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9 April 2015

Thames Coromandel Proposed District Plan Hearings Panel
Thames Coromandel District Council
Private Bag
Thames, 3540

Via email: lisa.madgwick@tcdc.govt.nz

Dear Sir/Madam

**HEARING REPORT: PROPOSED THAMES COROMANDEL DISTRICT PLAN –
SECTION 9 AND 32 – Landscape**

**Waihi Gold Company Limited Submission Point 443.5, 443.18, 443.19, and Further Submission Point
FS443.71**

Waihi Gold Company Limited (trading as Newmont Waihi Gold (“**NWG**”)) write in relation to the hearing commencing on 14 April 2015 on Section 9 – Landscape and Section 32 Landscape – Overlay Rules of the Proposed Thames Coromandel District Plan (**PDP**).

Relief Sought in NWG Submission

In addition to its submission points on wider provisions relating to mining activities in the Proposed Thames Coromandel District Plan, NWG submitted four points on **Section 9** being the following relief:

1. Amendment to Policy 9.3.1a to remove clause c) relating to indigenous vegetation cover, as follows:

Policy 1a

Subdivision, use and development shall avoid adverse effects on Outstanding Landscapes and maintain the values and characteristics of Outstanding Landscapes by:

- a) Being visually unobtrusive; and*
- b) Not dominating the landscape and landform; and*
- c) Retaining existing areas of indigenous vegetation cover; and*

.....

2. Retention of Policy 9.3.1e relating to temporary effects.

Policy 1e

Use and development that has temporary effects on an ONFL outstanding Landscape should be considered where the Outstanding Landscape values are able to be restored once the use or development is complete or finished.

3. Amendment to Policy 9.3.2a to insert rehabilitation into the policy to recognise that rehabilitation is one way to enhance amenity landscapes.

Policy 2a

Subdivision, use and development should maintain and where opportunity exists enhance Amenity Landscapes by rehabilitation and/or designing and locating buildings, structures, earthworks and lot boundaries to:

.....

4. Amendment to Policy 9.3.3c to insert missing words within the Natural character overlay.

Policy 3c

Buildings and other structures shall be located and designed to integrate with the surrounding Natural Character Overlay, with adverse effects on natural character avoided, remedied or mitigated.

NWG also lodged two submission points to **Section 32** – Landscape Overlay Rules seeking that underground mining with no surface expression be a discretionary activity and that underground mining with surface expression be a non-complying activity. These two points were addressed in the Mining hearing held in December 2014 with the Section 42A Report recommending that the submission points be accepted.

In addition, NWG lodged a number of further submission points on Sections 9 and 32:

- Three of which related to the Natural Character and Amenity landscape provisions and are therefore no longer relevant given the recommended removal (in context of Amenity landscapes) of these provisions from the proposed plan;
- Seven further submission points related to the activity status for various mining activities, which have been addressed in the Section 42A Report on Mining (December hearing); and
- Further submission point FS443.72 opposed the relief sought by Waikato Regional Council seeking that clearing indigenous vegetation be a non-complying activity within Outstanding Landscapes.

Section 42A Officers Report Recommendations and NWG Response

We have reviewed the Section 42A Report on submissions to the Landscape chapters, and make the following comments specific to the submission points sought by NWG\:

Section 9 - Policy 9.3.1a (Submission Point 443.5)

NWG accepts the officer's recommendation in respect of the retention of Clause c. of Policy 9.3.1a. While NWG considers the clause is best placed in the Biodiversity sections of the proposed plan, it accepts the officer recommendation and reasoning on this point.

Section 9 - Policy 9.3.1e (Submission Point 443.5)

While the Section 42A Report recommends Policy 9.3.1e be deleted contrary to the relief sought by NWG, NWG accepts the officer's recommendation for the removal of Policy 9.3.1e on the basis that new Policy 9.3.1aa would address temporary effects.

Section 9 - Policy 9.3.2a (Submission Point 443.18) and Policy 9.3.3c (Submission Point 443.19)

NWG accepts the removal of the above policies on the basis that the Natural Character and Amenity landscape provisions are to be removed from the proposed plan as a result of the Council resolution¹ and Section 42A Report recommendation².

Section 32 – New Rule 2A Clearing Indigenous Vegetation (Further Submission Point FS443.72)

Further submission point FS443.72 by NWG opposed the relief sought by Waikato Regional Council (“**WRC**”) for a non-complying rule for clearing indigenous vegetation. The Section 42A report has accepted in part the relief sought by WRC in that it recommends a new permitted rule that allows for limited and specifically targeted clearance of indigenous vegetation beyond which clearance would be a discretionary activity.

The issue of indigenous vegetation clearance was comprehensively addressed in the hearing on Sections 6 and 29 Biodiversity³. NWG presented planning⁴ and ecological hearing evidence⁵ at that hearing, recommending a permitted rule allowing clearance of vegetation that is for exploration provided it involves no more than 150m² of clearance per site per year. Additional standards were proposed relating to ground truthing as to the significance of the vegetation, approval by DOC where the land is within the Conservation Zone, as well as preparation of a site rehabilitation plan.

NWG does not support the recommendation for indigenous vegetation clearance rules within Section 32 of the Proposed Plan for the following reasons:

- Comprehensive vegetation clearance rules are provided within Sections 6 and 29 of the proposed plan and NWG does not believe it necessary to duplicate rules across the plan, particularly differing Overlay sections. The vegetation clearance rules within Section 29 would apply, as would the policy framework within Section 6, if the area were an Outstanding Landscape and we consider these provisions provide adequate scope to consider the effects of vegetation clearance within an Outstanding landscape.
- The recommended provisions within Sections 29 and 32 differ in their wording, providing confusion as to the application of the rules and potential interpretation issues. For example, the recommended rules relating to network utilities within Section 32 allow for indigenous vegetation clearance associated with minor upgrades, but if clearance is undertaken for operation and maintenance, it becomes a discretionary activity. This conflicts with the rules within Section 29 which allow network utility operators to clear vegetation within 5m of the line for purpose of maintenance and operation. While these rules are not applicable to NWG activities, they illustrate the interpretation and application issues associated with conflicting rules across differing overlay chapters.

Should the Hearings Panel accept the recommendation of the reporting officer recommending Rule 2A, NWG request an exemption be provided for exploration as was sought in hearing evidence presented by NWG to the biodiversity chapters.

NWG is not proposing to adduce evidence to the Landscape Hearing on the above points, as it considers that the evidence it has presented to the Hearing Panel adequately addresses NWG’s concerns and

¹ Council Resolution 4 March 2015

³ Proposed District Plan Hearings Panel 10-12 February 2015 (Hearing 6) Section 6 and 29 Biodiversity

⁴ Statement of evidence of Robert John Schofield for Waihi Gold Company Ltd (Trading as Newmont Waihi Gold), 12 February 2015

⁵ Statement of evidence of Ian Kenneth Grant Boothroyd for Waihi Gold Company Ltd (Trading as Newmont Waihi Gold), 2 February 2015

relief sought. NWG requests this letter be tabled at the hearing in support of NWG's submission points and the Section 42A Report recommendations as outlined above.

Yours faithfully

Kerry Watson
Environmental Manager