

























67. I do not believe it is necessary to include a Maori perspective on mining in Section 14. Maori perspectives on mining may vary depending upon the site, the proposed mining activity, scale of operations, etc. There may also be different views between Māori landowners, local tangata whenua, and other Māori groups. There are provisions in the Plan that provide for tangata whenua input into resource consent applications through: Section 4 - Information Requirements for Resource Consents; Section 5 - Cross-Boundary Matters (the relevant staff recommendations on this section strengthen these provisions), and Section 17 Tangata Whenua.

#### **14.2 Issues**

68. CWH, CWFS and TCPS want the apparent priority afforded to mining activities to be removed. They request that Issue 14.2.2 be deleted, which reads:

*"Access to mineral and aggregate resources can be compromised by land uses or developments above or near mineral deposits, thereby inhibiting the community's ability to provide for its social and economic wellbeing."*

69. As mentioned in paragraph 62 above, the RPS includes provisions which require the Council to take into account the presence of minerals when managing development of the built environment. As was the case earlier, I consider Issue 14.2.2 necessary to set the scene/context for the Plan provisions that follow, which give effect to RPS requirements around protecting access to minerals.
70. CWFS also believe there needs to be some sort of acknowledgement in the Plan that a large proportion of the community is opposed to mining and that the 40 year history of the "No Mining" campaign has contributed significantly to the natural character of the Coromandel.
71. Whilst I accept there are a large number of people within the community, both locally and nationally, who are opposed to mining in the Coromandel, I do not have any information to confirm that 'a large proportion' of the community is opposed to mining. Similarly, I do not have any statistically sound information to support the view that the 40 year history of the "No Mining" campaign has contributed significantly to natural character on the Coromandel - it may have, but so may have other factors (e.g. landowner/farmer attitudes to land clearance, the cyclical nature of farming and forestry returns, land protection and restoration as a result of rural residential subdivision, etc.).
72. Trif Siknikoff and Betty Williams submitted about the need to protect the environment and the community from the harmful and destructive effects of mining - with specific reference to the need to protect the backbone of Papatuanuku.
73. I do not recommend any changes to the Plan as a result of these submissions as the rules in Section 37 (Mining Activities), with reference to the Objectives and Policies in Section 14, any relevant overlay provisions, and district-wide and area provisions are designed to protect the environment and the community from the adverse effects of mining.
74. I do however suggest an amendment to Issue 14.2.3 whereby the word 'exploration' be deleted to recognise that exploration, within Plan limits, will not result in contamination of the environment.

### 14.3 Objectives and Policies

75. WGCL have submitted in 'support with amendment' on objectives 1a and 1b, and policies 1a, 1b, 1f, 2a. The submitter also asks for a new Policy 1fa to address matters associated with the clearance of indigenous vegetation. New Zealand Petroleum and Minerals (NZP&M) have submitted on several objectives and policies in Section 14, namely objectives 1a, 1b and policies 1a, 1b, 1c, 1d, 1e, 1f and 1g.
76. CWH have submitted in opposition to Objectives 1a, 1b and 2, along with associated policies 1a, 1b, 1c, 2a, 3b and 4a and ask that these either be amended or deleted with an increased emphasis upon 'avoiding' all adverse effects on the environment. Forest and Bird have also asked for an increased emphasis upon avoiding adverse effects. Greenspot Guardians have submitted in support or opposition to all of the objectives in Section 14 and most of the policies - with specific wording suggestions.
77. Nga Kaitiaki o te Awaawa o Manaia has submitted in opposition to mining activities in general and requests that objectives 1a, 2, 3 and 4, along with associated policies 1a, b, c, f and g, policies 2a, 3a, 3b and 4a be either amended or deleted.
78. A number of submitters were in support of Objective 3 and asked for it to be retained. NZP&M submitted in support of Objective 3, along with policies 3a and 3b. CWH submitted in support of Objective 3 and Policy 3a but asked for an amendment to Policy 3b.
79. Following directions from the District Plan Hearings Panel, as mentioned in paragraph 49 above (i.e. continue to 'streamline and simplify the Plan', reduce the potential for duplication and contradiction), I recommend that the following objectives and policies be deleted from Section 14: objectives 1a, 2 and 4, policies 1a, 1b, 1c, 1f, 2a and 4a.
80. Whilst I recommend that submissions on the objectives and policies being deleted be rejected, where relevant, matters raised in submissions have been re-directed to the relevant hearing topics - for example, the Landscape and Natural Character topic which will be considered by the District Plan Hearings Panel at its meeting on 14-16 April 2015.
81. I also recommend amendments to some of the remaining objectives and policies (refer to Appendix 2). In summary, I recommend:
- amend Objective 1b and delete Policy 1f (as notified) to remove reference to 'compensate' which is not an RMA term;
  - amend policies 1e and 1g (as notified) to reference terms used elsewhere in the Plan and the RMA (e.g. residential amenity values, significant adverse effects); and
  - retain Objective 3 and Policies 3a and 3b (now renumbered to be Objective 2, Policies 2a and 2b).

### **Recommendations and reasons**

82. *R 14.1 Retain Section 14 - Mining Activities, with amendments as shown in Appendix 2.*
83. Reasons for the recommendations
- a) *The Proposed District Plan has been prepared in full cognisance of the RMA, HGMPA, NZCPS, RPS, Coromandel Peninsula Blueprint and relevant case law - as summarised in*

*the Council's Section 32 Report. Community opposition to mining, and expectations around the need for strong environmental management and protection, are reflected in the Plan provisions as notified.*

- b) Section 14 needs to be retained to 'future-proof' the rest of the Plan in case there is litigation around decisions on mining related submissions and provisions.*
- c) Provisions in Section 14 are being deleted to further simplify and streamline the Plan to reduce the potential for duplication and contradiction between District-wide, Area and Zone provisions and matters that would be better located in the relevant Overlay sections of the Plan (e.g. the Coastal Environment, Landscape and Natural Character, the Biodiversity and Historic Heritage Overlays).*
- d) Amendments have been made in Section 14 to improve certainty and accuracy, efficiency and effectiveness of Plan provisions.*
- e) It is not a given that future mining activities 'will' have a 'major' adverse impact on the unique natural values of the Coromandel nor is it certain there will be detrimental long term effects on the economy, community and environment of the Coromandel as a result of mining in the District.*
- f) The Proposed Plan recognises the potential for adverse effects if mining operations are not carefully managed. The Proposed District Plan provides the policy framework to avoid and/or manage potential adverse effects from mining operations and these provisions will be tested and refined through the submission and hearings process.*
- g) The Proposed RPS includes provisions which require the Council to take into account the presence of minerals when managing development of the built environment. The last sentence of paragraph 4 and Issue 14.2.2 are necessary to set the scene/context for the Plan provisions that follow which give effect to RPS requirements.*
- h) Maori perspectives on mining activities may vary depending upon the site, the proposed mining activity, scale of operations, etc. There are provisions already in the Plan that provide for tangata whenua input into resource consent applications that are of sufficient scale and significance.*
- i) Support for Plan provisions is acknowledged.*

Submitter <i>Further submitter</i>	Point # <i>FS point #</i>	Accept/Reject	Recommendation	Reason
Coromandel Watchdog Form Submitters	.6 (refer to Appendix 1A)	Accept in part	R 14.1	a), c), d), e), f), g)
Coromandel Watchdog Form Submitters	.7 (refer to Appendix 1A)	Reject	R 14.1	g),
Julian Brown	19.6	Accept in part	R 14.1	a), c), d), e), f), g)
<i>John David Isdale - oppose</i>	<i>FS910.16</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), c), d), e), f), g)</i>
Thomas Everth	80.1	Accept in part	R 14.1	a), c)
Thomas Everth	80.4	Accept in part	R 14.1	d), e), f),
Susan Whitefield	213.1 & .2	Accept in part	R 14.1	a), c), d), e), f), g)
Ron Egan and Sue Dorrington	229.4	Accept in part	R 14.1	a), f), g)
Ron Egan and Sue Dorrington	229.11 & .12, .13	Accept in part	R 14.1	c), d), i)
Rosalie Steward	235.2 & .3	Accept in part	R 14.1	a), f)
Marcia Sowman	240.6	Accept in part	R 14.1	a), c), d), e), f), g)

<i>Hauraki Prospectors Association Inc - oppose</i>	FS664.4	Accept in part	R 14.1	a), c), d), e), f), g)
Thames Coast Protection Society	274.1	Accept in part	R 14.1	a), c), d), e), f), g)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	FS443.37	Accept in part	R 14.1	a), c), d), e), f), g)
Lawrence and Robyn Winkler	297.2, .3, .4, .5 & .6	Accept in part	R 14.1	a), b), c), d), e), f), g)
Dean Glen, Claire Elliot, Sol Glen, Roy Glen and Black Jack Farms	298.20	Accept in part	R 14.1	a), b), c), d), e), f), g)
Environmental Defence Society Ltd	320.27	Accept in part	R 14.1	a), b), c), d), e), f),
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	FS443.38	Accept in part	R 14.1	a), b), c), d), e), f),
<i>James Lux, Kimberlea Lux - oppose</i>	FS624.46	Accept in part	R 14.1	a), b), c), d), e), f),
Chris & Lyndsay Ison	365.17, .18 & .19	Accept in part	R 14.1	a), c), d), e), f), g)
Scott Wynands	372.1	Reject	R 14.1	a), f),
Simon Powell	391.3	Reject	R 14.1	a), f)
Joyce Birdsall	405.25, .26, .27, .28, .29, .30, .31 & .32	Accept in part	R 14.1	a), c), d), e), f), i)
Waihi Gold Company Ltd trading as Newmont Waihi Gold	443.7	Accept in part	R 14.1	a), c), d), i)
<i>Greenspot Guardians - Neutral</i>	FS782.31	Accept in part	R 14.1	a), c), d), i)
<i>Heritage New Zealand Pouhere Taonga - oppose</i>	FS1384.36	Accept in part	R 14.1	a), c), d), i),
Green Party of Aotearoa New Zealand	435.1	Reject	R 14.1	a), e), f), g)
Waihi Gold Company Ltd trading as Newmont Waihi Gold	443.8	Accept in part	R 14.1	c), d), i)
<i>Greenspot Guardians - oppose</i>	FS782.32	Accept in part	R 14.1	c), d), i)
<i>Greenspot Guardians - support</i>	FS782.33	Accept in part	R 14.1	c), d), i)
Henry John Mackeson	448.1	Reject	R 14.1	a), b)
Trif Sitnikoff	476.4	Accept in part	R 14.1	a), f), e)
Betty Whitiri Williams	502.1	Accept in part	R 14.1	a), f)
Christine Vickerman	578.42	Reject	R 14.1	a), d)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	FS443.40	Reject	R 14.1	a), d)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	FS443.41	Reject	R 14.1	a), d)

- support				
Graeme Harrison	583.4	Reject	R 14.1	a), e), f)
Yvonne Thompson	588.1 & .2	Reject	R 14.1	a), c), d), g),
Bruce Vickerman	619.8	Accept in part	R 14.1	a), b), c), d)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.42</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), b), c), d)</i>
Gian McGregor and Michael Smither	662.2	Accept in part	R 14.1	a), b), c), d), e), f), g)
New Zealand Petroleum and Minerals	714.1	Accept in part	R .14.1	a), b), c), d), i)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.43</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), b), c), d), i)</i>
<i>Greenspot Guardians - oppose</i>	<i>FS782.19</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), b), c), d), i)</i>
Tairua Environment Society	751.10	Reject	R 14.1	a), b), c), d), e), f)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.44</i>	<i>Accept</i>	<i>R 14.1</i>	<i>a), b), c), d), e), f)</i>
Peter Alexander Buddle	776.2	Accept in part	R 14.1	a), c), d), e), f), g)
Kathy Anne Mason	778.1	Accept in part	R 14.1	a), b), c), d)
Royal Forest and Bird Protection Society of New Zealand Inc	780.5	Reject	R 14.1	a), c), d), e), f)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.45</i>	<i>Accept</i>	<i>R 14.1</i>	<i>a), c), d), e), f)</i>
<i>Chris Lux, James Lux, Kimberlea Lux - oppose</i>	<i>FS624.21</i>	<i>Accept</i>	<i>R 14.1</i>	<i>a), c), d), e), f)</i>
Mercury Bay branch of the Royal Forest and Bird Protection Society	781.5	Accept in part	R 14.1	a), b), c), d), i)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.46</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), b), c), d), i)</i>
Greenspot Guardians	782.2	Accept in part	R 14.1	a), b), c), d), e), f), g), i)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.47</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), b), c), d), e), f), g), i)</i>
Michelle Dobson	784.1 & .4	Accept in part	R 14.1	a), c), d), e), f), g),



				h)
Ngaati Whanaunga Environment Unit	790.22	Reject	R 14.1	h)
<i>Te Kupenga o Ngati Hako - support</i>	<i>FS1382.7</i>	<i>Reject</i>	<i>R 14.1</i>	<i>h)</i>
Ngaati Whanaunga Environment Unit	790.23	Reject	R 14.1	c), d)
Alastair Brickell	820.1	Accept in part	R 14.1	a), b), c), d)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.48</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), b), c), d)</i>
Environment and Conservation Organisations of NZ INC	823.3	Reject	R 14.1	a), b), c), d), e), f), g)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.49</i>	<i>Accept</i>	<i>R 14.1</i>	<i>a), b), c), d), e), f), g)</i>
Cath Wallace and Barry Weeber	883.2	Accept in part	R 14.1	a), c), d), e), f), g),
Christopher Errol Turner	891.2	Reject	R 14.1	a), b), e), f)
Suzanne Margaret Croft	900.4	Accept in part	R 14.1	a), d), e), f)
Coromandel Watchdog of Hauraki Inc	912.1	Accept in part	R 14.1	a), b), c), d), e), f), g)
<i>Greenspot Guardians - support</i>	<i>FS782.16</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), b), c), d), e), f), g)</i>
Nga Kaitiaki o te Awaawa o Manaia	955.1	Accept in part	R 14.1	a), b), c), d), e), f), i)
Donald Hughes	963.1	Reject	R 14.1	a), b), c), d)
Upper Coromandel Branch of Forest and Bird	1055.2	Accept in part	R 14.1	a), b), c), d), f), i)
Kiri Sta	1076.1	Accept in part	R 14.1	a), b), c), d), e), f)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.53</i>	<i>Accept in part</i>	<i>R 14.1</i>	<i>a), b), c), d), f), i)</i>
Arty Chambers	1073.7	Reject	R 14.1	g)
<i>Hauraki Prospectors Association Inc - oppose</i>	<i>664.3</i>	<i>Support</i>	<i>R 14.1</i>	<i>g)</i>
Joan Delellis	1139.2	Accept in part	R 14.1	a), c), d), e), f), g)
Surfbreak Protection Society	1199.15	Reject	R 14.1	a), f)
Surfbreak Protection Society	1199.26	Accept in part	R 14.1	a), b), h)
Surfbreak Protection Society	1199.29 & .30	Accept in part	R 14.1	a), b), c), d), e), f)
Surfbreak Protection Society	1199.31	Reject	R 14.1	g)
Surfbreak Protection Society	1199.32	Reject	R 14.1	a), d)

<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.55</i>	<i>Accept</i>	<i>R 14.1</i>	<i>a), d)</i>
Surfbreak Protection Society	1199.36	Accept in part	R 14.1	a), b), c), d), e), f), g)

### Section 37 - Mining Activities (District-wide Rules)

84. Section 37 of the Plan contains 'District-wide Rules' for the management of mining activities. As with Section 14, Section 37 of the Plan was intended to 'separate out' provisions for mining activities and to group these at the 'district' level in an attempt to reduce the risk of mining related litigation affecting large parts of the Plan. There were a large number of submissions received on Section 37.
85. As noted earlier, there are seven mining related activities defined in the Plan and included in Section 37, these are:
- prospecting;
  - exploration;
  - quarrying;
  - underground mining;
  - surface mining;
  - mineral processing; and
  - waste rock/tailings storage
86. The approach the Plan takes for individual mining activities is based upon a 'hierarchy' of effects each of these activities could be expected to have on the environment. As part of the assessment consideration was given to:
- the likely environmental effects of individual and associated activities with regard to Council's RMA responsibilities (including integrated resource management);
  - the purpose of the relevant Zone/Overlay;
  - the overall policy framework of the Plan (objectives, policies and rules); and
  - comments and feedback received on the Draft Plan and other related consultation.
87. One submitter (Kiri Sta) who is opposed to mining on the Coromandel asked that Section 37 be removed from the Plan. I do not support this request as, noted earlier, mining activities are legitimate and it is important to have a clear framework within which to regulate and control the potential effects of these activities on the environment.

#### 37.1 Background

88. Chris and Lyndsay Ison have asked that Section 37.1 be amended to indicate that mining activities have been separated out to ensure adequate control of these activities.
89. As noted above, Section 37 is intended to temporarily 'separate out' the mining related rules from the rest of the Plan - to reduce the risk of possible litigation affecting large parts of the Plan. I therefore do not support amending the Background as suggested, as it is intended that

the provisions in the Plan will be robust enough to ensure appropriate control of the effects of mining and this does not need to be stated in the Background.

90. The Environmental Defence Society (EDS) and Surfbreak Protection Society have submitted in opposition to Section 37.1 and ask that it be amended to refer to avoiding adverse effects on high natural value areas (e.g. areas within the Coastal Environment, the Conservation Zone, Landscape and Natural Character Overlay, etc.) and managing adverse effects on other natural values.
91. In response I note that the Overlay provisions in the Plan (in Part II and Part VI), which identify the special values of the Coromandel, sit above the District-wide rules and would be used to avoid/manage adverse effects associated with mining activities on those areas. The relationship between the 'Overlay Rules' and the 'District-wide Rules' is explained in Section 1.3 of the Plan ('The Resource Management Policy and Planning Framework' is outlined in Section 5.1 of the Plan) and no wording changes are recommended as a result of this submission.
92. It is unclear from the submissions what the reference to 'other natural values' is to. For some activities affecting natural values (e.g. where an activity has an effect upon water quality) a resource consent would more than likely be required from the Waikato Regional Council and it would be the regional consent process that would deal with these effects. For proposed mining activities in areas where Overlay provisions do not apply, resource consent applications would be assessed on their merits and effects on the environment managed through the consent processes - of both the Thames-Coromandel District and Waikato Regional councils.
93. Greenspot Guardians ask for Section 37.1 to be amended to better reflect uncertainties regarding mineral resources in the Coromandel, the importance of natural and community values, and the heavy rainfall environment of the District. I recommend that this submission be accepted in part with some additional words adding context and improving accuracy.
94. NZP&M have asked that Section 37.1 be retained.

#### ***Recommendations and reasons***

95. *R 37.1 Retain Section 37.1 as notified with amendments as set out in Appendix 2.*
96. Reasons for the recommendations
  - a) *Section 37 is intended to 'separate out' the mining related rules from the rest of the Plan to reduce the risk of possible litigation affecting large parts of the Plan in the future.*
  - b) *Support for the Background statement in Section 37.1 is acknowledged.*
  - c) *The Proposed Plan recognises the potential for adverse effects if mining operations are not carefully managed. The Proposed District Plan provides the policy framework to avoid and/or manage potential adverse effects from mining operations and these provisions will be tested and refined through the submission and hearings process.*
  - d) *The Overlay provisions in the Plan (in Part II and Part VI), which identify the special values of the Coromandel, sit above the District-wide rules and will be used to avoid adverse effects associated with mining activities on those areas.*
  - e) *The amended words add context and improve accuracy.*

Submitter <i>Further submitter</i>	Point # <i>FS point #</i>	Accept/Reject	Recommendation	Reason
Environmental Defence Society Ltd	320.28	Reject	R 37.1	c), d)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.80</i>	<i>Accept</i>	<i>R 37.1</i>	<i>c), d)</i>
Chris and Lyndsay Ison	365.9	Reject	R 37.1	a)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.82</i>	<i>Accept</i>	<i>R 37.1</i>	<i>a)</i>
New Zealand Petroleum and Minerals	714.2	Accept in part	R 37.1	b), e)
<i>Environmental Defence Society Ltd - oppose</i>	<i>FS 320.124</i>	<i>Accept in part</i>	<i>R 37.1</i>	<i>b), e)</i>
<i>H. G Leach and Company Ltd - support</i>	<i>FS419.6</i>	<i>Accept in part</i>	<i>R 37.1</i>	<i>b), e)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.86</i>	<i>Accept in part</i>	<i>R 37.1</i>	<i>b), e)</i>
<i>Greenspot Guardians - oppose</i>	<i>FS782.20</i>	<i>Accept in part</i>	<i>R 37.1</i>	<i>b), e)</i>
Greenspot Guardians	782.4	Accept in part	R 37.1	e)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.90</i>	<i>Accept in part</i>	<i>R 37.1</i>	<i>e)</i>
Kiri Sta	1076.1	Reject	R 37.1	a)
Surfbreak Protection Society	1199.27	Reject	R 37.1	d)

### Mining Activities and Activity Status in 'Zones'

97. A large number of submissions were received asking for changes to the activity status prescribed to mining activities in the Plan (in Section 37, Rules 1, 2 and 3). Most of the submissions received were in opposition to mining and a large number of these requested one of the following, or a variation thereof:

- *Make all mining activities (including prospecting and exploration) a prohibited activity in all zones, or other such relief that has the same effect.*
- *Make all mining activities non-complying in all zones except where the Plan provides for prohibited.*
- *Make all mining activities, other than quarrying, a prohibited activity.*
- *Prohibit surface mining in the Rural and Conservation Zones.*
- *Prohibit surface and underground mining in the Conservation, Rural, Industrial, Conservation, Recreation Active, Recreation Passive, Coastal Living and Residential Zones.*

98. The 'activity status hierarchy' in the RMA ranges from permitted, to controlled, restricted discretionary, discretionary, non-complying and finally prohibited activities. The full range of activity statuses has been employed in Section 37 to manage the potential effects of mining activities.

**37.3 Permitted Activities (Rules 1 and 2)**

99. As mentioned, many submitters requested that all mining activities (including 'prospecting' and 'exploration') be prohibited on the Coromandel Peninsula.
100. Greenspot Guardians submitted in opposition to Rule 1 and Rule 2 and asked that these Rules be amended so that 'prospecting' and 'exploration' become prohibited activities in areas where mining is prohibited. EDS have asked that prospecting be prohibited in areas where mining is prohibited.
101. Forest and Bird and the Mercury Bay branch of Forest and Bird (MBF&B) have submitted that Rule 2.1 be amended so that 'exploration' is either a discretionary or restricted discretionary activity (instead of permitted) in the Industrial Area and the Rural Zone (deleting reference to the Rural 'Area' and the Conservation Zone). EDS opposes the permitted activity status for 'exploration' and asks that exploration be a controlled activity where threshold standards are met in industrial and rural areas. EDS also ask that exploration be prohibited in the Conservation Zone and areas with high natural values. Ngaati Whanaunga Environment Unit ask that prospecting and exploration become restricted discretionary activities.
102. WGCL and NZP&M have submitted in support of the current activity status for prospecting and exploration with NZP&M asking for Rule 1 and Rule 2 to be retained.
103. In response to submissions I note that the act of 'prospecting' (e.g. geological, geochemical, and geophysical surveys, the taking of samples by hand or hand held methods, aerial surveys, etc.) is considered to have negligible effects on the environment and has therefore been classified as a permitted activity everywhere in the District (Section 37, Rule 1).
104. For 'exploration' (e.g. drilling, dredging or excavations to determine the nature and size of a mineral deposit or occurrence), activity within set standards is also a permitted activity (Section 37, Rule 2). Where the proposed exploration activity fails a standard/s it becomes either a restricted discretionary or discretionary activity - with discretionary activities requiring assessment against the relevant objectives and policies of the Plan.
105. It is also worth noting that in the Plan 'prospecting' and 'exploration' are treated as activities in their own right. Neither prospecting nor exploration (within standards) is considered to have significant adverse effects on the environment to warrant a 'tougher' activity status or planning process. Also, neither prospecting nor exploration necessarily leads to further mining activity. If subsequent mining activity was to be proposed, for example, as a result of information gained from prospecting or exploration, then that activity would be assessed on its merits against the relevant planning provisions of both the Council and any other consenting authority (e.g. the Waikato Regional Council).
106. In response to requests to prohibit prospecting and exploration in areas where other mining activities are prohibited, prospecting and exploration have negligible/manageable effects on the environment and can produce valuable information on the mineral resources of the District. Even in areas where mining is prohibited there is the opportunity for an applicant to apply for a plan change, which goes through an extensive consultation process, to enable a resource consent application to access the minerals. Prohibiting prospecting and exploration cannot be justified on an effects basis and denies industry the opportunity to investigate extraction in ways that may achieve social and economic benefits whilst also achieving sustainable environmental outcomes.

107. In relation to Rule 2.1 b), MBF&B and Greenspot Guardians ask that the ability to clear 50m<sup>2</sup> of indigenous vegetation for exploration purposes be limited to 50m<sup>2</sup> 'per approved permit'. WGCL have asked that the Plan allow for 150m<sup>2</sup> of indigenous vegetation clearance for exploration, or more if approved by DOC. The Thames-Coromandel District Council have asked that 2.1 b) be deleted and that activities involving the removal of indigenous vegetation instead be managed through Section 29 - Biodiversity (Overlay Rules).
108. I recommend that the Thames-Coromandel District Council submission be accepted and that Rule 2.1 b) be deleted. This would mean that any activity that involves clearing indigenous vegetation above the 'reasonable use' threshold - regardless of whether or not the clearance is for mining - requires resource consent to firstly be obtained. The deletion of Rule 2.1 b) will avoid the perception that mining activities are being afforded 'special treatment' and the assessment of effects will be able to look at whether or not the clearance should proceed.
109. In relation to DOC approval for vegetation clearance to enable exploration, the 'reasonable use' threshold applies to the Conservation Zone the same as it does for other land. If indigenous vegetation clearance is proposed in the Conservation Zone above thresholds then resource consent would be required - unless the clearance is being undertaken by the Crown and the work is in accordance with the Waikato Conservation Management Strategy.
110. MBF&B and Greenspot Guardians have asked that Rule 2.1.c) be amended so that it reads:
- "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 including timeline, expected outcome, standards and any other instruments required to adequately ensure that any negative effects of this activity are minimised."*
111. I partly agree with the submitters and recommend words be added to Rule 2.1 c) to provide additional certainty around rehabilitation outcomes (refer to Appendix 2).

#### **37.4 Other Mining Activities**

112. Rule 3 manages five activities that can occur under the umbrella of other mining activities - 'mineral processing', 'quarrying', 'surface mining', 'underground mining' and 'waste rock/tailings storage'. Assessment against the hierarchy of effects has produced a range of activity statuses with waste rock/tailings storage expected to potentially have the most significant effect on the environment followed by surface mining, mineral processing, underground mining and quarrying - as reflected in Rule 3, Table 1. For the sake of convenience I have copied Table 1 from the Plan and include it below:

<b>Table 1 - Activity Status of Mineral Processing, Quarrying, Surface mining, Underground mining and Waste rock/tailings storage</b>						
<b>Zone</b>	<b>Mineral processing</b>	<b>Quarrying</b>	<b>Surface mining</b>	<b>Underground mining</b>	<b>Waste rock/tailings storage</b>	
<b>Rural</b>	Non-complying	Restricted discretionary	Discretionary	Discretionary	Non-complying	
<b>Rural Lifestyle</b>						
<b>Industrial</b>	Discretionary	Restricted discretionary	Prohibited	Discretionary	Non-complying	
<b>Light Industrial</b>	Discretionary	Restricted discretionary			Prohibited	
<b>Marine Service</b>	Non-complying	Non-complying				
<b>Airfield</b>	Non-complying	Non-complying	Non-complying	Discretionary	Prohibited	
<b>Road</b>						
<b>Commercial</b>	Prohibited	Prohibited	Prohibited	Prohibited	Prohibited	
<b>Gateway</b>						
<b>Pedestrian Core</b>						
<b>Conservation</b>	Non-complying	Discretionary	Non-complying	Discretionary	Prohibited	
<b>Open Space</b>	Prohibited	Non-complying	Prohibited	Non-complying		
<b>Recreation Active</b>						
<b>Recreation Passive</b>						
<b>Coastal Living</b>	Non-complying	Non-complying	Prohibited	Discretionary	Prohibited	
<b>Extra Density Residential</b>	Prohibited	Prohibited		Prohibited		Non-complying
<b>Low Density Residential</b>						
<b>Residential</b>						
<b>Village</b>	Prohibited	Prohibited	Prohibited	Non-complying	Prohibited	
<b>Waterfront</b>						

113. A synopsis of thinking around the activity status for each of the above activities is provided in Part IV B of the Council's Section 32 Report. To summarise by area/zone, in residential and commercial areas mining activities are generally prohibited. In other areas, surface mining, mineral processing and waste rock/tailings storage are generally non-complying or prohibited - recognising the significant potential adverse environmental effects of these activities. Underground mining generally has a less onerous activity status than surface mining as does quarrying - in recognition of the industry relevant management plans which help mitigate adverse effects and the contribution the aggregate industry makes toward the social and economic well-being of the District.
114. EDS, Forest and Bird, MBF&B and Greenspot Guardians have asked that Rule 3, Table 1 be significantly revised - for example, to make all mining activities in the Conservation Zone and Coastal Environment prohibited activities, underground mining prohibited in the Coastal Living Zone (instead of discretionary), surface mining prohibited (instead of discretionary) and underground mining non-complying (instead of discretionary) in the Rural Lifestyle Zone.
115. WGCL have asked that mineral processing and waste rock/tailings storage within the Rural Zone be a discretionary activity instead of non-complying as notified in the Plan. NZP&M have requested that Table 1 be amended so that waste rock/tailings storage becomes a non-complying activity in the Conservation Zone instead of prohibited as notified.

116. WGCL have also asked that underground mining that has no surface expression become a discretionary activity in the Recreation Passive Zone (currently non-complying) and that Council clarifies the intent and application of Note 1 in Rule 3 which refers to the management of underground mining in various zones. CWH, CWFS and the TCPS have also mentioned the need for clarification around Note 1.
117. In light of the submissions received I have reconsidered Table 1 and, for the most part am satisfied with the allocated activity statuses. The exception to this is the activity status for underground mining in the Recreation Passive Zone where I concur with the above submission by WGCL. In light of the low level of land modification and structures on the Recreation Passive Zone, the fact that there is no surface expression and that some of the reserves have little public usage due to their location, topography or inaccessibility, I recommend that the activity status be amended from non-complying to discretionary.
118. For all other mining activities in zones I do not recommend changes to the allocated activity statuses. As summarised in the Council's Section 32 Report, when assessing the scale and significance of potential adverse environmental effects from individual mining activities the Council has taken advice from planning, engineering, environmental and industry experts, guidance from the various court decisions, assessed activities within the overall strategic framework of the Plan (i.e. with reference to the relevant objectives and policies of the Plan), and had regard to community views and expectations.
119. With specific reference to use of the 'prohibited' activity status, the Council's approach has been informed by case law where the courts have found the prohibited activity status for certain activities can be appropriate in specific situations (refer to paragraphs 29 to 34 above). Whilst there are no 'blanket' prohibitions for mining anywhere in the District, in many cases it has been determined that the appropriate activity status for individual mining activities should be 'prohibited'.
120. In an overall sense I am satisfied that the process to determine activity status has been logical and robust.
121. In relation to Note 1 in Rule 3, I agree with submitters that clarification is required and, upon taking advice, recommend that Note 1 be amended as follows:

**NOTE**

*1 The underground mining rules ~~only apply~~ to the zone where the activity is at the ground surface, and also ~~The rule does not apply~~ to other zones where activity is underground.*

122. The amendment to Note 1 reflects the reality where any underground mining application would need to consider surface land uses and the relevant objectives and policies for not just the 'portal' but also for any surface features, underground tunnels and mining activities, and the potential for surface stability/effects.

**Other Submissions on Section 37**

123. In addition to submissions received around 'activity status', a number of submissions were also received on other aspects of Section 37.



124. MBF&B and Greenspot Guardians have submitted that a new section should be inserted into Table 3 that covers ecological factors that the Council should consider when evaluating the potential impacts of proposed mining activity.
125. In response I note that Section 29 of the Plan - Biodiversity (Overlay Rules) and Section 32.7 - Natural Character Overlay Rules provide provisions for managing potential effects of mining activities on the ecological values for which the Thames-Coromandel District Council is responsible. There are also ecological factors (e.g. water quality and quantity) that are the responsibility of the Waikato Regional Council and effects of mining activities on these values would be assessed and managed via that Council.
126. The relationship between the 'Overlay Rules' and the 'District-wide Rules' is explained in Section 1.3 of the Plan and Section 5 sets out the 'Cross-Boundary Matters', including the Resource Management Policy and Planning Framework, that applies to the Thames-Coromandel District. I do not recommend any changes to the Plan as a result of these submissions.
127. EDS and other submitters have asked that the Plan be amended to ensure adequate provisions for remediation/rehabilitation of sites following mining activities.
128. I note that for the activity of 'exploration' a rehabilitation plan is required as a permitted activity standard. For other mining activities that are either discretionary or non-complying, assessment would be against all of the relevant objectives and policies in the Plan and the remediation/rehabilitation would be addressed through the conditions of resource consent (assuming consent was granted). However, for restricted discretionary activities (exploration that does not meet permitted standards and quarrying in some zones) there is no restricted discretionary activity matter specifically dealing with remediation/rehabilitation. I suggest an additional 'matter' be added to Table 3, as shown in Appendix 2.
129. WGCL have submitted that it is unclear whether or not the earthworks and noise rules in each zone apply to mining activities. They ask that a note be added to each Zone in Part VIII saying that the zone Rules do not apply to mining activities covered by Section 37.
130. I do not recommend any changes to the Plan as a result of this submission. The earthworks and noise rules for each zone apply to all activities, including mining activities. It should be noted by the submitter that in relation to mining activities, the activity status will be more onerous than for any earthworks - meaning that earthworks would be assessed within the overall context of the mining activity being proposed. Noise effects would also be assessed in accordance with the relevant zone standards, location, mitigation measures, effects on neighbouring properties, etc.
131. WGCL have also asked that a new Rule be inserted into Section 37 and the Rural Zone to enable small-scale blast trials to occur on a limited basis without requiring resource consent.
132. In response I note that the effects of blasting (audible noise, vibration and earth movement) are covered by the noise and earthworks provisions for the relevant zone. I therefore recommend that the definition for 'earthworks' be amended as follows:

*"Earthworks means the disturbance of land by excavating, blasting, moving, depositing and/or compacting of soil or rock."*

133. This means that within the zone, as long as the relevant noise and earthworks standards are met, blasting can occur as a permitted activity. If these standards are to be breached then resource consent would be required. It should be noted that for any larger scale mining activity, the effects of blasting would be addressed as part of the overall resource consent application.

#### **Section 43 - Conservation Zone and Schedule 4 Land**

134. Coromandel Watchdog Form Submitters (CWFS), and others, ask that all 'High Value Conservation Areas' identified in Schedule 4 of the Crown Minerals Act 1991 be included within the Conservation Zone and that in these areas all mining activities be prohibited.
135. On the Coromandel Peninsula all public conservation land north and north-west of State Highway 25A (the Kopu-Hikuai road) and the road from Hikuai to Pauanui Beach (the Hikuai Settlement road) is listed in Schedule 4 of the Crown Minerals Act 1991 (land to which access restrictions apply). There is also part of the Otahu Ecological Area within the Thames-Coromandel District and the Parakawai Geological Area on the southern boundary of the District.
136. The approach taken in the Plan has been to zone all public conservation land managed by DOC as 'Conservation'. Although all areas of land identified within Schedule 4 should be zoned Conservation in the Plan, an electronic planning map search as a result of submissions has identified some areas of public conservation land (identified within Schedule 4) which is not currently zoned Conservation. These submissions provide the opportunity to rectify these anomalies (which will be confirmed via the hearing to consider 'Rezoning/Planning Maps' scheduled for 25 March 2015).
137. With regard to making all mining activities in the Conservation Zone prohibited, as with other zones, a 'blanket' approach has not been taken toward prohibiting mining activities. An assessment of likely environmental effects has resulted in an activity status of discretionary for quarrying and underground mining, non-complying for mineral processing and surface mining, and prohibited for waste rock/tailings storage.
138. In terms of managing biodiversity values, where an application for a mining activity was being proposed in the Conservation Zone, Section 29 of the Plan (Biodiversity Overlay - Rules) would apply whereby the clearance of indigenous vegetation is a discretionary activity - thereby being subject to assessment against the relevant objectives and policies in the Plan. Approval from DOC for a mining activity does not remove the Council's responsibility to control land use to maintain biodiversity under RMA s.31 (b)(iii).
139. In addition to RMA processes, the clearance of indigenous vegetation in the conservation estate must be approved by DOC and any potential applicant must firstly obtain access permission from the Minister of Conservation. There are additional/specific access restrictions that apply to land contained within Schedule 4 of the Crown Minerals Act.

#### **Mining Activities and Activity Status in 'Overlays'**

140. The Plan uses a number of 'overlays' to identify the special values of the District. The overlays have been developed with significant technical, community and landowner input and are designed to address the matters of national importance in Part II of the RMA.

141. When an overlay sits over a site the overlay has additional rules for specific activities and a 'tougher' activity status may apply. For example, in the Rural Zone an application to establish a 'surface mine' would have a discretionary activity status whereas an application to establish the same activity on land in the Rural Zone, where the 'Outstanding Landscape Overlay' applies, would be a prohibited activity.
142. The activities of 'prospecting' and 'exploration' are purposely not mentioned in the overlays. For these activities Rules 1 and 2 in Section 37 apply, with 'prospecting' being a permitted activity everywhere in the District and 'exploration', within standards, also a permitted activity. Refer to paragraphs 103 to 106 above for further explanation.
143. With specific reference to mining activities, the overlays that have attracted submissions are: Coastal Environment; Biodiversity; Landscape and Natural Character, and Historic Heritage. Nearly all of the submissions received on the overlays were in opposition to mining and most of these requested that all mining activities in these overlays be prohibited.

#### **Section 7 - Coastal Environment Overlay**

144. The Plan maps the Coastal Environment via a line that uses criteria from the NZCPS, the RPS and the HGMPA. The Coastal Environment Overlay acts as a 'policy trigger' where applications for discretionary and non-complying resource consents within the line would need to consider the effect of the activity on the special values (if any) of the coastal environment. The overlay also contains additional standards and thresholds for some activities (e.g. colours and reflectivity).
145. A large number of submitters have asked that rules be added to the Coastal Environment Overlay to prohibit all mining activities.
146. In response I note that the NZCPS, which sets policies in relation to the coastal environment, was prepared under the RMA with the goal of sustainable management (managing the use, development and protection of natural and physical resources). Neither the RMA nor the NZCPS seek to preclude use and development, but rather ensure that the values of the Coastal Environment are maintained or enhanced and protected. Further, Policy 6(1)(a) of the NZCPS states that RMA practitioners shall recognise that in the coastal environment:

*"... the extraction of minerals are activities important to the social, economic and cultural well-being of people and communities" (Policy 6(1)(a)).*

147. A 'blanket' approach toward prohibiting mining activities in the Coastal Environment has therefore not been taken. However, where values have been identified within the coastal environment (e.g. within an area of outstanding natural character), a prohibited activity status may apply for particular mining activities.

#### **Section 29 - Biodiversity Overlay**

148. A relatively small number of submitters asked for changes to Section 29 of the Plan (Biodiversity Overlay - Rules) relating specifically to mining activities - although there were large numbers of submitters opposed to mining who mentioned the need to protect ecological values, the Conservation Zone and Schedule 4 land (refer to paragraphs 134-139 above).

149. Submitters generally asked for a new rule to be added in Section 29 that would 'prohibit' all mining activities within the Biodiversity Overlay.
150. The approach taken in the Biodiversity Overlay is to provide for 'reasonable use', within standards. Where standards are breached, regardless of the type of activity being proposed, resource consent would be required for the clearance of indigenous vegetation - the activity status of the consent being dependent upon the size of the area proposed to be cleared, location, on-site biodiversity values, etc. Biodiversity value may be retained despite vegetation clearance through actions such as biodiversity offsets (re-creating or enhancing habitat), compensation, or replanting the cleared area. Prohibition is not considered necessary to maintain biodiversity value.
151. For reasons traversed earlier in this report (refer to paragraphs 29-34 above), I do not support the addition of a 'blanket rule' specifically prohibiting mining activities in the Biodiversity Overlay.

### **Section 31 - Historic Heritage Overlay**

152. A small number of submitters asked for changes to Section 31 of the Plan (the Historic Heritage Overlay) so that all mining activities within and under the historic heritage areas become prohibited.
153. In response, the Historic Heritage Overlay does not mention any of the mining activities and therefore the relevant zone provisions would apply if a mining activity was to be proposed. It is noted that most of the Historic Heritage Overlay areas are in the towns of Thames and Coromandel and that in the 'urban' type zones (in the Residential and Commercial Areas) most mining activities are already prohibited.
154. For reasons traversed earlier in this report (refer to paragraphs 29-34 above), I do not support the addition of a 'blanket rule' specifically prohibiting mining activities in the Historic Heritage Overlay.

### **Section 32 - Landscape and Natural Character Overlay**

155. CWFS, and others, request amendments to the Plan to make all mining activities prohibited in the Landscape and Natural Character Overlay (i.e. in each of the Outstanding Landscape, Amenity Landscape and Natural Character Overlay Rule sections - Sections 32.3, 32.5 and 32.7 respectively). There were also submissions from mining interests asking for a relaxation of planning provisions for specific mining activities in specific overlays.
156. The Plan maps Outstanding Landscapes, Amenity Landscapes and areas of high Natural Character with planning provisions specific to each included within Section 9 (Landscape and Natural Character - Overlay Issues, Objectives and Policies) and Section 32 (Landscape and Natural Character - Overlay Rules). The following table summarises the activity status of the five 'mining activities' included within the Landscape and Natural Character Overlays:

	Outstanding Landscape	Amenity Landscape	Natural Character
Mineral processing	Prohibited	Prohibited	Prohibited
Quarrying	Prohibited	Discretionary	Non-complying
Surface mining	Prohibited	Discretionary	Non-complying
Underground mining	Non-complying	Discretionary	Non-complying
Waste rock/ tailings storage	Prohibited	Prohibited	Prohibited

157. WGCL and NZP&M have asked that in the Outstanding Landscape Overlay and the Natural Character Overlay underground mining without 'surface expression' be made a discretionary activity - instead of non-complying as is currently the case (requesting amendments to Rules 7, 8 and 17).
158. MBF&B and Greenspot Guardians have taken an opposing view to the submitters above and have requested that Rules 7, 8 and 17 be amended so that underground mining becomes a prohibited activity in the Outstanding Landscape Overlay and the Natural Character Overlay. Coromandel Watchdog of Hauraki Inc (CWH) have gone further and asked that Rules 7 and 8 be amended so that 'mineral prospecting', 'mineral exploration' and 'underground mining' all become prohibited activities in the Outstanding Landscape Overlay.
159. NZP&M have asked that Rule 8 be amended to provide for mineral processing, quarrying, surface mining and waste rock/tailings storage in the Outstanding Landscape Overlay as non-complying activities (instead of prohibited activities). NZP&M have also asked for Rules 14 and 18 to be amended to provide for mineral processing and waste rock/tailings storage (in the Amenity Landscape Overlay and the Natural Character Overlay respectively) as non-complying activities (instead of prohibited as notified).
160. MBF&B and Greenspot Guardians have submitted that Rule 13 be amended so that quarrying, surface mining and underground mining become prohibited activities in the Amenity Landscape Overlay, instead of discretionary as is the case in the Plan as notified. CWH have taken a tougher stance toward Rules 13, 14, 17 and 18 asking that only quarrying remain a discretionary activity (in the Amenity Landscape Overlay and the Natural Character Overlay respectively). CWH ask for the addition of 'mineral prospecting', 'mineral exploration', 'underground mining' and 'surface mining' to the list of prohibited activities in Rule 14 (Amenity Landscape Overlay Rules).
161. As was the case for mining activities within the zones, I have reviewed the activity statuses for mining activities within the overlays and, for the most part, am satisfied with the provisions as notified. The exception to this is the activity status for underground mining (without surface expression) in the Outstanding Landscape and the Natural Character Overlays where I concur with the submission by WGCL and recommend that for this activity the status be amended from non-complying to discretionary. I recommend this in light of the absence of adverse effects (i.e. landscape and natural character effects) this activity would have on the values that the overlays are protecting.
162. In relation to mining activities within the Amenity Landscape Overlay, as a result of submissions on this overlay it is likely that staff will be recommending its removal from the Plan. If the Hearings Panel accepts this recommendation then any mining activities on land previously within the Amenity Landscape Overlay would only be assessed in accordance with the activity status for the relevant zone.

163. For all other mining activities in the overlays I do not recommend changes to the allocated activity statuses. As summarised in the Council's Section 32 Report, when assessing the scale and significance of potential adverse environmental effects from individual mining activities the Council has taken advice from planning, engineering, environmental and industry experts, guidance from the various court decisions, assessed activities within the overall strategic framework of the Plan (i.e. with reference to the relevant objectives and policies of the Plan), and had regard to community views and expectations.
164. In an overall sense I am satisfied that the process to determine activity status in the Landscape and Natural Character Overlay has been logical and robust.

Approach to Activity Status for Overlays - Summary

165. When an overlay sits over a site the overlay has additional rules for specific activities and a more onerous activity status may apply. Activity status has been determined with reference to the likely effects of mining activities on the special values identified by the overlay, the overall strategic framework of the Plan, and comments and feedback received on the Draft Plan provisions.
166. As outlined in paragraphs 29-34 above, the approach taken by the Council toward use of the 'prohibited' activity status has been informed by case law where the courts have found the prohibited activity status for certain activities can be appropriate in specific situations. Whilst there are no 'blanket' prohibitions for mining anywhere in the District, in many cases it has been determined that the appropriate activity status for individual mining activities within specific overlays should be 'prohibited'.
167. In an overall sense I am satisfied that a logical and robust process has been followed when determining the relevant status for the mining related activities in the different overlays of the District.

**Recommendations and reasons**

168. R 37.2 *Retain Section 37.3 and 37.4 as notified, with amendments set out in Appendix 2.*
169. R 37.3 *Amend the District Plan Planning Maps to zone all land on the Coromandel Peninsula within Schedule 4 of the Crown Minerals Act 1991 as 'Conservation'.*
170. R 37.4 *Retain the planning provisions (and associated activity statuses) for mining activities in the Coastal Environment Overlay; Landscape and Natural Character Overlay; Biodiversity Overlay, and Historic Heritage Overlay as notified, with amendments set out in Appendix 2 (including a consequential amendment to the Activity Summary Table in Section 1.8 of the Plan).*
171. R 37.5 *Amend the definition of 'Earthworks' as shown in Appendix 2.*
172. Reasons for the recommendations
- a) *The approach taken by the Council toward use of the 'prohibited' activity status has been informed by case law where the courts have found the prohibited activity status for certain activities can be appropriate in specific situations.*
  - b) *The process to determine the activity status for mining related activities in the 'zones' of the Plan has been logical and robust involving: an assessment against a 'hierarchy' of*

- likely effects that each activity could reasonably be expected to have on the environment; the purpose of the relevant Zone/Area; the overall policy framework (objectives and policies) of the Plan; comments and feedback received on the Draft Plan; and submissions on the Proposed District Plan.*
- c) The process to determine the activity status for mining related activities in the 'overlays' of the Plan has been logical and robust involving: an assessment against a 'hierarchy' of likely effects that each activity could reasonably be expected to have on the special values identified by the overlay; the overall strategic framework of the Plan (objectives and policies); comments and feedback received on the Draft Plan; and submissions on the Proposed District Plan.*
  - d) Neither prospecting nor exploration (within standards) has particularly significant adverse effects on the environment that would warrant a 'tougher' activity status or planning process. Where exploration activities exceed standards the activity becomes either restricted discretionary or discretionary. Any proposed mining activity subsequent to prospecting and exploration would be assessed on its merits against the relevant planning provisions of both the Council and the Waikato Regional Council.*
  - e) All areas of public conservation land on the Coromandel Peninsula that are managed by DOC (which includes all land within Schedule 4 of the Crown Minerals Act 1991) should be zoned 'Conservation'.*
  - f) The 'reasonable use' threshold applies to the Conservation Zone the same as it does for other land. Indigenous vegetation clearance above thresholds in the conservation estate would require resource consent - unless the clearance is being undertaken by DOC and the work is in accordance with the Waikato Conservation Management Strategy.*
  - g) A discretionary activity status is more appropriate (than non-complying) for underground mining without surface expression in the Recreation Passive Zone given the low level of land modification and structures and that some of the reserves have little public usage due to their location, topography or inaccessibility.*
  - h) The deletion of Rule 2.1 b) will avoid confusion between indigenous vegetation clearance provisions in Section 37 and Section 29 - Biodiversity (Overlay Rules) and the assessment of effects will be able to look at whether or not the clearance should proceed.*
  - i) The Overlay provisions in the Plan (in Part II and Part VI), which identify the high natural value areas on the Coromandel, sit above the District-wide rules and would be used to avoid adverse effects associated with mining activities on those areas.*
  - j) A discretionary activity status is more appropriate (than non-complying) for underground mining without surface expression in the Outstanding Landscape Overlay and in the Natural Character Overlay given the absence of adverse effects (i.e. landscape and natural character effects) this activity would have on the values that the overlays are protecting.*
  - k) As a result of submissions on the Amenity Landscape Overlay it is likely staff will recommend its removal from the Plan. Any mining activities on land previously within the Amenity Landscape Overlay would then only be assessed in accordance with the activity status for the relevant zone.*
  - l) Plan provisions already adequately address site remediation and rehabilitation except for restricted discretionary activities (quarrying in some zones) where an additional 'matter' needs to be added to Section 37.4, Rule 3, Table 3.*
  - m) Amendment of the 'Earthworks' definition enables small-scale blast trials to occur on a limited basis (within the noise and earthworks standards of the relevant zone) without the need to obtain resource consent.*
  - n) The amendment to Note 1 reflects reality where any underground mining application would need to consider surface land uses and the potential for surface stability/effects.*

- o) Amendments have been made in Section 37 to improve certainty and accuracy, efficiency and effectiveness of Plan provisions.
- p) The earthworks and noise rules for each zone apply to all activities, including mining activities.

Submitter <i>Further submitter</i>	Point # <i>FS point #</i>	Accept/Reject	Recommendation	Reason
<b>37.3 Permitted Activities (Rules 1 and 2)</b>				
Ron Egan and Sue Dorrington	229.15	Accept in part	R 37.2	a), b), d)
Lawrence and Robyn Winkler	297.14	Reject	R 37.2	d)
David Rushforth	373.1	Reject	R 37.2	a), b), d)
Patricia Molly Gilberd	540.2	Reject	R 37.2	a), b), d), g)
Christine Vickerman	578.63	Accept in part	R 37.2	a), b), d), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.85</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b), d), o)</i>
Christine Vickerman	578.58	Reject	R 37.2	a), c), i), j), k)
New Zealand Petroleum and Minerals	714.2	Accept in part	R 37.2	a), b)
<i>Environmental Defence Society Ltd - oppose</i>	<i>FS320.124</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b)</i>
<i>H.G. Leach and Company Limited - support</i>	<i>FS419.6</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.86</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b)</i>
<i>Greenspot Guardians - oppose</i>	<i>FS782.20</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b)</i>
Peter Alexander Buddle	776.3	Accept in part	R 37.2, R 37.3, R 37.4	a), b), c), d), e), i), o)
Ngaati Whanaunga Environment Unit	790.45	Accept in part	R 37.2	a), d), o)
Greenspot Guardians	782.4	Accept in part	R 37.2	a), b), d), g), i), n), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.90</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b), d), g), i), n), o)</i>
Stephen Young	885.1	Reject	R 37.2	a), b), d), i), o)
Coromandel Watchdog of Hauraki Inc	912.2	Reject	R 37.2	a), b), d), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.94</i>	<i>Accept</i>	<i>R 37.2</i>	<i>a), b), d), o)</i>
<i>Greenspot Guardians - support</i>	<i>FS782.8</i>	<i>Reject</i>	<i>R 37.2</i>	<i>a), b), d), o)</i>
Surfbreak Protection Society	1199.28	Reject	R 37.2	a), b), d), g), i), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.96</i>	<i>Accept</i>	<i>R 37.2</i>	<i>a), b), d), g), i), o)</i>
<b>37.4 Other Mining Activities in Zones</b>				
Coromandel Watchdog Form Submitters	4. (refer to Appendix 1A)	Reject	R 37.2, R 37.3, R 37.4	b), e), g)
Ron Egan and Sue Dorrington	229.6, .9 & .10	Reject	R 37.2, R 37.4	a), b), c), g), j), k), o)
Colin Broadley	289.4	Accept in part	R 37.2	a), b)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.79</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b)</i>



Lawrence and Robyn Winkler	297.2, .10, .11, .12, .13	Accept in part	R 37.2, R 37.3, \$ 37.4	a), b), c), d), e), g), j), k), o)
Rachel Garden	396.1	Accept in part	R 37.2	a), b), c), i), o)
Trif Sitnikoff	476.1	Accept in part	R 37.2	b), g)
John and Verona McLeod	524.18	Accept in part	R 37.2	b), h), o)
Clive Monds	712.4	Accept in part	R 37.2	a), b), g), o)
<i>Hauraki Prospectors Association Inc - oppose</i>	664.2	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b), g), o)</i>
Clive Monds	712.8	Reject	R 37.2	a), c), j), o)
Tairua Environment Society	751.11	Reject	R 37.2	a), b), g), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.87</i>	<i>Accept</i>	<i>R 37.2</i>	<i>a), b), g), o)</i>
G L Faber	767.1	Reject	R 37.2	a), b), g), o)
Michelle Dobson	784.3	Reject	R 37.2	a), b), g), i), o)
Alastair Brickell	820.9	Reject	R 37.2	a), b), g), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.92</i>	<i>Reject</i>	<i>R 37.2</i>	<i>a), b), g), o)</i>
Environment and Conservation Organisations of NZ INC	823.4	Reject	R 37.2	a), b), d), g), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.93</i>	<i>Accept</i>	<i>R 37.2</i>	<i>a), b), d), g), o)</i>
Lorna Maikara Ropata	858.4	Accept in part	R 37.2	a), b), g), i), o)
<i>Federated Farmers of New Zealand</i>	<i>FS935.128</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b), g), i), o)</i>
Catherine Rose Mary Croft	899.4	Reject	R 37.2	a), b), i), o)
Donald Hughes	963.2	Reject	R 37.2, R 37.3	a), b), e), g), i), o)
Joan Delellis	1139.3	Accept in part	R 37.2, R 37.4	a) b), c), d), g), i), o)
Fern Lodge Coromandel	1161.9	Accept in part	R 37.3	e), o)
<i>Environmental Defence Society Ltd</i>	<i>FS320.45</i>	<i>Accept in part</i>	<i>R 37.3</i>	<i>e), o)</i>
<b>Other Submissions on Section 37</b>				
Thames Coast Protection Society	274.1	Accept in part	R 37.2	n)
Thames Coast Protection Society	274.1	Accept in part	R 37.2, R 37.3, R 37.4	a), b), c), d), e), g), j), k), n), o)
Environmental Defence Society Ltd	320.28	Accept in part	R 37.2, R 37.4	a), b) c), d), g), j), k), l), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.80</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b) c), d), g), j), k), l), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.81</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b) c), d), g), j), k), l), o)</i>
<i>James Lux, Kimberlea Lux - oppose</i>	<i>FS624.47</i>	<i>Accept in part</i>	<i>R 37.2</i>	<i>a), b) c), d), g), j), k), l), o)</i>
Thames-Coromandel District Council	397.54	Accept	R 37.2	h)
<i>Environmental Defence Society Inc</i>	<i>FS320.89</i>	<i>Accept</i>	<i>R 37.2</i>	<i>h)</i>
Green Party of Aotearoa New Zealand	435.1	Reject	R 37.2	a), b), c), o)
Waihi Gold Company Ltd trading as	443.14	Accept in part	R 37.2, R 37.5	a), b), d), f),

Newmont Waihi Gold				g), h), m), n), o)
<i>Environmental Defence Society Ltd</i>	FS320.91	Accept in part	R 37.2, R 37.5	a), b), d), f), g), h), m), n), o)
<i>Greenspot Guardians</i>	FS782.38	Accept in part	R 37.2, R 37.5	a), b), d), f), g), h), m), n), o)
<i>Greenspot Guardians</i>	FS782.39	Accept in part	R 37.2, R 37.5	a), b), d), f), g), h), m), n), o)
New Zealand Petroleum and Minerals	714.2	Accept	R 37.2	a), d)
<i>Environmental Defence Society Ltd</i>	FS320.124	Reject	R 37.2	a), d)
<i>H.G. Leach and Company Limited</i>	FS419.6	Accept	R 37.2	a), b)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	FS443.86	Accept	R 37.2	a), d)
<i>Greenspot Guardians</i>	FS782.20	Reject	R 37.2	a), d)
New Zealand Petroleum and Minerals	714.2	Accept in part	R 37.2, R 37.4	a), b), c), g), i), j), k)
<i>H G Leach and Company Ltd - support</i>	FS419.5	Accept in part	R 37.2, R 37.4	a), b), c), g), i), j), k)
<i>Greenspot Guardians - oppose</i>	FS782.22	Accept in part	R 37.2, R 37.4	a), b), c), g), i), j), k)
Cath Wallace and Barry Weeber	883.1	Accept in part	R 37.2, R 37.4	a), b), c), d), g), i), j), k), o)
Lynne Cooke	884.1	Accept in part	R 37.2, R 37.4	a), b), c), d), g), i), j), k), o)
Coromandel Lobby against Indiscriminate Mining	886.1	Reject	R 37.2, R 37.4	a), b), c), d), g), i), j), k), o)
<i>Greenspot Guardians - support</i>	FS782.5	Reject	R 37.2, R 37.4	a), b), c), d), g), i), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	FS443.50	Accept	R 37.2, R 37.4	a), b), c), d), g), i), j), k), o)
Malcolm Alexander Croft	898.3	Reject	R 37.2, R 37.4	a), b), c), d), g), i), j), k), o)
<b>Section 43 - Conservation Zone and Schedule 4 Land</b>				
Coromandel Watchdog Form Submitters	.9 (refer to Appendix 1A)	Reject	R 37.3	e), o)
John Jacobs	493.1	Reject	R 37.2	a), b), i), o)
Anthony and Susan Jacobs	494.1	Reject	R 37.2	a), b), i), o)
Richard Jacobs	496.1	Reject	R 37.2	a), b), i), o)
Simon Jacobs	497.1	Reject	R 37.2	a), b), i), o)
Royal Forest and Bird Protection Society of New Zealand Inc	780.10	Reject	R 37.2, R 37.3	a), b), d), e), g), o)
<i>Environmental Defence Society Ltd</i>	FS320.125	Reject	R 37.2, R 37.3	a), b), d), e), g), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	FS443.88	Accept	R 37.2, R 37.3	a), b), d), e), g), o)
<i>James Lux, Kimberlea Lux</i>	FS624.25	Accept	R 37.2, R 37.3	a), b), d), e), g), o)
Sheena Beaton	919.2	Reject	R 37.2, R 37.3	a), b), e)

Natalie B Poole	1061.9	Accept in part	R 37.3	e), o)
<i>Environmental Defence Society Ltd</i>	<i>FS320.45</i>	<i>Accept in part</i>	<i>R 37.3</i>	<i>a), e), o)</i>
Katharina Kercher	1240.9	Accept in part	R 37.3	e), o)
<i>Sue Edens and Others</i>	<i>FS791.116</i>	<i>Accept in part</i>	<i>R 37.3</i>	<i>e), o)</i>
<i>Sue Edens and Others</i>	<i>FS791.171</i>	<i>Accept in part</i>	<i>R 37.3</i>	<i>e), o)</i>
<i>Sue Edens and Others</i>	<i>FS791.262</i>	<i>Accept in part</i>	<i>R 37.3</i>	<i>e), o)</i>
<i>Nga Kaitiaki o Ruakatauri a Huarere</i>	<i>FS1394.1</i>	<i>Accept in part</i>	<i>R 37.3</i>	<i>e), o)</i>
<b>Mining Activities and Activity Status in 'Overlays'</b>				
Sally-Jane Armstrong	84.1	Accept in part	R 37.2, R 37.4	a),b), c), d), g), i), j), k), o)
Thomas and Pamela Dodd	113.1 & .2	Reject	R 37.2, R 37.4	a),b), c), d), g), j), k), o)
Abby Noire Gubay	146.1, .4, .6 & .7	Reject	R 37.2, R 37.4	a),b), c), d), g), j), k), o)
Susan Whitefield	213.2	Accept in part	R 37.2, R 37.4	a),b), c), d), g), j), k), o)
Rosalie Steward	235.4	Accept in part	R 37.2, R 37.4	a),b), c), d), g), j), k),
Dean Glen, Claire Elliot, Sol Glen, Roy Glen and Black Jack Farms	298.67	Accept in part	R 37.2, R 37.4	a),b), c), d), g), j), k), o)
Environmental Defence Society Ltd	320.28	Reject	R 37.2	a),b), c), d), g), j), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.80</i>	<i>Accept</i>	<i>R 37.2, R 37.4</i>	<i>a),b), c), d), g), j), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.81</i>	<i>Accept</i>	<i>R 37.2, R 37.4</i>	<i>a),b), c), d), g), j), o)</i>
<i>Chris Lux, James Lux, Kimberlea Lux</i>	<i>FS624.47</i>	<i>Accept</i>	<i>R 37.2, R 37.4</i>	<i>a),b), c), d), g), j), o)</i>
Richard Mullin	326.1	Accept in part	R 37.2, R 37.4	a),b), c), g), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.39</i>	<i>Accept in part</i>	<i>R 37.2, R 37.4</i>	<i>a),b), c), g), j), k), o)</i>
Lynnette Joy Koppel	556.1	Reject	R 37.2, R 37.4	a),b), c), d), g), j), k), o)
Raymond Morley	620.1	Reject	R 37.2, R 37.4	a),b), c), d), g), j), k), o)
Gian McGregor and Michael Smither	662.3	Accept in part	R 37.2, R 37.3, R 37.4	a),b), c), d), g), j), k), o)
Peter Alexander Buddle	776.5	Reject	R 37.2	a),b), c), d), g), j), k)
<i>Tasman Buildings Limited</i>	<i>FS421.215</i>	<i>Accept</i>	<i>R 37.2</i>	<i>a), b), c), d), g), j), k), o)</i>
Opito Bay Ratepayers Association	785.50	Accept in part	R 37.2, R 37.4	a), b), c), d), g), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.91</i>	<i>Accept in part</i>	<i>R 37.2, R 37.4</i>	<i>a), b), c), d), g), j), k), o)</i>
Coromandel Watchdog of Hauraki Inc	912.13	Accept in part	R 37.2, R 37.4	a), b), c), d), g), i), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.52</i>	<i>Accept in part</i>	<i>R 37.2, R 37.4</i>	<i>a), b), c), d), g), i) j), k), o)</i>
<i>Greenspot Guardians</i>	<i>FS782.18</i>	<i>Accept in part</i>	<i>R 37.2, R 37.4</i>	<i>a), b), c), d),</i>

				<i>g), i), j), k), o)</i>
Catherine Donoghue	964.2	Reject	R 37.2, R 37.4	<i>a), b), c), d), g), j), k)</i>
Kiri Sta	1076.1	Accept in part	R 37.2, R 37.4	<i>a), b), c), d), g), j), k), o)</i>
Surfbreak Protection Society	1199.24	Accept in part	R 37.2, R 37.4	<i>a), b), c), d), g), i), j), k), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.57</i>	<i>Accept in part</i>	<i>R 37.2, R 37.4</i>	<i>a), b), c), d), g), i), j), k), o)</i>
<b>Section 7 - Coastal Environment Overlay</b>				
Coromandel Watchdog Form Submitters	.8 (refer to Appendix 1A)	Reject	R 37.4	<i>a), c), d), i), j), k), o)</i>
Harataunga Form Submitters	Refer to Appendix 1B	Reject	R 37.4	<i>c)</i>
Lawrence and Robyn Winkler	297.12	Reject	R 37.2, R 37.4	<i>a), b), c)</i>
Chris & Lyndsay Ison	365.11	Accept in part	R 37.2, R 37.4	<i>a), b), c), g), i), o)</i>
Mercury Bay branch of Forest and Bird	781.13	Accept in part	R 37.2	<i>n)</i>
Mercury Bay branch of Forest and Bird	781.13	Accept in part	R 37.2, R 37.4	<i>a), b), c), d), e), i), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.89</i>	<i>Accept</i>	<i>R 37.2, R 37.4</i>	<i>a), b), c), d), e), i), o)</i>
Environment and Conservation Organisations of NZ INC	823.2	Reject	R 37.4	<i>a), c), i), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.29</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), c), i), o)</i>
Sheena Beaton	919.3	Reject	R 37.4	<i>a), c), i) o)</i>
Coromandel Watchdog of Hauraki Inc	912.6	Reject	R 37.4	<i>a), c), i), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.30</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), c), i), o)</i>
<i>Greenspot Guardians</i>	<i>FS782.12</i>	<i>Reject</i>	<i>R 37.4</i>	<i>a), c), i), o)</i>
<b>Section 29 - Biodiversity Overlay</b>				
Catherine Rose Mary Croft	899.2	Reject	R 37.4	<i>c)</i>
Mist Preservation Society Scenic Reserve	436.5	Reject	R 37.4	<i>a), b), c), d), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.63</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), b), c), d), o)</i>
<i>Gloria and Graeme Ready - oppose</i>	<i>FS799.68</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), b), c), d), o)</i>
<i>Tasman Buildings Limited - oppose</i>	<i>FS421.212</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), b), c), d), o)</i>
<i>Ward Family - oppose</i>	<i>FS602.127</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), b), c), d), o)</i>
Suzanne Margaret Croft	900.5	Reject	R 37.4	<i>a), c), i), o)</i>
Coromandel Watchdog of Hauraki Inc.	912.9	Reject	R 37.4	<i>a), c), h), i), o)</i>
<b>Section 31 - Historic Heritage Overlay</b>				
Catherine Rose Mary Croft	899.3	Reject	R 37.4	<i>c)</i>

Coromandel Watchdog of Hauraki Inc	912.11	Reject	R 37.4	a), c), h), i), o)
<i>Greenspot Guardians - support</i>	<i>FS782.17</i>	<i>Reject</i>	<i>R 37.4</i>	<i>a), c), h), i), o)</i>
<b>Section 32 Landscape and Natural Character (all three Overlays)</b>				
Coromandel Watchdog Form Submitters	.1, .2, .3 (refer to Appendix 1A)	Reject	R 37.4	a), c), d), i), j), k), o)
Waihi Gold Company Ltd trading as Newmont Waihi Gold	443.13	Accept	R 37.2, R 37.4	b), c), g), j), o)
<i>Greenspot Guardians - oppose</i>	<i>782.37</i>	<i>Reject</i>	<i>R 37.2, R 37.4</i>	<i>b), c), g), j), o)</i>
Catherine Rose Mary Croft	899.1	Accept in part	R 37.4	a), c), j), k)
Suzanne Margaret Croft	900.1	Accept in part	R 37.4	a), c), j), k)
Sheena Beaton	919.1	Accept in part	R 37.4	a), c), j), k), o)
Ron Egan and Sue Dorrington	229.8	Reject	R 37.4	c), j), k)
Lawrence and Robyn Winkler	297.11	Accept in part	R 37.4	c), j), k)
Environmental Defence Society Ltd	320.16	Accept in part	R 37.4	a), c), d), i), j), k), o)
<i>Ross Edens and others</i>	<i>FS1193.41</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Coromandel Property Owners Alliance Incorporated</i>	<i>FS1357.15</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Wharekaho 2013 Limited</i>	<i>FS1358.10</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Anne Beston</i>	<i>FS394.16</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Murray Edens</i>	<i>FS416.35</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Tasman Buildings Limited</i>	<i>FS421.230</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.71</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Tokeroa Family Trust Limited</i>	<i>FS513.8</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Stephen Nathan and CM Toomey</i>	<i>FS552.6</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Christine Vickerman</i>	<i>FS578.101</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Ward Family</i>	<i>FS602.136</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>James Lux, Kimberlea Lux</i>	<i>FS624.45</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Preserve New Chums for Everyone</i>	<i>FS632.20</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Bernard Montgomery and Susan Anne Davies</i>	<i>FS647.24</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j), k), o)</i>
<i>Sue Edens and Others</i>	<i>FS791.104</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a), c), d), i), j),</i>

				k), o)
<i>The Vela Trust</i>	<i>FS797.18</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>The Vela Trust</i>	<i>FS797.26</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Northern Land Property Limited</i>	<i>FS821.15</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Northern Land Property Limited</i>	<i>FS821.21</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Northern Land Property Limited</i>	<i>FS821.41</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Whauwhau Environmental Group Ltd</i>	<i>FS825.22</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Whauwhau Environmental Group Ltd</i>	<i>FS825.26</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Whauwhau Environmental Group Ltd</i>	<i>FS825.29</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Rayonier New Zealand Ltd and Earnslaw One Ltd</i>	<i>FS855.45</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Chorus New Zealand</i>	<i>FS877.33</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Telecom New Zealand Ltd</i>	<i>FS878.32</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Federated Farmers of New Zealand</i>	<i>FS935.112</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), d), i), j), k), o)
<i>Chris &amp; Lyndsay Ison</i>	<i>365.10</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), i), j), k), o)
<i>Northern Land Property Limited</i>	<i>FS821.19</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), i), j), k), o)
<i>Whauwhau Environmental Group Ltd</i>	<i>FS825.24</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), i), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>443.17</i>	<i>Reject</i>	<i>R 37.1, R 37.2</i>	p)
<i>Yvonne Thompson</i>	<i>588.3</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), j), k), o)
<i>Peter Alexander Buddle</i>	<i>776.4</i>	<i>Reject</i>	<i>R 37.4</i>	a), c), j), k), o)
<i>Greenspot Guardians</i>	<i>782.3</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.74</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), j), k), o)
<i>Michelle Dobson</i>	<i>784.2</i>	<i>Reject</i>	<i>R 37.4</i>	a), c), j), k), o)
<i>Opito Bay Ratepayers Association</i>	<i>785.37</i>	<i>Reject</i>	<i>R 37.4</i>	a), c), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.75</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), j), k), o)
<i>Opito Bay Ratepayers Association</i>	<i>785.39</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), j), k), o)
<i>Waihi Gold Company Ltd trading as</i>	<i>FS443.76</i>	<i>Accept in part</i>	<i>R 37.4</i>	a), c), j), k), o)

<i>Newmont Waihi Gold</i>				
Opito Bay Ratepayers Association	785.40	Accept in part	R 37.4	a), c), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.77</i>	<i>Accept in part</i>	<i>R 37.4</i>	<i>a) c), j), k), o)</i>
Environment and Conservation Organisations of NZ INC	823.1	Reject	R 37.4	a), c), j), k), o)
Dean Glen, Claire Elliot, Sol Glen, Roy Glen and Black Jack Farms	298.62	Accept in part	R 37.4	c), j), k)
Seba Illingworth	100.3	Reject	R 37.4	a), c), i), j), k)
<i>Tasman Buildings Limited</i>	<i>FS421.227</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), c), i), j), k)</i>
Coromandel Watchdog of Hauraki Inc	912.4	Reject	R 37.4	a), c), i), j), k), o)
<i>H.G. Leach and Company Limited</i>	<i>FS419.9</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), c), i), j), k), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.78</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), c), i), j), k), o)</i>
<i>Greenspot Guardians</i>	<i>FS782.10</i>	<i>Reject</i>	<i>R 37.4</i>	<i>a), c), i), j), k), o)</i>
Mercury Bay branch of Forest and Bird	781.11	Reject	R 37.4	a), c), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.73</i>	<i>Accept</i>	<i>R 37.4</i>	<i>a), c), j), k), o)</i>
Hauraki Prospectors Association Inc	664.1	Reject	R 37.2	a), b)
<i>Greenspot Guardians - oppose</i>	<i>FS782.42</i>	<i>Accept</i>	<i>R 37.2</i>	<i>a), b)</i>
<i>Heritage New Zealand Pouhere Taonga - oppose</i>	<i>FS1384.54</i>	<i>Accept</i>	<i>R 37.2</i>	<i>a), b)</i>
Upper Coromandel Branch of Forest and Bird	1055.2	Accept in part	R 37.3	a), b), e), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.53</i>	<i>Accept in part</i>	<i>R 37.3</i>	<i>a), b), e), o)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.54</i>	<i>Accept</i>	<i>R 37.3</i>	<i>a), b), e), o)</i>
Kaye Robin Anderson	1072.2	Reject	R 37.3	a), e), i), o)
Surfbreak Protection Society	1199.36	Reject	R 37.3, R 37.4	a), c), e), i), j), k), o)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold</i>	<i>FS443.56</i>	<i>Accept</i>	<i>R 37.3, R 37.4</i>	<i>a), c), e), i), j), k), o)</i>

## Quarrying

173. A large number of submissions were received, mainly from people opposed to mining (including CWFS), requesting that quarrying be separated from other 'mining activities' (i.e. that quarrying be removed from Section 37.4, Rule 3). Some submitters asked that Section 37 only apply to quarrying activities.

174. Quarrying has been included within Section 37 as many of the activities and effects associated with quarrying are similar to those of other mining activities - particularly 'surface mining' (i.e. the clearance of vegetation, surface excavation, extraction, screening and crushing, treatment

of stormwater, temporary stacking and storage of overburden/soil, transportation of bulk materials using heavy machinery, rehabilitation works, etc.).

175. The 'effects based' approach that has been taken in the Plan where the various mining activities have been separated according to the potential level of environmental effect, from minor to major, positive and negative, with reference to size and scale, risk of contamination and location, is considered to be fair and robust. For these reasons I do not support removing quarrying from Section 37 and therefore I recommend no changes as a result of these submissions.
176. HG Leach and Company Ltd have asked that Section 37 be amended to include a new rule (Rule 39.2.1 from the Draft Plan) that identifies existing quarries, including the Matatoki Quarry, and for the Plan to provide for these activities within performance standards. The submitter also asks for definitions to be added to the Plan for 'Quarry Resource Area' and 'Quarry Buffer Areas' and for the planning maps to be amended to identify Quarry Buffer Areas of at least 250m around existing quarry sites to protect from reverse sensitivity issues.
177. Brenda and Richard Kelsey have also submitted in opposition to quarries being left off the planning maps. They ask that a new quarry zone be established and that the Coromandel Quarry and adjoining land be shown on the relevant planning map. The Tokeroa Family Trust ask that all legally established quarries be shown on the planning maps with a 250m buffer to protect from sensitive activities.
178. Management of existing quarries was given detailed consideration during development of the Draft District Plan. The Draft Plan identified ten quarries in the Plan and on the Planning Maps and provided for these as a permitted activity provided the extraction activities were contained within a Quarry Management Plan and the quarry met the various performance standards relating to extraction activities.
179. Through the process of considering comments on the Draft Plan the District Plan Review Committee resolved to remove the quarries listed/shown in the Proposed Plan. The reasons for doing this are set out in the Council's Section 32 Report and are summarised as:  
  
*"This method is not effective because the Quarry Management Plans would apply to the whole site of the quarry which might not be realistic. Standards that would be introduced might be different from consent conditions of existing quarries which would lead to confusion and uncertainty. Compliance monitoring and implementation of Quarry Management Plans are likely to result in inefficient processes that would cost more than they gain."*
180. The approach adopted in the Proposed Plan allows quarries to rely upon existing use rights, certificates of compliance or existing consents for their continued operation. This approach is considered more effective due to the diverse locations in which quarries already operate, the different sizes, locations and authorisation regimes under which quarries have been established and operate. The approach also provides checks and balances for the Council to manage quarry operations and community expectations, whilst providing certainty to operators about the consenting regime - whereby resource consents are only needed when there are changes to the scope and scale of quarry operations.
181. With specific regard to protecting quarries from reverse sensitivity issues, I note that provisions have already been included in the Plan to protect existing quarries, and known mineral deposits, from sensitive activities. There are objectives and policies in several sections of the Plan that would become relevant for the assessment of discretionary or non-



complying activities within close proximity to quarries or identified mineral resources - most notably, Section 15 - Settlement Development and Growth (Objective 2, Policies 2d and 2e), Section 16 - Subdivision (Objective 2, Policies 2a and 2b), and Section 24 - Rural Area (Objective 3, Policies 3a, 3b and 3c). These provisions are considered adequate for managing possible reverse sensitivity effects on existing quarries and identified mineral resources.

182. Rayonier New Zealand Ltd and Earnslaw One Ltd request that Section 37 be amended so that quarrying for the purpose of plantation forestry be a permitted activity when all material is used within that particular forest. Federated Farmers of New Zealand (FF), Murray Edens, Ross Edens and Others have asked for similar relief (via an amendment to the definition of "Quarry") where the quarried material is to be used on the farm from where it was extracted.

183. In response to these submissions I note that 'quarrying' is not a permitted activity in Section 37, Rule 3. However, within the relevant zone, which for farming and forestry is generally the Rural Zone (Section 56), 'earthworks' within standards are a permitted activity (Rule 6.1). "Earthworks" is defined in the Plan to mean:

*"... the disturbance of land by excavating, moving, depositing and/or compacting of soil or rock."*

184. It was the intention in the Plan to provide for small scale, on-site, non-commercial 'quarrying' for farming and forestry purposes as a permitted activity under zone earthworks rules in Rural Areas - with the proviso that large scale earthworks are primarily controlled by the Waikato Regional Council and would need WRC consent over and above Waikato Regional Plan thresholds.

185. Given the submitters' requests for clarification, I recommend that the definition of "Quarry" in the Plan be amended to read:

***"Quarry** means the surface excavation, extraction, screening and/or crushing of bulk aggregate rock, sand and stone where no chemical or physical separation of minerals from the aggregate rock and stone occurs. The term also includes ancillary earthworks, removing and deposition of overburden, soil, spoil or other materials, treatment of stormwater and rehabilitation works including clean fill. Quarrying has the same meaning and both 'Quarry' and 'Quarrying' exclude instances where all excavated material is used on-site.*

186. The suggested additional words provide increased certainty that quarrying for on-site forestry and farming purposes can occur as a permitted activity - in accordance with the earthworks standards in Section 56.

187. WRC has submitted in opposition to Section 37.4, Rule 3.2 and asks for the requirements of a quarry management plan to include reference to stormwater and earthworks in Table 3. WRC have also asked for the clearance of indigenous vegetation to be a discretionary activity and for quarrying activities to be assessed against Rule 29.5 of the Plan.

188. Table 3 in Rule 3.2 sets out the restricted discretionary activity matters against which a quarry would be assessed. Reference is included to 'stormwater' and 'earthworks' in several places in Table 3 (most notably under Matter 2 "Effects on neighbouring sites", Matter 4 "The suitability of the site for the scale of the proposed activity" and Matter 6 "Off-site effects from earthworks") and as a result I do not recommend any changes as a result of this submission.

189. With regard to the WRC request that the clearance of indigenous vegetation for quarrying be a discretionary activity, I can confirm that indigenous vegetation clearance over and above 'reasonable use' thresholds will require resource consent and would be assessed against Plan provisions in Section 29 - Biodiversity (Overlay Rules). Quarrying is being treated no differently than other activities (such as farming or forestry) and activity status would be determined in accordance with the scale and significance of the proposed vegetation clearance.

**Recommendations and reasons**

190. R 37.6 *Retain Section 37.4 (as it relates to quarrying) as publicly notified.*

191. R 37.7 *Amend the definition of 'Quarry' as shown in Appendix 2.*

192. Reasons for the recommendations

- a) *Quarrying has been included within Section 37 as many of the activities and effects associated with quarrying are similar to those of other mining activities - particularly 'surface mining'.*
- b) *The effects based approach that has been taken in the Plan where the various 'mining activities' have been separated according to the potential level of environmental effect, from minor to major, positive and negative, with reference to size and scale, risk of contamination and location, is considered to be fair and robust.*
- c) *The approach adopted in the Plan allows quarries to rely upon existing use rights, certificates of compliance or existing consents for continued operation. This approach is considered effective due to the diverse locations in which quarries exist, the different sizes, locations and authorisation regimes under which quarries have been established and operate.*
- d) *Difficulties were experienced mapping the extent and location of existing quarries in the Draft District Plan due to a range of factors (including limited information) and as a result mapping in the District Plan was not seen as appropriate (although location information is accessible for some quarries that could be made available for other Council processes - i.e. LIMS).*
- e) *Provisions have already been included in the Plan to protect existing quarries and known mineral deposits from sensitive activities. There are objectives and policies in several sections of the Plan that would become relevant for the assessment of discretionary or non-complying activities that are proposed within close proximity to quarries or identified mineral resources.*
- f) *It was the intention to provide for small scale, on-site, non-commercial 'quarrying' for farming and forestry purposes as a permitted activity under zone earthworks rules in Rural Areas - with the proviso that earthworks are primarily controlled by the Waikato Regional Council and would need WRC consent over and above Waikato Regional Plan thresholds.*
- g) *Table 3 in Rule 3.2 already includes several references to 'stormwater' and 'earthworks'.*
- h) *Indigenous vegetation clearance over and above 'reasonable use' thresholds will require resource consent and would be assessed against Plan provisions in Section 29 - Biodiversity (Overlay Rules).*

Submitter <i>Further submitter</i>	Point # <i>FS point #</i>	Accept/Reject	Recommendation	Reason
Coromandel Watchdog Form Submitters	.5 (refer to Appendix 1A)	Accept in part	R 37.6	a), b)
Abby Noire Gubay	146.7	Reject	R 37.6	a), b)
Thames Coast Protection Society	274.1	Accept	R 37.6	a), b)
Murray Edens	416.8	Accept in part	R 37.7	f)
<i>George Robert Foster - support</i>	<i>FS814.7</i>	<i>Accept in part</i>	<i>R 37.7</i>	<i>f)</i>
H.G. Leach and Company Limited	419.1	Reject	R 37.6	a), b), c)
H.G. Leach and Company Limited	419.2	Reject	R 37.6	a), b), c)
H.G. Leach and Company Limited	419.3	Reject	R 37.6	c), d), e)
H.G. Leach and Company Limited	419.4	Reject	R 37.6	c), d), e)
<i>Tokeroa Family Trust Limited - support</i>	<i>FS513.11</i>	<i>Reject</i>	<i>R 37.6</i>	<i>c), d), e)</i>
Richard and Brenda Kelsey	492.3	Reject	R 37.6	c), d), e)
Tokeroa Family Trust	513.3	Reject	R 37.6	c), d), e)
Waikato Regional Council	534.16	Reject	R 37.6	a), b), g), h)
<i>Environmental Defence Society Ltd - support</i>	<i>FS320.123</i>	<i>Reject</i>	<i>R 37.6</i>	<i>a), b), g), h)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.84</i>	<i>Accept</i>	<i>R 37.6</i>	<i>a), b), g), h)</i>
Graeme Harrison	583.3	Reject	R 37.6	a), b)
Peter Alexander Buddle	776.3	Accept in part	R 37.6	a), b)
Greenspot Guardians	782.4	Accept in part	R 37.6	a), b)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.90</i>	<i>Accept in part</i>	<i>R 37.6</i>	<i>a), b)</i>
Sue Edens and Others	791.42	Accept in part	R 37.6	e)
Environment and Conservation Organisations of NZ INC	823.4	Accept	R 37.6	a), b)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.93</i>	<i>Accept</i>	<i>R 37.6</i>	<i>a), b)</i>
Rayonier New Zealand Ltd and Earnslaw One Ltd	855.19	Accept in part	R 37.7	f)
<i>Environmental Defence Society Ltd - oppose</i>	<i>FS320.126</i>	<i>Accept in part</i>	<i>R 37.7</i>	<i>f)</i>
<i>Federated Farmers of New Zealand - support</i>	<i>FS935.127</i>	<i>Accept in part</i>	<i>R 37.7</i>	<i>f)</i>
Suzanne Margaret Croft	900.2	Reject	R 37.6	a), b)
Coromandel Watchdog of Hauraki Inc	912.2	Reject	R 37.6	a), b)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.94</i>	<i>Accept</i>	<i>R 37.6</i>	<i>a), b)</i>
<i>Greenspot Guardians - support</i>	<i>FS782.8</i>	<i>Reject</i>	<i>R 37.6</i>	<i>a), b)</i>
Federated Farmers of New	935.11	Accept in part	R 37.7	f)

Zealand				
Federated Farmers of New Zealand	935.36	Accept in part	R 37.7	f)
<i>Murray Edens - support</i>	<i>FS416.180</i>	<i>Accept in part</i>	<i>R 37.7</i>	<i>f)</i>
<i>Sue Edens and Others - support</i>	<i>FS791.252</i>	<i>Accept in part</i>	<i>R 37.7</i>	<i>f)</i>
<i>Ross Edens and others - support</i>	<i>FS1193.186</i>	<i>Accept in part</i>	<i>R 37.7</i>	<i>f)</i>
Ross Edens and others	1193.14	Accept in part	R 37.7	f)
<i>Federated Farmers of New Zealand - support</i>	<i>FS935.44</i>	<i>Accept in part</i>	<i>R 37.7</i>	<i>f)</i>
Surfbreak Protection Society	1199.28	Accept	R 37.6	a), b)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.96</i>	<i>Reject</i>	<i>R 37.6</i>	<i>a), b)</i>

### Public Notification

193. A number of submitters asked for amended provisions in the Plan to require a greater level of public notification of resource consent applications than is currently provided for.
194. Forest and Bird have asked that all mining activities (above prospecting) be publicly notified whilst EDS has asked that the Plan be amended to require public notification of all discretionary and non-complying activities. Greenspot Guardians have asked that the Plan should state that all non-complying activities listed in Rule 3 must be publicly notified (not limited notified) in accordance with section 77D(a) of the RMA.
195. In response to these submissions I refer to Rule 3.5 of the Plan which states:
- "A resource consent application for an activity listed in Rule 3 that is non-complying shall be publicly notified under sections 95 and 95A of the RMA."*
196. It is at this level (i.e. the non-complying activity level) where staff have set the 'trigger' for mandatory public notification of mining activities. This does not mean that other applications, such as for discretionary resource consents, will not be publicly notified, or limited notified. Decisions on public notification are made by the resource consent planners on a case by case basis in accordance with RMA requirements (s. 95 and 95A) and professional judgement.
197. As the Plan stands, for resource consent applications to establish mining activities under the non-complying threshold, the processing planner would need to undertake an assessment to determine whether or not public notification is required. In doing this the planner would consider whether or not the activity will or is likely to have adverse effects on the environment that are more than minor and whether or not 'special circumstances' exist in relation to the application. The high and sustained level of community interest/concern around mining in the Coromandel is one of the matters that would be a factor in determining whether or not special circumstances exist.
198. The 'trigger' requiring public notification of mining activities has been set at non-complying with reference to the assessment of the likely effects on the environment of each activity and the overall planning framework (i.e. zones and overlays). As a result, any application to establish waste rock/tailings storage would be publicly notified as would any mineral processing outside of the Industrial/Light Industrial zones. In addition, wherever an 'overlay'

elevates activity status to non-complying (e.g. for a surface mine in the Natural Character Overlay) then public notification would also be mandatory.

199. Given the overall planning framework for mining activities articulated in the Plan, where in accordance with an assessment of likely effects a large number of mining activities are either prohibited or non-complying, I am satisfied that the mandatory notification triggers in the Plan as notified are appropriate.

### **Recommendations and reasons**

200. R 37.8 *Retain Section 37 (as it relates to public notification) as publicly notified.*

201. Reasons for the recommendations

- a) *The 'trigger' requiring public notification of mining activities has been set at non-complying with reference to the assessment of likely effects on the environment of each activity and the overall planning framework (i.e. zones and overlays). This does not mean that other applications, such as for discretionary resource consents, will not be publicly notified. Decisions on public notification are made by resource consent planners on a case by case basis in accordance with RMA requirements (s. 95 and 95A) and professional judgement.*
- b) *Although the word changes as requested by the submitter have not been used, the 'trigger' requiring public notification of mining activities has been set at non-complying with reference to the assessment of the likely effects on the environment of each activity and the overall planning framework (i.e. zones and overlays).*

Submitter <i>Further submitter</i>	Point # <i>FS point #</i>	Accept/Reject	Recommendation	Reason
Susan Whitefield	213.2	Reject	R 37.8	a)
Environmental Defence Society Ltd	320.28	Reject	R 37.8	a)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.80</i>	<i>Accept</i>	<i>R 37.8</i>	<i>a)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443..81</i>	<i>Accept</i>	<i>R 37.8</i>	<i>a)</i>
<i>James Lux, Kimberlea Lux - oppose</i>	<i>FS624.47</i>	<i>Accept</i>	<i>R 37.8</i>	<i>a)</i>
Royal Forest and Bird Protection Society of New Zealand Inc	780.10	Reject	R 37.8	a)
<i>Environmental Defence Society Ltd - support</i>	<i>FS320.125</i>	<i>Reject</i>	<i>R 37.8</i>	<i>a)</i>
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.88</i>	<i>Accept</i>	<i>R 37.8</i>	<i>a)</i>
<i>James Lux, Kimberlea Lux - oppose</i>	<i>FS624.25</i>	<i>Accept</i>	<i>R 37.8</i>	<i>a)</i>
Greenspot Guardians	782.4	Accept in part	R 37.8	b)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - oppose</i>	<i>FS443.90</i>	<i>Accept in part</i>	<i>R 37.8</i>	<i>b)</i>

Michelle Dobson	784.3	Reject	R 37.8	a)
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### Section 3 - Definitions

202. WGCL have asked for amendments to a number of the definitions used in the Plan to better provide for mining related activities and a stronger emphasis on economic considerations. The submissions relate to the following definitions:

- Building
- Hazardous Facility
- Industrial
- Mining
- Prospecting
- Exploration
- Quarry
- Surface Mining
- Underground Mining
- Waste Rock/Tailings Storage
- Mineral Processing
- Structure
- Temporary Living Place

203. WGCL have also asked for a definition of 'Significant Mineral Resources' to be added to the Plan to ensure consistency with the RPS.

#### Definition of 'Building'

204. WGCL asks for the definition of 'building' to exclude temporary structures such as portacoms and drilling rigs used for exploration, sampling and monitoring activities. WGCL notes this is consistent with the Hauraki District Plan.

205. The main benefit of removing these structures from the definition of 'buildings' would be that zone standards, such as maximum height and yards, do not apply. However, the activity status of prospecting and exploration in the Plan does not depend on these zone standards. Whether temporary structures for mining activities are 'buildings' or not makes no difference to their activity status or resource consent assessment. For this reason I do not support WGCL's suggested amendment.

#### Definition of 'Hazardous Facility'

206. WGCL requests that the 'hazardous facility' definition's reference to transportation only refers to transport within the site, not on roads. I support this clarification. Such a clarification is consistent with the Hauraki District Plan's definition of 'hazardous facility'. The word 'site' in the hazardous facility definition cannot include all roads connecting to the site, as this would make the 'site' term unusable elsewhere in the Plan.

207. It is important to note that such a clarification does not remove the Plan's ability under the RMA to consider the transport of hazardous substances, contrary to WGCL's claim that this is handled under different legislation. RMA Section 62(1)(i)(ii) directs the RPS to state responsibility for land use control for the adverse effects of transport of hazardous substances. RPS Method 4.2.10 allocates this responsibility (except for the coastal marine area and beds of lakes and rivers) to territorial authorities. Plan provisions for hazardous substance transport include Section 12 Objective 2 and Policy 2f, and Section 36 Table 2.2.

208. Some of the WGCL amendments are unnecessary to WGCL's stated intention to restrict hazardous facilities' transport of hazardous facilities to only within the site (refer to Appendix 2 for recommended amendments to this definition).

Definition of 'Industrial'

209. WGCL seeks the definition of 'industrial' to exclude any type of mining activity, which has its own set of provisions. For a while when drafting the Plan, mineral processing was under the 'Industrial' heading in the Activity Summary Table, because of its industrial nature. But through consultation, both the mining companies and the public considered 'mineral processing' and 'mining' so interlinked that they should be grouped together in the Plan. To avoid confusing industrial activities with mining activities, I support adding 'mining activity' to the exclusion in the 'industrial' definition (refer to Appendix 2 for recommended amendments to this definition).

Definition of 'Mining'

210. WGCL seeks amendments to be consistent with the 'mining' definition (parts a) and c)) in the Crown Minerals Act (as amended 2013). Part b) is not included as it relates to petroleum gas storage, and there are no petroleum resources near the district. WGCL also notes that the Crown Minerals Act definition of 'mining operation' covers the transport of mineral or chemical substances and the "doing of all lawful acts incidental or conducive to the operations".
211. I do not support referencing the Crown Minerals Act directly in Section 3 Definitions, as the Plan does not use the exact definition from the Crown Minerals Act, but I agree the terms in the Plan's 'mining' definition should be generally consistent in terminology with the Crown Minerals Act's definitions of 'mining' and 'mining operations'.
212. WGCL's requested amendments to the mining definition include adding text about extracting a chemical substance from a mineral's natural state. As discussed earlier in this report, different mining activities are separated based on their effects. Mineral extraction through chemical processes/reactions or other non-earthworks processes added to the environmental effects considered - the risk of eco-toxic liquid or dust entering the environment, for example via leaching, a spill, etc.
213. Addressing these risks is important to the Council and the wider community and for this reason chemical processing of mineral substrate has been separated out into a new activity: 'mineral processing'. The effects of mining that does not involve chemical processing (e.g. zeolites, obsidian), and mining with processing in an industrial site elsewhere, are not included in the same activity category as a mine with cyanide or other eco-toxic chemicals. Unless the submitter presents compelling evidence at the hearing, it is my recommendation that the 'mineral processing' definition should not overlap with the 'mining' definition.
214. WGCL also requests that ancillary activities associated with mining be included in the definition, namely:
- drilling rigs;
  - temporary accommodation;
  - signs;
  - parking areas;
  - earthworks, including tracking;
  - dewatering; and

- non-indigenous vegetation clearance.
215. These accessory activities are part of mining, so for the avoidance of doubt I support their inclusion in the 'mining' definition, except for 'parking areas' and 'signage'. Parking areas are controlled in district-wide rules in Section 39 Rule 6, and these rules would still apply even if included with the 'mining' definition'. Signs may be controlled under the historic heritage item and area overlays (Section 31) and the outstanding landscape and amenity landscape overlays (Section 32), if these overlays apply to the site. 'Parking areas' and 'signage' are activities that the Plan has as accessory to the main activity - just as they are for farming, home business, industrial, and other activities.
216. Staff are considering whether non-indigenous vegetation clearance should be addressed in biodiversity provisions in Sections 6 and 29. Regardless of how the overlay addresses this, at a zone level mining usually includes vegetation removal.
217. If 'temporary accommodation' involves 'dwellings', 'minor units' or 'temporary living places' (e.g. a caravan), then zone rules and standards for these activities will still apply even if 'temporary accommodation' is included in the 'mining' definition. However I expect this will not often be the case, as the buildings would just be portacom and portaloos buildings.
218. Through this submission by WGCL I have made some minor changes to the definition, including minor changes to align the definition changes with Plan and Crown Minerals Act terminology.

#### Definition of 'Prospecting'

219. WGCL notes that the definition of Prospecting has changed with the Crown Minerals Amendment Act 2013, and requests a change for consistency. The Plan's definition for 'prospecting' is the same as in the Crown Minerals Act, so I agree, the referenced quote in Section 3 Definitions should be updated (refer to Appendix 2 for recommended amendments to this definition).

#### Definition of 'Exploration'

220. WGCL ask for an addition to the Plan's definition of 'exploration' to include accessory activities (as listed in the submission point). This request is similar to the addition of accessory activities to the 'mining' definition. Rather than listing the accessory activities again, I suggest the definition of 'exploration' refer back to the accessory activities listed in the 'mining' definition - which is what WGCL request for all other mining activity definitions - see the discussion below (refer to Appendix 2 for recommended amendments to this definition).

#### Definitions of 'Quarry', 'Surface Mining', 'Underground Mining', 'Mineral Processing' and 'Waste Rock/Tailings Storage'

221. WGCL request that the above definitions include "associated activities as outlined in the definition of Mining", namely drilling rigs, temporary accommodation, signs, parking areas, earthworks (including tracking), dewatering, and non-indigenous vegetation clearance. I support referencing these accessory activities to these definitions for the avoidance of doubt, except for 'signage' and 'parking areas', as discussed in paragraph 215.

#### Definition of 'Underground Mining'

222. As well as the "associated activities" discussed above, for 'underground mining' WGCL also ask for the words "and aggregate" to be added to the description of backfilling the void with waste rock. I support this addition, as it continues the concept that filling holes with extracted



and processed earth material is the best place to permanently store that material (refer to Appendix 2 for recommended amendments to this definition).

#### Definition of 'Structure'

223. WGCL requests that 'structure' only includes things that can be fixed to land, and excludes drilling rigs. Alternatively, that Plan references to 'structures' specifically exclude temporary infrastructure such as drilling rigs. The definition of 'structure' is deliberately very broad, and it is an important concept in the Plan. The term 'structure' in the Plan distinguishes between human-built assets and minor items/vegetation/earthwork features. Most Plan rules control 'buildings', which has a detailed definition. The Plan controls 'structures' only in a few cases, for example their installation on top of flood stopbanks. Excluding things not "fixed" to land (and drilling rigs) could open loopholes in Plan provisions. WGCL's alternative decision sought - to explicitly exclude drilling rigs from 'structure' references - would not be streamlined. It could cause problems in situations where control of structures in general is important.
224. Excluding drilling rigs from 'structure' also has little benefit to WGCL, as the word 'structure' is not mentioned in Section 37. The exception is in an assessment criterion in Table 3.3 d) and I recommend that this be amended as follows:

*"The extent to which landscaping and planting can integrate buildings, structures and ~~fixed~~ machinery, which are fixed to land, into the surrounding landscape."*

I believe that the above amendment is an improvement to Matter 3 d) and that the amendment addresses WGCL's concern (refer to Appendix 2 for recommended amendments to Section 37.4, Rule 3.2, Table 3.3 d)).

#### Definition of 'Temporary Living Place'

225. WGCL asks that temporary living places and accommodation activities associated with mining activities are excluded from the 'temporary living place' definition.
226. This amendment is unnecessary (for temporary living places) and inappropriate (for other residential activities in the Plan). Temporary living places (e.g. caravans, motorhomes, tents) are already permitted without conditions in the Rural Area, Recreation Area and Commercial Area. As almost all mining is likely to be in the Rural Area and possibly the Recreation Area, any temporary living places for mining already have no controls on them in the Plan.
227. Other residential activities managed in the Plan, e.g. dwellings and minor units, have a relatively high degree of investment to install them. They include (at least) a kitchen, bathroom and a lined habitable room. These buildings need assessment about what they'll be used for, whether they are removed after the mining activity is finished, and ensuring no existing use rights are created. No changes are needed to the 'temporary living place' definition.

#### Add a new definition - 'Significant Mineral Resources'

228. WGCL asks for a definition of 'significant mineral resources' to be added to Section 3 Definitions, to be consistent with the term provided in the RPS. This is not supported, as the RPS does not actually define 'significant mineral resources'. Instead, the RPS has Method 6.7.1 where WRC will work with other agencies to identify and map significant mineral resources. This Method contains a list of factors that is preceded by: "In determining significance, **regard** will be had to **at least** the following:" [my emphasis]. This is not a definition, but a starting point for a WRC action. It is inappropriate to use this RPS method's starting point as a rigid

Plan definition to classify all mineral resources. I do not recommend the addition of a definition of 'significant mineral resources' to the Plan.

### **Recommendations and reasons**

229. R 37.9 Amend Section 3 - Definitions, as shown in Appendix 2.

230. R 37.10 Amend Section 37.4, Rule 3.2, Table 3, Matter 3 d), as shown in Appendix 2

Reasons for the recommendation

- a) The suggested amendments to the definitions of 'Hazardous Facility', 'Industrial', 'Exploration', 'Mineral Processing', 'Mining', 'Prospecting', 'Quarry', 'Surface Mining', 'Underground Mining' and 'Waste Rock/Tailings Storage' improve the accuracy and alignment of mining related activities and terms used in the Plan.
- b) The suggested amendment to Table 3, Matter 3 d) addresses the concern raised by the submitter.

Submitter Further submitter	Point # FS point #	Accept/Reject	Recommendation	Reason
Waihi Gold Company Ltd trading as Newmont Waihi Gold	443.2	Accept in part	R 37.9, R 37.10	a), b)

### **Other Mining Related Submissions**

231. A handful of submissions were received on 'other' mining related submissions which require a response. These submissions relate to: land owner permission to enter land, the mapping of overlays, and the provision of an appropriate policy framework within which to manage mining activities.

#### Land owner permission to enter land

232. Three submitters requested that the permitted activity status of prospecting and exploration be subject to approval from the legal owner of the land.

233. In response I note that for privately owned land, permission for access to the 'surface of the land' already needs to be granted by the landowner. For publicly owned land there are processes in place to determine land access arrangements.

234. It should be noted that for some prospecting and exploration activities access to the surface of the land is not required (e.g. aerial surveys, horizontal/directional drilling, etc.) and landowner approval is therefore not required.

### **Recommendations and reasons**

235. R 37.11 Retain the mining related provisions for mining activities as notified in the Proposed District Plan, with amendments as shown in Appendix 2.

236. Reasons for the recommendations

- a) *For privately owned land, permission for access to the 'surface of the land' needs to be granted by the landowner.*

Submitter <i>Further submitter</i>	Point # <i>FS point #</i>	Accept/Reject	Recommendation	Reason
Lawrence and Robyn Winkler	297.14	Accept in part	R 37.11	a)
Joan Delellis	1139.3	Accept in part	R 37.11	a)
Ngati Huarere ki Whangapoua Trust	1179.3	Accept in part	R 37.11	a)
<i>Waihi Gold Company Ltd trading as Newmont Waihi Gold - support</i>	<i>FS443.95</i>	<i>Accept in part</i>	<i>R 37.11</i>	<i>a)</i>

### Mapping of Overlays

237. A handful of submitters who are opposed to mining asked that the various 'overlays' be shown on the Planning Maps - including those areas which are on private land. The submitters were mainly concerned about showing the Biodiversity Overlay on the Planning Maps.
238. The approach taken in the Plan has been to map, via overlays shown on the Planning Maps, areas with 'special' values on the Coromandel Peninsula. The main consideration in mapping these areas has been the availability of accurate information to support the mapping - not ownership. As a result, for example, areas of outstanding and amenity landscapes, whether on public or private land, have been shown on the Planning Maps as part of the Landscape and Natural Character Overlay (the extent of the Landscape and Natural Character Overlay is being reviewed and a report will be presented to the 14-16 April 2015 meeting of the District Plan Hearings Panel).
239. With specific regard to the Biodiversity Overlay, significant natural areas (SNAs) are not shown on the Planning Maps as the Council does not have sufficient confidence in the SNA identification and mapping work previously undertaken to map them at a district level. Instead, activities involving the clearance of areas of indigenous vegetation will be assessed against provisions in the Biodiversity Overlay (matters raised in submissions on biodiversity are currently being considered and a report will be presented to the 10-12 February 2015 meeting of the District Plan Hearings Panel).

### **Recommendations and reasons**

240. *R 37.12 Retain the overlays on the Planning Maps, subject to changes as a result of specific submissions, where there is sufficiently accurate information to show the location of 'special' values.*
241. Reasons for the recommendations
- a) *Areas with 'special' values on the Coromandel Peninsula have been mapped, regardless of whether the area is on public or private land, where there is sufficiently accurate information to support the mapping.*
- b) *The Biodiversity Overlay has not been shown on the Planning Maps as the Council does not have sufficient confidence in the identification and mapping work previously undertaken.*

Submitter <i>Further submitter</i>	Point # <i>FS point #</i>	Accept/Reject	Recommendation	Reason
Susan Whitefield	213.2	Accept in part	R 37.12	a), b)
Ron Egan and Sue Dorrington	229.14	Accept in part	R 37.12	a), b)
Michelle Dobson	784.2	Accept in part	R 37.12	a), b)

#### Appropriate Policy Framework

242. WGCL asked that the Council provide an appropriate policy framework for mining related activities and on-going consideration of existing mining activities on the Coromandel Peninsula.
243. In response to this submission I note that the policy framework that has been notified in the Proposed District Plan has its nexus in previous mediation and litigation associated with appeals on the currently Operative District Plan. The Proposed Plan has taken a refined 'effects based approach' toward defining and managing mining related activities with reference to legislative requirements, higher level policy directions, case law, resource management best practice and community views and preferences.
244. Overall I am satisfied with the policy framework for mining related activities that has been notified in the Proposed Plan. The policy framework will be further refined by the District Plan Hearings Panel through the hearing and consideration of submissions on the Proposed District Plan.

#### **Recommendations and reasons**

245. *R 37.13 Retain the policy framework for mining related activities as notified in the Proposed District Plan, with amendments as shown in Appendix 2.*
246. Reasons for the recommendations
- a) *The Proposed Plan has taken a refined 'effects based approach' toward defining and managing mining activities with reference to legislative requirements, higher level policy directions, case law, resource management best practice and community views and preferences.*
- b) *The policy framework for mining activities will be further refined by the District Plan Hearings Panel through the hearing and consideration of submissions on the Proposed District Plan.*

Submitter <i>Further submitter</i>	Point # <i>FS point #</i>	Accept/Reject	Recommendation	Reason
Waihi Gold Company Ltd trading as Newmont Waihi Gold	443.20	Accept in part		a), b)