activity; Mining Activities in Coastal areas multiply this risk and must be avoided.

Special provisions are required where resources to be extracted are sufficiently rare, and the extraction activity may be of a scale that affects the environment, so these effects need to be managed by limiting the locations where that activity may occur at any one time. Mining Activities are a case where this applies.



The importance of Coastal Amenity is crucial to the economic and community viability of the District; therefore all Mining Activities must be Prohibited in this area.

### **3.6.2 Decision sought**

#### **7.3**

Retain Objective 1.

#### **Additional Policy**

Add a section to Part 6 to allow for rules for the Coastal Environment. Add a rule as follows:

**RULE Mineral prospecting**

**X Mineral exploration**

**Surface mining**

**Underground mining**

**Mineral processing**

**Waste rock/tailings storage**

1. An activity listed in Rule X is a **prohibited activity**.
2. The underground mining rule applies to the zone where the activity is at the ground surface and to all zones than are affected by the activity.

### **3.7 Submission Point 5: Section 12 - Contaminated Land and Hazardous Substances**

We oppose Section 12 in part, specifically:

#### **12.1.1, 12.2**

We seek amendment to this section to reflect the contribution of mining activities to contaminated land.

#### **3.7.1 Reasons**

Historical mining activities have been a significant cause of contaminated land in the District, including the effects of acid mine drainage and irresponsible tailings disposal.

#### **3.7.2 Relief sought**

Amend sections 12.1.1 and 12.2 to identify mining activities as a cause of contamination in the District.

### **3.8 Submission Point 6: Sections 6 & 29 - Biodiversity**

We support Sections 6 and 29 in part.

We seek **additional policy** to strengthen the sections and protect biodiversity from significant adverse effects from mining activities.

#### **3.8.1 Reasons**

Protection of biodiversity is essential for the ecosystem services which maintain and improve our environment. Ecological health is the key to the economic future of the Coromandel. Mining activities have major negative impacts on the integrity of native habitats and the species which rely on them.

Vibration caused by underground mining would have major adverse effects on surface flora and fauna.

We require the Plan to uphold biodiversity values expressed in the RMA Section 6, and acknowledge the difference between 'sustainable management' and 'sustainable development'.

The Objectives and Policies in Sections 6 and 29 must be strengthened to reflect community and biodiversity values upheld by the Waikato Regional Policy Statement, the Resource Management Act, and the Hauraki Gulf Marine Park Act.

#### **3.8.2 Decision sought**

##### **Additional Rule**

Add a rule to Section 29 as follows:

**RULE Mineral prospecting**

**X Mineral exploration**

**Surface mining**

**Underground mining**

**Mineral processing**

**Waste rock/tailings storage**

1. An activity listed in Rule X is a **prohibited activity**.
2. The underground mining rule applies to the zone where the activity is at the ground surface and to all zones than are affected by the activity.

### **3.9 Submission Point 7: Sections 8 & 31 - Historic Heritage: Archaeology; Māori Cultural Sites; Heritage Items and Heritage Areas**

We support Sections 8 and 31 in part.

We seek **additional policy** to strengthen the sections and protect our heritage from significant adverse effects from mining activities.

#### **3.9.1 Reasons**

Protection of these areas is critical to the unique heritage of our District. Mining activities have major impacts on the integrity of historical sites, particularly archaeological areas and Maori Cultural Sites.

Vibration caused by underground mining would have major adverse effects on historic heritage. Lack of protection of historic sites from mining activities displays a cultural insensitivity and disrespect to the spiritual and cultural value that these sites hold.

#### **3.9.2 Relief Sought**

Add a rule to Section 31 as follows:

**RULE Mineral prospecting**

**X Mineral exploration**

**Surface mining**

**Underground mining**

**Mineral processing**

**Waste rock/tailings storage**

1. An activity listed in Rule X is a **prohibited activity**.
2. The underground mining rule applies to the zone where the activity is at the ground surface and to all zones than are affected by the activity.

## **4. Alternative Submission**

This alternative submission is made without prejudice to Coromandel Watchdog's primary submission that mining (of any description) be prohibited in all zones and all overlays (except by way of provision in the Special Purpose Provisions by way of Plan Change).

If and only to the extent that the Commissioners are minded not to accept Coromandel Watchdog's primary submission, Coromandel Watchdog makes the following alternative submissions:

1. Coromandel Watchdog submits that mining activities (of all description including prospecting and exploration) be classified as non-complying in all zones, except:
  - a. In respect of the zones where the Plan proposes that mining activities be prohibited (at rule 3 of section 37);
  - b. In relation to the Conservation, Rural, Rural Lifestyle, Coastal Living, Extra Density Residential, Low Density Residential and Residential Zones, where mining activities should be prohibited.
2. For the avoidance of doubt, Coromandel Watchdog's alternative submission does not affect its position that mining activities be prohibited in all overlays and areas of high value, including the following:
  - a. Outstanding landscape overlay;
  - b. Amenity landscape overlay;
  - c. Natural character overlay;
  - d. Significant ecological areas;
  - e. Significant geological areas;
  - f. Coastal environment.

## **8. Conclusions and Recommendations**

Mining has severe and long lasting detrimental impacts on the environment, communities, economies and biodiversity. Historical mining operations have left a toxic legacy throughout the district and community opposition to further mining activities in the District has been and continues to be widespread and successful.

In the District, mining would have adverse effects on values identified as needing protection in legal framework identified in this submission. Mining is not a sustainable industry, due specifically to acid mine drainage and tailings, but also due to the unstable nature of employment, the revenue of the industry and the finite nature of gold. Mining activities are inconsistent with the RMA, HGMPA, Schedule 4 of the CMA, the New Zealand Coastal Policy Statement 2010, the Waikato Regional Council Regional Policy Statement, as well as the Coromandel Blueprint and the Waikato Conservation Management Strategy.

A plan change would be much more appropriate for mining activities than allowing any activities to proceed directly to the resource consent stage. There is legal premise to prohibit mining in identified zones and overlays.

To remain consistent with requirements of superior legislative framework including international and national planning instruments the Plan must give effect to relief sought in this submission.

We recommend:

- that mining activities be prohibited in all zones and overlays; or other such relief that has a similar effect;
- that any mining activity goes through a Plan Change Process rather than directly to resource consent;
- that language in the plan is amended to reflect history and remain consistent with community values and council direction.

Coromandel Watchdog thanks the Council for the opportunity to make this submission.