

**BEFORE THE** Proposed District Plan Hearings Panel of Thames  
Coromandel District Council

**UNDER the** Resource Management Act 1991

**AND**

**IN THE MATTER** of the Proposed Thames Coromandel District Plan

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**EXPERT EVIDENCE OF GRAEME LAWRENCE**

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## 1. INTRODUCTION

- 2.1 My name is Graeme James Lawrence. I hold a Bachelor of Social Sciences and I am a member of the New Zealand Planning Institute. I am a Director of Lawrence Cross Chapman & Co Ltd a Thames based company that specialises in providing environmental planning and resource management services to public and private clients in the upper North Island.
- 2.2 I have been a planner working in environmental planning either professionally or in management for more than 35 years. Prior to setting up my own practice in Planning in 1998 I was engaged by the Thames Coromandel District Council as the Manager of Environmental Planning Services responsible for the Council's policy development, regulatory and monitoring functions. I was a planner providing district and regional planning services in the Waikato and Thames Valley before that. I have been an Honorary Lecturer in Geography at the University of Waikato until recently and I am a Director of the Environmental Defence Society Incorporated.
- 2.3 I have read the *Code of Conduct for Expert Witnesses in the Environment Court Practice Note* and agree to comply with the Code. The evidence is within my area of expertise, except in relying on the evidence of another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
- 2.4 In forming this opinion I have considered an extensive range of evidence and documents that relate to the Proposed District plan and its preparation. I have had a brief opportunity to review the s 42A Hearing Report and the recommendations contained within it.
- 2.5 My statement of evidence sets out how and why the Proposed District Plan must establish a Prohibited Activity status for mining throughout the district. It distinguishes mining from quarrying and I acknowledge there may be cases where old mine workings could be reopened to establish what I refer to as a boutique or heritage mine working.
- 2.6 I identify the key values, common to the Thames Coromandel district community. In particular, I identify those values that the Council must take into account when deciding which methods to use when carrying out its functions to achieve the purpose of the Resource Management Act 1991, when managing the actual and potential effects of the activities of mining, and to achieve the objectives and policies of the plan.

- 2.7 I establish the resource management framework developed by the Council is consistent with other districts, regional, inter-regional and national policies and objectives under the RMA and the extension of the prohibited activity approach to ensure mining activities are only introduced following Plan Change is necessary.
- 2.8 I show how that resource management framework of Prohibited Activity and Plan Change will achieve the environmental results or outcomes sought by the Thames Coromandel District community.
- 2.9 The structure of my evidence is as follows:
- a. Background to the Proposed District Plan (PDP). In addition to providing the background to the PDP I move straight on to address amendments required to the PDP in respect to prospecting exploration and quarrying in this section
  - b. The Plan Change Technique
  - c. Proposed District Plan Framework for Mining
  - d. Refinements Required
  - e. Reasons

## **2. BACKGROUND TO THE PROPOSED DISTRICT PLAN**

- 2.1 Since the amalgamation of three territorial local authorities (Thames County, Thames Borough and Coromandel County) to form the Thames Coromandel District Council in 1976 the district council, its community boards and community groups have been actively involved in monitoring and reporting on applications for exploration, prospecting and mining under different legislative frameworks:
- the Mining Act 1971, and its amendments through until 1991
  - the Crown Minerals Act (CMA) and Resource Management Act (RMA) from 1991.
- 2.2 The Council administered three operative district plans under the Town & Country Planning Act 1953 (TCPA) until 1990 when the Thames Coromandel District Council's second generation district plan became operative under the TCPA.
- 2.3 Up until 1991 mining privileges (for that was the name given to cover the various types of licences – exploration, low impact prospecting, prospecting and mining) were considered under the Mining Act 1971 and/or TCPA.

- 2.4 From 1982 when the Mining Act 1981 came into force, effects on the environment arising from the grant of the mining privilege were considered as part of the licence issuing process by the Mines Division of the Ministry of Energy. Objections against conditions proposed by the Ministry could be made by, among others, any person who may be affected, the territorial local authority and any body representing some relevant aspect of the public interest. The Planning Tribunal considered objections and reported to the Minister of Energy.
- 2.5 Over the 15 years from formation of the TCDC to the enactment of the Crown Minerals Act, the Council reported on over 200 mining privileges and in many cases appeared before the Planning Tribunal along with community groups and affected parties. The Council, individuals and community groups participated in the process to ensure there would be adequate control of actual and potential effects of the use of land as a result of the issue of mining privileges.
- 2.6 This involvement was under different legislation. However, the issues, knowledge, and experiences gained about the effects of exploration, prospecting, mining and quarrying activities on the land, and the regard that was given to values about resources, other than mineral resources, is applicable in the new legislative framework we are now working under. The environmental effects and the resource values remain the same.
- 2.7 The Planning Tribunal [*RE an application by Amoco Minerals NZ Ltd under the Mining Act 1971 (1981 Amendment) 1982 8 NZTPA 449*] stated that:
- “...in broad terms the Act seeks to facilitate mining and the wise use and management of our country’s mineral resources; but that it also requires that due regard be had to the economic, social and environmental effects of mining and to the wise use and management of other resources as well.”*
- 2.8 Decisions on mining privileges made during that period clearly established that the following factors were present or were likely to arise:
- Areas of interest were mainly in or around sites of previous mining activity
  - Sites of old workings often showed neglect such as failing ground support, localised rock falls and accumulation and discolouration of ground water
  - Highly mineralised water including elevated levels of heavy metals at best discoloured and at worst acid mine drainage
  - Steep terrain and unstable banks
  - Sites instability
  - Biologically lifeless streams
  - Soil disturbance

- Vehicle intrusion into areas of recreational value
- Gridlines effect on vegetation

2.9 The Court also ruled (the Amoco case again) that the environmental importance of certain land is so high that it could be said immediately that whatever the value of the mineral deposits in it may be, the land should never be disturbed by mining operations.

2.10 Land identified in decisions by The Court during the 1980s that should not be used for mining operations included:

- Areas of natural character
- Areas of natural and scenic beauty (landscape and amenity value)
- Coastal rural residential and recreational lifestyle setting
- Areas of particular historic, recreational, cultural significance
- Wildlife habitats of significance
- fragile environmental where there was a risk of upsetting status quo by intercepting previous workings
- Headlands
- Wetlands

2.11 In one case of particular note was the Court decision [A86/91 on Application No 31-2517 by Heritage Mining NL for a prospecting licence] over land at Waiomu on the Thames West Coast there was clear acknowledgment of the social impact that can arise from prospecting activities. In her decision Judge Kenderdine stated:

*“No matter what is said by outsiders about matters of proof, the residents fear that a combination of mining operations (even prospecting), the unstable nature of the terrain, and the heavy rainfall in the area, contribute to the downstream effects in the catchment of what they have experienced in the last decade. There is therefore a social impact from the proposed prospecting activities which carried sufficient weight with us when put alongside the coastal nature of the prospect and led us to believe that this is not a suitable area for even prospecting in this particular case”*

2.12 The significance of these decisions is not lost on people in many parts of the Thames Coromandel District. The combination of inherent land instability, cyclonic storms, heavy rainfall, and slips which regularly and consistently create damage, give rise to new fears whenever new activities, likely to cause land disturbance or vegetation clearance are proposed in their catchment. This phenomena - the social impact that land disturbance has on the people of the district and recognition of it by the Court in the Heritage case - are significant reasons why the resource management framework adopted for “Mining” and in the PDP needs to be tight, robust and

responsive to the community wishes and expressions of well being. I will return to this in more detail later in my evidence.

- 2.13 The experience of the 1980's was incorporated into the new District Plan being prepared to consolidate the three plans for the District into one. Provisions on Mining were brought into the OTDP by the Planning Tribunal Decision (A6/90) That decision predated the RMA and Crown Minerals Act and as observed by the Tribunal was not likely to be brought into play on much if any mining applications .
- 2.14 The OTDP plan provisions and the issues being addressed are substantially the same as those being addressed now. This background forms a vital part of the section 32 considerations for the current Proposed District Plan. As the Tribunal noted in the decision, the OTDP plan provisions and decision made by TCDC were anticipating a legislation change that would bring the consideration of the environmental effects of all mining privilege activities under the TCPA, or some new environmental legislation. (The Court went on to say that it was obliged to make its decision under the legislation existing at that time).

#### **Exploration and Prospecting**

- 2.15 Exploration and Prospecting had different meanings in the pre RMA Crown minerals Act from those that apply under the Crown Minerals Act. The Proposed District plan adopts the meaning set out in Section 2 Crown Minerals Act.
- 2.16 The Council individuals and community groups participated in and engaged in over 200 licence applications in the period up to the OTDP and the Crown Minerals Act coming into force. Most were before the Courts.
- 2.17 Clear protocols and standard terms and conditions were 'development' and 'applied'. The Proposed District plan provisions brought these forward into the provisions applying to "earthworks" which provided limits on how much earth was moved (volume and area). A clear distinction needs to be made to provide thresholds on "exploration" so that it is considered as "mining" when those thresholds are exceeded. As it stands the PDP provides for unlimited amount of ore to be taken and overburden removed in the Industrial, Rural and Conservation Zones under the guise of exploration.
- 2.18 The definition of waste rock tailings includes long term collection and storage of waste rock or processed material. Exploration may involve short term collection and storage of waste rock. The effects of this will need to be assessed as for earthworks generally.

The amendments recommended to address this are set out in Section 4 below

### **Quarrying**

- 2.19 It is necessary to differentiate quarry activities. Quarries have been established by consent because the minerals could be privately owned, not reserved to the Crown as was gold and silver and therefore not subject of the Mining Act.
- 2.20 There were several different types of quarry applications. There were cases where licences were due to expire by one means or another (end of term or by way of legislation change), cases where existing quarries needed to expand into new areas outside their current licence area and three new quarries have been consented.
- 2.21 Most of those quarries that had been operating but not been worked in recent times were owned by Council. As a result of investigations Council relinquished their licences on the basis that whatever the value of the mineral resource, it was not worth establishing a quarry because of the potential adverse effects on the environment.
- 2.22 Those that were being actively worked needed updating and upgrading to meet modern environmental standards. In most cases licences either had to be renewed or new licences applied for to cover expanded areas. The three new quarries were established by way of consent under the TCPA because minerals were privately owned not reserved to the Crown.
- 2.23 For existing quarries, in each case the licence or consent process covered a relatively narrow range of environmental factors:
- All were located in rural zone and did not impact on natural character landscape character, conservation or amenity values or coastal or rural lifestyle or recreational values.
  - None of the locations had old mine workings with inherent stability or drainage difficulties.
  - The geological conditions for quarries do not include sulphide bearing rocks that are likely to lead to acid drainage.
  - Roading, access and most other infrastructure (such as water supply) were already in place
  - All existing quarries required new or extended stormwater management and sediment control measures to be put in place.
- 2.24 New quarries are located in the Rural zone close to existing arterial roads

- Benefits of the project and to the community of being offered a new water supply did not outweigh the community lifestyle costs

The effects of underground mining on the land involved many different jurisdictions – Department of Conservation (formerly NZ Forest Service), NZ Transport Authority at the time National Roads Board), Regional Council (at the time Thames Valley United Council, Hauraki Catchment Regional Water Board and Water & Soil Conservation Board), and TCDC.

- 2.31 It was clear that if the environmental effects of underground mining were to be appropriately managed a consent process was inadequate. In simple terms the consent process was ineffective and inefficient. The transactional costs on the Councils and community were high. The underground mine proposals needed to address integrated management of effects in a much more effective and efficient manner than the consent processes would allow.
- 2.32 I would expect that mining industry representatives who have presented evidence to you would have established that the geological nature of the areas of “prospectivity”. The prospective areas are the geothermally altered and therefore fractured enabling water to drain from them and expose working faces to air and water. In these conditions the sulphide bearing rocks produce acid mine drainage which needs to be managed in perpetuity.

#### **Plan Change Technique**

- 2.33 It is worth stating at this point that the plan change process has been a tried and tested method used by the TCDC for over 25 years now, and for 15 years under the TCPA before the RMA was enacted. The plan change technique had been introduced into the Operative Coromandel Division District Plan and carried over into the OTDP under the TCPA to manage the effects of housing development in particular. The first generation plan zoned land identified as appropriate for future residential development, in some cases cells were identified and priority or sequence was given for the development of them. The Plan contained objectives, policies and rules that regulated the use of land until such time as a zone change was carried out to provide for some form of housing or town development. The plan spelled out circumstances under which Council would carry out Plan Changes and how one may apply to Council for a plan change. The development of Matarangi, Kuaotunu, Coromandel Cooks Beach and Hahei Whangamata and Whitianga have all occurred in the sequences provided for and by way of plan changes in and to the Future Development Zone. Growth of settlements (such as Hahei) have been successfully contained and sensitive coastal areas protected from housing development as a result.
- 2.34 As for the case of managing the effects of coastal housing development and expansion of towns, the plan change process was considered a method that would be required to provide for mining or quarrying in parts of the district particularly where there were competing values and potential



conflicts with other resources of district, regional or national importance. It was largely as a result of the success of this pioneering approach by the TCDC that the RMA embraced the method and made statutory provisions for requests for a plan change from any person.

2.35 The experience gained over 25 years is that Plan Changes are an effective and efficient means of achieving integrated management of the effects of subdivision and housing development within the coastal environment and on physical resources such as infrastructure. Like subdivision and housing mining has an irreversible effect on the environment. With mineral exploration and mining having a similar degree of conflict and effect.

2.36 It has become clear that the Plan changes method would be the most effective and efficient means for the TCDC to integrate new activities that impact in the following ways:

- Involve a cluster of activities and uses and in the case of mining involve extracting ore, disposing of overburden, processing waste establish industrial buildings and infrastructure, roading and/or alternative transport or conveyance systems
- Create irreversible effects
- Create cross boundary effects
- Create intergenerational environmental effects,
- Address ongoing management decisions beyond the life of the activity itself
- Respond to challenges in achieving integrated management may go beyond the scope of resource consents or require plan changes
- Provide policies and methods either alone or in conjunction with others to manage effects of activities, allocation of resources, mitigation and monitoring across the different resource management issues of roading and transport, industrial infrastructure , natural character landscape qualities, cultural and historic heritage and amenity values

2.37 Techniques or methods to be considered include appropriate zone and/or policy area with or without structure plans, management plans or other techniques devised to achieve specific safeguards or outcomes within a particular context. The tools would be developed in conjunction with other agencies having responsibilities:

- for managing the effects of land uses for instance - Department of Conservation in the case of Conservation Estate and National Reserves for instance
- addressing cross boundary affecting coastal marine area (DOC, Hauraki Gulf Park Forum and the 12 iwi of Hauraki),
- considering impact on state highways (NZTA),

2.38 Plan changes will allow a more creative and pro-active involvement in the management of effects likely to arise rather than the reactive response through consent processes.

### **Extractive Industry under the ODP**

2.39 The provisions for mining under the ODP were developed by consent following appeals to the Court Of Appeal. They were pragmatic outcome of settlement discussions that took place between the parties with the focus on enabling the Council to make their plan operative and to ensure the technique of applying the plan change approach to introduce mining was applied by providing prohibited activity status to surface mining and non-complying activity to underground mining in the following areas;

- a. The Northern Coromandel Restricted Area in the Coastal (Restricted) Area Moehau Planning Area covering the entire northern end of the Coromandel Peninsula containing Rural and Coastal Zones and Coastal residential policy area at Sandy Bay Port Charles.
- b. Coastal Restricted Areas within the other Planning Areas containing areas identified as outstanding landscapes
- c. Several Policy Areas such Rural Airfield, residential and Village and Coastal Airfield Future Development Residential Village and Marine Activities
- d. Town Zones of Industrial, Commercial and Housing

2.40 The PDP has not included a prohibited activity status on surface mining in the following circumstances:

- mining surface and underground across the zones within the Northern Coromandel Restricted Area
- the Rural Lifestyle (formerly Rural Village or Rural Residential)
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2.41 The check list for applying prohibited activity status is as follows<sup>1</sup>:

- a. Where the council takes a precautionary approach. If the local authority has insufficient information about an activity to determine what provision should be made for that activity in the local authority's plan, the most appropriate status for that activity may be prohibited activity. This would allow proper consideration of the likely effects of the activity at a future time during the currency of the plan when a particular proposal makes it necessary to consider the matter, but that can be done in the light of the information then available. He gave an example of a plan in which mining was a prohibited activity, but prospecting was not. The objective of this was to ensure that the decision on whether, and on what terms, mining should be permitted would be made only when the information derived from prospecting about the extent of the mineral resource could be evaluated;
- b. Where the council takes a purposively staged approach. If the local authority wishes to prevent development in one area until another has been developed, prohibited **(2007) 13**

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<sup>1</sup> Taken from.....

**ELRNZ 279, 290** activity status may be appropriate for the undeveloped area. It may be contemplated that development will be permitted in the undeveloped area, if the pace of development in the other area is fast;

- c. Where the council is ensuring comprehensive development. If the local authority wishes to ensure that new development should occur in a co-ordinated and interdependent manner, it may be appropriate to provide that any development which is premature or incompatible with the comprehensive development is a prohibited activity. In such a case, the particular type of development may become appropriate during the term of the plan, depending on the level and type of development in other areas;
- d. Where it is necessary to allow an expression of social or cultural outcomes or expectations. Prohibited activity status may be appropriate for an activity such as nuclear power generation which is unacceptable given current social, political and cultural attitudes, even if it were possible that those attitudes may change during the term of the plan;
- e. Where it is intended to restrict the allocation of resources, for example where a regional council wishes to restrict aquaculture to a designated area. It was suggested that, if prohibited activity status could not be used in this situation, regional councils would face pressure to allow marine farms outside the allocated area through non-complying activity consent applications. He referred to the Environment Court decision in *Golden Bay Marine Farmers v Tasman District Council* EC W42/2001 27 April 2001. In that case, (at [1216] — [1219]), the Court accepted that prohibited activity status for the areas adjacent to the area designated for marine farming was appropriate; and
- f. Where the council wishes to establish priorities otherwise than on a “first in first served” basis, which is the basis on which resource consent applications are considered.

2.42 Prohibited activity status is the most appropriate method to address the effects of mining (surface or underground) and associated activities such as mineral processing and waste management and disposal within the Thames Coromandel District to ensure all the above circumstances are addressed. In this way a Plan Change s process would determine the extent and value of mineral resources in any particular case and determine how and under what circumstance extraction and other associated activities may occur when assessment against other values..

2.43 When it comes to protecting and preserving the natural and amenity values of the Coromandel the appropriate locations include the following:

- a. Conservation Zone
- b. Coastal Environment Overlay
- c. OL overlay
- d. Amenity Landscape Overlay

- e. Cultural and heritage landscapes
- f. Parts of the Rural Zone that provide montane to coast visual or natural connectivity linking areas of conservation value with areas of coastal value.

2.44 I note that the Council considers potential effects of mining on the amenity values of settlements and their natural settings and to ensure their orderly expansion warrants prohibited activity status for mining (surface or underground) in the town zones. This is supported.

It is not consistent with this approach, however to then expose Rural Lifestyle zones to applications for mineral processing, and mining as a discretionary activity and waste rock and tailing. The rural lifestyle zones are applied to retain rural character, achieve a high level of rural amenity for living and in most cases the residential use is a means of ensuring on going restoration and enhancement of indigenous and cultural values.

2.45 Provision for Mineral Processing in industrial zones is misconceived. The impact of industrial activities has been taken into account and provided for by locating light industrial zones in towns near their town centres. In this way they recognising and providing for industries that service centres of population. Industrial Zones for heavier industry are generally segregated from housing areas and located on major transport networks.

2.46 To all intents and purposes the major industrial area for the District is located at Kopu near Thames on state highway adjacent to navigable waters. The activity status of discretionary activity for mineral processing within these zones does not take into account the impact it would have by taking up or displacing the land requirements allocated for the service industry, manufacturing and processing taking into account the growth scenarios for the district towns. Should mineral processing be required for a mining proposal new to the district it would be more appropriate to assess locational requirements and carry out the necessary rezoning.

### **Forestry**

2.47 I have distinguished quarrying from mining and associated activities. I will briefly address exotic forestry which can be differentiated on the basis of its substantially different nature and character. Forestry (divorced from timber processing which is an industrial activity) is by nature a crop. It is an activity that sits in the spectrum natural character spectrum (albeit at the lower end of the scale). By contrast mining is by nature an extractive industry.

It is an activity that modifies the natural state of the land either above ground or below and is industrial in character. The modifications to the land degrade natural character and are permanent. Impact on transport networks, levels of risk of and effects on downstream values, cultural and

lifestyle are longer lasting. Adverse effects from forestry are short term with long cycles between events when crops are harvested and the short lead in (2 to 3 years) the land is awaiting the first flush of green following replanting.

The forestry sites are established and are going through second and third rotations. Little if any land is being added to plantation forestry holdings. Evidence I presented to the Environment Court in conjunction with expert Maori witnesses in the Blue Mountain Lumber sawmill case was that exotic the future of plantation forests in the District will be considered by different iwi groups following Treaty Settlements with the Hauraki collective. As a result exotic forest land may be managed differently. I advise several interests in sequestering carbon credits through establishing forests. The move is now moving away from having an interest in establishing production forests towards re-establishing indigenous forests with a live on land active stewardship component. I will be providing evidence to you for several other clients in respect to subdivision for conservation forestry and establishing on site residential components along with many others.

The Coromandel community values are strongly supportive of local initiatives to restore and enhance natural cultural and historic heritage.

### **Regional Policy Statement**

- 2.48 There are provisions relating to mining and development principles affecting mining that remain to be resolved as a result of a direction from the Environment Court to ensure the draft consent documents comply with the directives of the Section 6, NZCPS and to reflect the King Salmon decision.
- 2.49 In respect to access to minerals, the relevant regional policies seek to manage built environment to appropriately recognise the need for mineral resources to be available for infrastructure and buildings and the need to manage adverse effects of extraction which may include avoiding mineral extraction or certain types of mineral extraction or certain types in some areas..
- 2.50 These policies:
- a. Provide special recognition for materials required directly in the operation and maintenance of built environment need to be accessible for this purpose.; and
  - b. Establish the need to avoid certain types of mineral extraction in some areas.
- 2.51 Separating provisions for quarrying from mining and associated activities; making provision for quarries to establish and operate close to existing settlements on the Coromandel by way of resource consent and requiring avoidance of effects including taking a precautionary approach to mining and associated activities by giving them a prohibited activity status is consistent with and would give effect to these policies.

2.52 The terms in which these policies are couched recognise the value of having low cost high volume building materials close at hand to ensure our built environments remain sustainable, on one hand that providing access to other types of minerals have further tests to apply. Gold and silver have not been identified as significant mineral resources in the Coromandel. No regional policy directives in respect to these minerals are in place.

### 3.0 PDP FRAMEWORK FOR MINING

3.1 The Council's approach to mining has not taken into account the following;

- a. the value or extent of amenity landscapes that need to be protected. Here I am referring to what visitors and visitor publications refer to the Coromandel amenity and is recognised by the thousands of visitors who invest in house and recreation in the district. The Coromandel amenity landscapes applying are located on the periphery of ONL ONC areas and conservation areas other amenity landscapes that have not been mapped are those that incorporate the iconic 'Coromandel landscape of rural character with a composite of indigenous vegetation, plantation forestry and farming.
- b. multi-cultural dimensions of natural character, biodiversity and amenity values especially concepts from mataunaga Maori for example mauri, tapu, and mana.
- c. The historic and heritage overlay has not been applied across the rural zone or within the coastal environmental overlay. Nor has cultural landscape values been identified and taken onto account in the landscape overlays.
- d. The Objectives and Policies of the NZCPS (2010) are not transparent in Coastal Environment Overlay. Objective 1 merely paraphrases some elements of Policy 1. The coastal environmental overlay needs to provide clear directive policy to implement the NZCPS (2010) in accordance with the King Salmon decision.

3.2 The activity status for underground mining provisions do not take into account likely effects from one or more of the following:

- a. modification of drainage patterns and potential effects on ecology
  - b. impact on natural character of rivers and streams, the natural, landscape and amenity value of stream corridors, protection of natural features incorporating continuity of habitats and landscapes from Coromandel ranges to the coast and cross boundary effects on coastal marine
  - c. mauri
  - d. amenity values for lifestyle, recreation, holidays and relaxation

- e. traffic generation, transport networks
- f. waste rock/tailing disposal
- g. mineral processing
- h. above ground buildings and structures
- i. exposure of rock faces containing sulphides to air and water the generation of acid mine drainage and effects on downstream water values

- 3.3 The use of resource consents for management of effects has not taken a precautionary approach.
- 3.4 The provisions for mining have not taken into account the strong community feelings and aspirations based on lifestyle incorporating healthy, outdoor living, diverse cultural experiences and a resilient local economy all set in a natural environment.
- 3.5 Cost benefit analysis – section 32 analysis has not taken account of the transactional costs of community engagement in resource consent processes, the possibility that different component parts of mineral extraction take place on different sites or localities within the district or the inefficiency of consent processes where different sites are inter-related or cross boundaries.

#### **Public Notification**

- 3.6 The notification provisions in Section 37 are not adequately framed should provision for mineral extraction mining or associated activities be given an activity status of discretionary. The information available for assessing mining activities is insufficient to provide for them to be considered by way of non-notified resource consents. Community interest and engagement is necessary to ensure potential effects are adequately identified and addressed. This is particularly the case in identifying resource management issues within a local context, addressing the range and degree of effect given the gaps, omissions and consistency of information in the overlays being applied and in determining matters such as acceptable community risk.

#### **Plan Architecture**

- 3.7 The s 42A Hearing Report recommendations contains several recommendations that lead to the plan being less intelligible overall. The Plan groups (to a large extent but not completely) mining activities into policy under Section 14 and rules in Section 37. Several recommendations are now seeking removal of provisions in these sections and reliance on provisions being contained elsewhere. Already the PDP is very difficult to follow with provisions relating to activities being scattered through the plan. In the case of mining provisions reliance on the biodiversity overlay for instance does not provide the protections necessary. I note that a spatial biodiversity overlay is not in place .

## 4.0 AMENDMENTS SOUGHT

### 4.1 Exploration

Rule 37.3.Rule 2.1 amended to add a standard and renumber as follows:

“c) The permitted activity standards for earthworks are met”

And

Renumber c) as d)

Reason

This will ensure that exploration activities meet the same environmental standards in relation to earthworks as other activities in the zone.

The activity Table for OL and AL and NC overlays Rule 32.3 Rule 1 seems to include prospecting and exploration under “any other activity “ in the case of Outstanding Landscape Overlay Rules and are not mentioned in AL and NC

Amendments are required here to address the effects of earthworks and vegetation clearance in Amenity Landscapes and in Natural Character area.

### 4.2 Quarrying

AMEND Rule 32.5 Rule 13 to provide for Quarrying in the Amenity Landscape as Prohibited Activity  
AMEND Natural Character Rule 32.6 Rule 17 to provide Quarrying in the Natural Character Overlay as Prohibited Activity .

AMEND 37.4 to provide for Quarrying in the Coastal Environment Overlay as a Prohibited Activity.

### 4.3 Mining Activities

**I support the suite of plan changes being sought by Coromandel Watchdog of Hauraki Inc as set out in the summary and detail refined as set out below:**

#### 14.1 Background

**Amend this section as notified to read as follows:**



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.

~~While mining can have economic benefits to the District, 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.

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 Prospecting and exploration can be carried out in stages and with varying degree and type of effects. Exploration activities can soon develop to a point where they can be considered in a similar manner as earthworks. A point can be reached with bulk sampling for instance where blasting, use of hazardous substances and volume of material being extracted will be considered as a mining proposal. The separation of mining into component parts is a useful way of understanding the nature of mining and the different clusters of effects mineral extraction can have. Which of these activities come into play will depend on the location, nature character and scale of ore extraction, location and method of waste disposal and location and nature of processing required (if any) and transport links between the activity hubs. The most appropriate means of addressing mining is by requiring an application to be made for Plan Change. In this way the particular issues and cluster of activities proposed can be identified and methods for managing their effects determined and then introduced into the Plan.

~~While mining can have economic benefits to the District, 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.

#### **Delete 4.2.2**

**In light of the recommendations to the Panel that further work will be done to address the overlays I will address any refinement required to objectives and policies when the further work has been completed.**

I expect there will be considerable interplay between landscape and other overlays when considering natural character landscape and amenity values. Biodiversity will come into play and so too will each of these layers when appreciating and providing for cultural and community values.

## CONCLUSION

I consider that the planning strategy based on establishing a prohibited activity status for mining is fundamentally correct.

As set out above the prohibited activity status is an acceptable and appropriate approach to take. It allows the full range of different circumstances to be applied to the Coromandel in order to achieve the purpose of the RMA.

In the Thames Coromandel District modern mining is not established. The old exploitative mining has been replaced and overtaken by a form of active community stewardship which seeks environmental outcomes based on activities that are consistent with the natural character, landscape and amenity values of the iconic 'Coromandel land and seascape

In key areas there is insufficient information or analysis to justify providing for a resource consent process for mining surface or underground or associated activities.

Until the nature of mining can be delineated and cluster of associated activities proposed with sufficient certainty to assess the full range of impacts likely a prohibited activity status is required. An ad hoc approach to mining would be avoided and mineral extraction can be considered by way of plan change to ensure with down stream effects or consequential effects, integrated management, cross boundary and precaution approach can be taken. This is necessary to settle a new industry into a district containing minerals of interest and a community that values its natural character, iconic Coromandel landscape and amenity values that extend throughout the overlays and parts of the district that currently lie outside their scope.

Graeme Lawrence  
Environmental Planner

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