Good afternoon Gentlemen. We appreciate this opportunity to further expand on our submissions on the Proposed District Plan and to answer any questions that you may have. We are Adele Smaill and Augusta Macassey-Pickard and we represent the "Greenspot Guardians", submitter number 782. We are both ratepayers of, and live in, Mercury Bay, and are the authors of these submissions. The Greenspot Guardians are a community based non-profit group, of over 200 members, that was formed in 2012 in response to concerns about the 222 sq. km. prospecting permit granted to "Newmont Waihi Gold Company Ltd.". This permit runs from the Tairua Hill, north to Otama Beach and west to Te Rerenga. It was initially granted for 2 years with a recent renewal of a further 2 years. It is the first formal stage towards developing active mining activities within Mercury Bay. When we refer to "mining" in our submissions we mean the definition from the "Crown Minerals Act 1991".

Our members include ratepayers, residents, visitors, business owners and operators, from a wide range of industries and our written submissions represent these members' views and our own. We are concerned at the potential effects of the mining industry on property values, businesses, lifestyles and the environment, with Mercury Bay being world renowned for fishing and outdoor activities, spectacular natural landscapes and quiet coastal communities.

Our reason for submitting on this Plan is to ensure these views are represented in this key planning process and document. We believe that this second generation Plan provides an opportunity, for Council and the community, to develop a sound and reasonable framework, for evaluating and managing the use, or otherwise, of mineral resources. We also believe that the effects of industrial scale mining in this environment have a significant potential to be more than minor.

The legacy of impacts resulting from historic land uses including kauri logging and gold mining, coupled with steep highly erosion-prone areas, have increased vulnerability to the frequent high rainfall. Growing developmental pressures place further stress on this environment, for example roading improvement and infrastructure upgrades. We cite this year's significant storm events, and their impacts on remote infrastructure and property, as good recent examples of this Districts fragility. Predictions of climate change suggest these extreme events to be more common not less.

In our written submission, we were clear that our overarching goal is for this Plan to consider mining as a prohibited activity – certainly within the Conservation, Coastal, Rural, Residential and Recreational zones. We believe the potential economic gain of mining, for the people and communities of the District, does not justify the risks that would have to be taken. We consider that this activity (be it underground or above ground) would also compromise many of the intrinsic social and environmental values of the District. This would negatively impact other industries, and we believe that any potential economic benefit does not justify that compromise.

AUGUSTA: We have concerns about the definitions of mining activities in the Plan. While it uses the Crown Minerals Act definition for both prospecting and exploration, the definition of mining has been extended beyond that Act and we believe that this is inconsistent and inappropriate. Similarly, the staff report's recommendation to also extend the definition of exploration beyond that in the CMA is not appropriate either, or constructive. The Resource Management Act uses the definition described in the Crown Minerals Act and we respectfully submit that this plan should as well.

Exploration should not be considered a permitted activity. It can potentially have significant adverse effects - that we will discuss later in this submission. Allowing exploration, particularly in the Conservation Zone, as a permitted activity creates a permitted baseline and existing use environment that is of concern

to us and, if the proposed amendments are accepted for the definition of exploration to also include ancillary activities, the risk and potential effect of this baseline is substantial. The activity status must reflect the potential effects. By not setting more comprehensive standards on the extent of the activity there is potential for effects that, when combined, are beyond the more than minor threshold.

There are a number of potential risks associated with exploration, over and above those posed by vegetation removal and track creation, that are not acknowledged in the Plan. Even early stage exploration could have potentially significant effects. Later stages of exploration can potentially have more severe effects, such as changes to landforms, impacts on wildlife including habitat loss and degradation, leaching, sediment erosion and groundwater impacts. These effects could destroy environmental values, including those not yet known or mapped in a "Significant Natural Areas" dataset.

We believe that it would be helpful to emphasise some points relating to the effects of mining activities, specifically cumulative effects, and effects of low probability and high impact as we do not believe that they have been fully recognised in the plan.

Cumulative effect should be considered at all stages of the resource management process. The development of the Plan provides a unique opportunity for Council to plan for sustainable management of potential cumulative effect; at consent level it can only be considered in relation to the individual consent, whereas Council has the ability to provide for the management of, and potential for, cumulative effects through the plan itself. This could be done in a number of ways suggested in our original submission, such as the clear differentiation of mining from ancillary activities. By incorporating ancillary activities, such as

temporary accommodation and tracking, in the definitions, Council may not be able to adequately consider the cumulative effects of the specific activity.

Failure of the Council to adequately map significant natural areas on all land across the Peninsula to date is also deeply concerning to us. It creates a situation where such areas could be affected, or even lost, as they are as yet unknown. The cumulative effects of the loss of any area to the overall District cannot be considered until such mapping is carried out. Further, it creates a situation where communities are unable to adequately assess the cost/benefit of mining proposals on potentially sensitive areas if they are unaware of the significance of the area. The more guidance that is provided in plans as to areas and features of significance, the easier the task of defining the limits of effects.

Any potential effect of low probability which has a high potential impact is also matter that should be considered. There are a number of factors relating to low probability high impact effects associated with mining activities. Newmont, one company that holds numerous prospecting and exploration permits across our District, identify this. In their 2013 Annual Report, they state *"The exploration for natural resources and the development and production of mining operations are activities that involve a high level of uncertainty. These can be difficult to predict and are often affected by risks and hazards outside of our control. These factors include, but are not limited to:*

- *Environmental hazards, including discharge of metals, concentrates, pollutants or hazardous chemicals;*
- *Industrial accidents, including in connection with the operation of mining transportation equipment, milling equipment and/or conveyor systems and accidents associated with the preparation and ignition of large-scale blasting operations, milling, processing and transportation of chemicals, explosions or other materials;*

- *Surface or underground fires or floods;*
- *Unexpected geological formations or conditions (whether in mineral or gaseous form);*
- *Ground and water conditions;*
- *Fall-of-ground accidents in underground operations;*
- *Failure of mining pit slopes and tailings dam walls;*
- *Seismic activity; and*
- *Other natural phenomena, such as lightning, cyclonic or tropical storms, floods or other inclement weather conditions."*

In further reference to the geotechnical challenges faced in the extraction of minerals such as gold Newmont go on to say:

"No assurances can be given that unanticipated adverse geotechnical and hydrological conditions, such as landslides and pit wall failures, will not occur in the future or that such events will be detected in advance. Geotechnical instabilities can be difficult to predict and are often affected by risks and hazards outside of our control, such as severe weather and considerable rainfall, which may lead to periodic floods, mudslides, wall instability and seismic activity, which may result in slippage of material".

Similar statements are included in all of the Annual Reports of companies that are involved in this industry that we have sighted. We believe that this supports our submission that Council exercise the precautionary principle in the consideration of mining activities, and provisions relating to them in this plan. It is our view that these points demonstrate that there is justification in setting high activity statuses for mining across the Thames Coromandel District.

A key component of our submission is our recommendation that a rule is created under section 77D of the RMA requiring public notification of any exploration or mining related consent. Public participation is a foundation of the Act. In describing notified applications Council observe *"The Act contains a presumption in favour of public notification of resource consents, unless the Council is satisfied that the adverse effects of the activity on the environment will be minor. The idea behind the notification process is to enable the community to be involved in the decision making process on applications that may affect them"*. As discussed earlier, we believe that exploration and mining activities are likely to have an effect that is more than minor.

In the context of our District, the documented and longstanding interest and involvement of the community further supports the creation of this rule. Mining is an activity that does **not** sit comfortably with a number of other land uses for which the Coromandel is well known, and as such communities should have a part in deciding if those uses may be compromised. The section 32 report states that there would be little benefit to be gained from creating such a rule. We respectfully disagree with this assertion, and consider that the benefit would be evident; Council has identified in the same report that one of the costs of mineral extraction to the district is lost development and other opportunities; enabling participation may reduce this loss, as it would provide more certainty of potential barriers to these factors.

The sections of the plan relating to mining activities do not have adequate provisions in them for the consideration of the social and cultural aspects of the Districts environment. For example, the section that identifies 'issues' contains no references to the potential degradation or loss of these aspects that may be experienced. Changes in social factors could include the introduction of a transient workforce, an altered perception of 'the Coromandel' brand and may have wide ranging, potentially negative, effects that should be considered.

We are concerned by the recommendation in the staff report to reduce the activity status of underground mining in the recreation passive zone from noncomplying to discretionary; we argue that given the risks we have previously discussed, there is great enough uncertainty around the potential effects to require that the precautionary approach should be taken and the noncomplying status be retained. This would provide clear guidance to decision makers that the issue is significant and requires extra caution and consideration.

We support the staff recommendation to acknowledge that at the time that the plan was prepared mineral deposit locations are unmapped and largely unknown by Council. We feel very strongly that the lack of mapping of minerals disadvantages the Council and community, with the absence of such information meaning that the Councils ability to achieve Objective 2 would be compromised, and planning decisions not able to be made with adequate information. We support this objective being removed, and suggest that all references to the location and potential quantity of minerals in the District be removed until such mapping is undertaken by Council.

In the Staff Report it is suggested that the amenity overlay should be removed from the Plan. We consider that this would contravene some of the responsibilities Council has under of the RMA. The District has a significant number of areas that may have important amenity values and is renowned for its overall natural character. While we appreciate that Council cannot put a blanket overlay over the entire district, in reviewing the overlay maps in the proposed plan, we feel that the use of an amenity overlay will give constructive direction on areas where caution should be exercised outside of the natural character and outstanding landscape overlays. The amenity overlay captures many areas that are of high aesthetic value, and specific rules and restrictions to maintain and enhance them, are required under the RMA. We believe

that the more information there is available, the better the decisions will be informed and made, and the more ability for people to participate.

In reviewing others submissions, we became aware of the suggestion that Council not require consents for activities on DOC land; we urge Council to retain control over this zone. The Plan is the guiding tool for planning within the District whereas, National legislative tools, such as the Conservation Act, are subject to change with less consultation and participation from the people of the District, and far less emphasis on this specific area. As such, Council should not rely upon these instruments in their current form in any areas on the Thames Coromandel District. We support Council to continue to see the Department as another landowner within the District.

ADELE: We hope that our efforts in contributing to the Proposed District Plan will assist you and Council in making appropriate decisions for the sustainable management of our District, specifically regarding the way in which mining should be managed in the District over the life of this Plan. We are also aware that each Plan builds upon the foundation of its predecessor so this one needs to be forward thinking.. We believe that the plan should and must signal areas where extra caution is required, for example, through use of non-complying or prohibited status. As the guiding document for the management of the Thames Coromandel District, this plan must be robust, and enable people and communities to provide for their social, economic, and cultural well-being and for their health and safety. We have recorded our references to specialist information, which we will table for your further investigation. We thank you for this opportunity to contribute to the formation of this Plan. Good afternoon.

Evidence and supporting information for Thames Coromandel District Council Proposed District Plan: Mining Activities

Presented by Greenspot Guardians

SOURCE: New Zealand Government Legislation

Crown Minerals Act 1991

Part 1, Section 2 'Interpretation'

mining—

- (a) means to take, win, or extract, by whatever means,—
  - (i) a mineral existing in its natural state in land; or
  - (ii) a chemical substance from a mineral existing in its natural state in land; and
- (b) includes—
  - (i) the injection of petroleum into an underground gas storage facility; and
  - (ii) the extraction of petroleum from an underground gas storage facility; but
- (c) does not include prospecting or exploration for a mineral or chemical substance referred to in paragraph (a)

SOURCE: New Zealand Government legislation

Resource Management Act 1991

Matters of national importance

- 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:
    - (d) the maintenance and enhancement of public access to and along the coastal marine area, lakes, and rivers:
    - (e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga:
    - (f) the protection of historic heritage from inappropriate subdivision, use, and development:
    - (g) the protection of protected customary rights.

SOURCE: Waikato Regional Council

Climate Change

Normal climate changes are being affected by a gradual increase in the levels of greenhouse gases around the earth's atmosphere. This could see a rise in sea levels and changes in climate patterns, increasing the number of storms, rain, coastal flooding and erosion in the region.

Retrieved December 2014 from: http://www.waikatoregion.govt.nz/Services/Regional-services/Regional-hazards-and-emergency-management/Weather-hazards/Climate-change/

SOURCE: Environment Canada.

Environmental Code of Practice for Metal Mine

3.1 Exploration and Feasibility

Environmental concerns which may arise during the exploration and feasibility phase are summarized in Table 3.1. Most initial exploration activities are relatively non-intrusive and have limited, short-term impacts on the environment, particularly when compared to impacts associated with other phases of the mine life cycle. Access during initial exploration is seldom intensive and work camps are normally tent based, supporting a few people for short periods of time. In most areas, the main environmental effect associated with initial exploration is noise from aircraft during airborne surveys, which can affect wildlife. Line cutting for geophysical surveys results in environmental effects of varying magnitude, depending on the width of the lines that are cut and the number of lines in a given area.

Diamond drilling can also have effects. For example, access roads may be required. Drilling also requires the preparation of drill sites; the transportation, storage and handling of fuel; and the establishment of campsites for drilling and geological crews, facilities to deal with drilling waste, and an infrastructure to manage and supply the camp. All of these activities have the potential to affect the environment.

The risk of environmental effects increases as exploration becomes more intensive. Diamond drilling is generally more extensive during advanced exploration, leading to increased risk of effects on the environment. In addition, the collection of bulk samples may result in the release of contaminants to water and air, as well as noise and vibrations that may affect wildlife. The accommodation and infrastructure requirements of advanced exploration programs can also have effects. Though bulk sampling is an advanced exploration activity, it has the potential to generate environmental effects similar to those of the mine operations phase, albeit on a smaller scale.

Activities related to feasibility studies are an extension of advanced exploration activities, and the related environmental concerns are similar.

Table 3.1: Potential Environmental Concerns Associated with the Exploration and Feasibility Phase

Activity	Potential Environmental Concerns

Table 3.1: Potential Environmental Concerns Associated with the Exploration and Feasibility Phase

Activity	Potential Environmental Concerns
Access/Line Cutting	• Possible concerns with terrestrial/wildlife habitat and stream crossings
Geophysical Surveys	• Possible impacts on wildlife from airborne surveys
Field Camps	• Sewage and garbage disposal, water supply, fuel storage • Impacts on terrestrial/wildlife habitat, access to remote areas
Trenching/Pitting	• Physical scarring/land disturbance • Acid generation from exposed sulphide minerals • Metal leaching • Sediment erosion • Impacts on wildlife of blasting
Drilling	• Water supply, drilling fluid disposal, fuel storage/risk of spills, groundwater contamination • Physical scarring/land disturbance • Acid generation from exposed sulphide minerals • Release of metal-bearing groundwater
Bulk Sampling	• All of the above but potentially greater impacts are possible, and reclamation needs to be considered • Dewatering of historic mine workings may have impacts on receiving water quality
Exploratory Mining	• Potential impacts can occur that are similar to those during full-scale mining operations, albeit on a smaller scale

Retrieved December 2014 from https://www.ec.gc.ca/lcpe-cepa/default.asp?lang=En&n=CBE3CD59-1&offset=5

SOURCE: Thames Coromandel District Council website

"The Act contains a presumption in favour of public notification of resource consents, unless the Council is satisfied that the adverse effects of the activity on the environment will be minor. The idea behind the notification process is to enable the community to be involved in the decision making process on applications that may affect them."

Retrieved December 2014 from http://www.tcdc.govt.nz/Our-Services/Building-Planning-and-Consents/Resource-Consents/Notified-applications/

SOURCE: Newmont Corporation Annual Report 2013 "Value Volume"

Hazards and Uncertainties of mining [page 14]

"Our mining operations require significant quantities of water for mining, ore processing and related support facilities. The exploration for natural resources and the development and production of mining operations are activities that involve a high level of uncertainty. These can be difficult to predict and are often affected by risks and hazards outside of our control. These factors include, but are not limited to:

- Environmental hazards, including discharge of metals, concentrates, pollutants or hazardous chemicals;

- Industrial accidents, including in connection with the operation of mining transportation equipment, milling equipment and/or conveyor systems and accidents associated with the preparation and ignition of large-scale blasting operations, milling, processing and transportation of chemicals, explosions or other materials;

- Surface or underground fires or floods;

- Unexpected geological formations or conditions (whether in mineral or gaseous form);

- Ground and water conditions;

- Fall-of-ground accidents in underground operations;
- Failure of mining pit slopes and tailings dam walls;
- Seismic activity; and
- Other natural phenomena, such as lightning, cyclonic or tropical storms, floods or other inclement weather conditions.

The occurrence of one or more of these events in connection with our exploration activities and development and production of mining operations may result in the death of, or personal injury to, our employees, other personnel or third parties, the loss of mining equipment, damage to or destruction of mineral properties or production facilities, monetary losses, deferral or unanticipated fluctuations in production, environmental damage and potential legal liabilities, all of which may adversely affect our reputation, business, prospects, results of operations and financial position " ....

Geotechnical Challenges [page 22]

"No assurances can be given that unanticipated adverse geotechnical and hydrological conditions, such as landslides and pit wall failures, will not occur in the future or that such events will be detected in advance. Geotechnical instabilities can be difficult to predict and are often affected by risks and hazards outside of our control, such as severe weather and considerable rainfall, which may lead to periodic floods, mudslides, wall instability and seismic activity, which may result in slippage of material".

Retrieved December 2014 from http://www.newmont.com/node/4895