

Making a Submission On Mokau South Resources' Coal Mining Resource Consent Application: Quick Submission Points

PART 1: ABOUT WRITING SUBMISSIONS

Sometimes the word “submission” can be a block to people who want to get involved in having their say on various matters as part of the democratic process. A submission is actually a simple letter containing an expression of how you feel about a subject and what you want to see happen.

Find out as much information as you can about the subject e.g. dates, outcomes, effects, others who might like to have a say, other opinions. Websites, newspaper items, advertisements and libraries are all helpful along with your personal experiences and passions.

State whether you are acting as an individual or as a representative of a group.

Divide the aspects you want to cover into paragraphs, e.g.

1. the purpose of your submission (e.g. whether you wish to oppose the project in full, or raise concerns about some aspects of it) and the reason you are making a submission.
2. any personal involvement with the topic e.g. that you live locally, reasons for visits to area, personal knowledge, why you value that area (e.g. retirement - peace and quiet), dismay at changing values of area, impact on family/ friends
3. actions you wish to see happen and reasons
4. aspects of their plans which you do not like and reasons
5. summarise your ideas
6. state if you wish to be heard at the hearing.

Make sure you meet the submission deadline!

You can be **very** effective if you give reasoned arguments and state your personal experiences as opposed to form letters.

It is estimated that for every person who takes the time to write there are 100 who never get around to it but have opinions similar to yours - so this is another reason to write! Your effort counts for 100 others!

PART 2: YOUR MOKAU SOUTH SUBMISSION - THE PROCESS

Mokau South Resources' resource consent applications for a coal mine on the Panirau Plateau, about 20km east of Mokau and in the Mokau River catchment, are available online at <http://www.waikatoregion.govt.nz/Community/Whats-happening/Have-your-say/Significant-applications-hearings-and-decisions/Mokau-South-Resources-Ltd---Panirau-Plateau-Mine/> (There are 7 applications on this page, but they all relate to the same project and should all be opposed.)

The deadline for submissions is **5.00pm on Tuesday 2 February**. Submissions should be made using Form 13, “Submission on a consent application”, which can be downloaded here: <http://www.waikatoregion.govt.nz/other-consentforms/>

Submissions can be made as follows:

- **Post:** Waikato Regional Council, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
- **Fax:** 07 859 0998
- **Email:** RCsubmissions@waikatoregion.govt.nz

If you email your submission, please cc Coal Action Network Aotearoa and Waikato Climate Action: coalactionnetwork@gmail.com and waikatoclimate@gmail.com

You also need to send a copy of your submission to the applicant, by email to murraysampson@xtra.co.nz or post to: Mokau South Resources Limited, 41 Hibiscus Coast Highway, Silverdale, Auckland 0932

Important things to remember when filling in the form:

- give your full name and contact details
- We suggest you say that you **oppose all the resource consent applications.**
- say whether or not you would like to appear at the resource consent hearing. **Please say you wish to appear** – that gives you a much bigger chance to influence the final outcome. If you can't be at the hearing in person, ask to appear by phone or Skype, or by asking someone who will be at the hearing to present your submission.
- say what decision you want the consent authority to make, and why
- say whether you want the hearing commissioners to be changed. We don't see any reason to change them.

PART 3: YOUR MOKAU SOUTH SUBMISSION – SUBMISSION POINTS

The Four Most Important Things About Your Submission

- Say why you personally are opposed to proposed mine – or, even if you're not completely opposed, what your concerns are.
- If you can possibly appear at the hearing, **say you want to appear.** (If you have to pull out later, that's no problem as long as you do it before the hearing).
- Make sure you briefly cover all the areas you are opposed to or concerned about. **If you don't mention a topic in your individual submission, you can't raise it when you appear at the hearing.**
- Your written submission doesn't have to go into a lot of detail. If you decide to appear at the hearing, that's when you can go into lots of detail if you wish.

Possible Submission Points

In addition to your personal reasons for submitting, here are some points you might want to use. **Please add your personal comments on the issues most important to you. If you have local knowledge of the Mokau region, it's particularly important that you include submission points based on that.**

A Note About Climate Change

Under New Zealand law, evidence about **the effect of the project on climate change** is inadmissible – which is crazy! (Though we think you should go right ahead and express your climate change concerns about the project anyway.)

However, the Resource Management Act *does* require applicants to consider **the effects of climate change on the project** – and Mokau South Resources have failed to do this. Specific submission points in relation to this are noted below, but in general, you can say that:

- The applicant has failed to have particular regard to the effects of climate change on the project, as required by Section 7(i) of the Resource Management Act.

Consideration of Alternatives

The applicant has failed to demonstrate that the actual and potential environmental effects of the project will be minor or less than minor. It is likely that the project will have a significant adverse effect on the environment. This means that the applicant should have given adequate consideration to alternative sites, routes and methods for the project, as required by Section 171 of the Resource Management Act. The applicant has failed to do so.

Particular Regard To Use and Development of Renewable Energy

Under the Resource Management Act (Section 7(j)), particular regard should be given to the use and development of renewable energy. As thermal coal is a competitor to renewable energy sources, approving the resource consent application for a coal mine makes the economic use and development of renewable energy more difficult. Therefore, the application should be declined.

Effect on ecosystems

- The applicant has failed to demonstrate that the project will not have significant adverse effects on the surrounding environment and on ecosystems, and in particular on Panirua Stream, which flows into the Mokau River.
- The applicant admits that “The Panirau Stream and its tributaries are located in a fully forested catchment and the stream is considered to have very high ecological values.” (Ecological Assessment, p. 13)
- Given this, the applicant’s ecological assessment of the site and the Panirau Stream was grossly inadequate. A site visit was not undertaken, and only one water sample was taken due to “time constraints” (Ecological Assessment, p. 4) whereas the proposed methodology required two water samples.
- The applicant’s ecological assessment is methodologically inadequate and is not based on replicable evidence. Therefore, the applicant’s claim that the overall ecological effects of the project on the Panirau Stream will be no more than minor has no credible basis.

- The applicant has not addressed potential impacts on birds, or land invertebrate communities, meaning that the applicant has failed to undertake a full ecological impact assessment.
- The “Ecological Assessment” uses the standardised MCI (macroinvertebrate community index) bioindicator for water invertebrates, revealing an MCI score of 123, which “indicates ‘excellent’ biological quality class” (Wildlands report, p. 10). This means that any discharge into streams would destroy a very healthy biological community, and emphasises the significant risk to the ecosystem posed by this project.
- The applicant has failed to provide a credible rehabilitation plan associated with the project.

Surface Water Take

- The “Surface water take application November 2015” (3.2.1, pp. 11-12) says “SRP’s [Sediment Retention Ponds] not only treat the stormwater for sediment discharges they also act as peak flow limiter reducing the peak flow and discharging flows over a longer period of time for events up to a one in ten year event.” The applicant has failed to account for events of greater severity than a one in ten year event.
- The applicant has failed to give regard to the increased likelihood of severe rainfall events due to climate change. Section 7(i) of the RMA requires particular regard to be given to the effects of climate change on the project.
- The applicant has failed to demonstrate that significant contamination will be avoided in periods of lower water volume due to drought.
- The applicant has failed to take account of the potential for surface water that comes into contact with rock exposed to mining to pick up heavy metals and carry these into waterways.
- The applicant has failed to demonstrate that the impact of the project on water quality, whether overall during the lifetime of the project or during specific conditions such as drought or flooding, will be no more than minor.

Stormwater, Flooding, Wastewater and Groundwater

- The applicant’s analysis of these matters is seriously deficient and fails to provide the necessary assessment to support their claims that such effects will not be significant.
- The applicant has failed to have particular regard for the effects of climate change, as required under section 7(i) of the Resource Management Act. In particular, no assessment has been performed of the increased likelihood of severe rainfall events, or of droughts, due to climate change over the lifetime of the project.
- The catastrophic damage caused by the recent collapse of BHP’s Bento Rodrigues mine tailings dam in Brazil vividly shows the risk caused by such wastewater facilities. Mokau South Resources has failed to demonstrate either the necessary level of planning, or the necessary level of expertise, to provide any grounds for confidence that they can manage such a facility in an important river catchment.

- With regard to stormwater treatment, there is no mention of any planning for mitigation against heavy metals (including dissolved phase heavy metals). Sediment retention ponds do not ameliorate the impact of heavy metals.
- The proposed stormwater monitoring is severely inadequate. Taking samples every three months is inadequate to address all weather conditions. There is inadequate provision for the monitoring of streams during storm conditions. The proposed sample testing regime does not include testing for lead, aluminium or zinc.
- The applicant has failed to demonstrate that enough filtration or dilution to address heavy metals contamination will be provided.
- In “3.5.4.5. Discretionary Activity Rule – Discharges – General Rule”, the applicant states “The mine design and mine management will ensure contaminated water is diverted away from the natural watercourses and into the sediment control systems.” The applicant has failed to provide sufficient evidence that this will be the case in all circumstances.
- The applicant has not adequately demonstrated the effectiveness of sediment retention ponds in addressing the problem of heavy metals persisting because of acid mine drainage conditions.

Dust and air quality

- The applicant notes that “There is a high potential for dust to be discharged to air during mining operations, particularly in dry, windy conditions.” (Mine Development Plan and AEE March 2014, 5.2.1, p. 20) and furthermore that “Dust can build up and enter waterways causing pollution, lowering the water quality, this can have similar effects to that of sediment once entering watercourses.” (p. 21). This issue is likely to be exacerbated by the scale of the proposed strip mine.
- The applicant has failed to demonstrate that it can provide the necessary level of dust mitigation to protect workers’ health, the receiving environment and water quality.
- Watering for dust suppression may lead to contaminated waters entering surface and ground waters.
- The applicant has failed to address the effect of dust on plants.
- The applicant has failed to adequately address the likelihood, risks or mitigation of boron exposure.

Vehicle movements: visual impacts, noise, vibration and traffic effects

According to p. 42 of the “Mine Development Plan and AEE March 2014”, the operation of the proposed mine will initially result in 140 vehicle movements per day, which could rise to 400 depending on production requirements.

The applicant has failed to adequately consider or plan to mitigate the volume of traffic that would result from the proposed mining operations. State Highway 43 “The Forgotten Highway” is a tourist destination and a significant component in a regionally significant cycleway. The proposed increase in vehicle traffic in the area would have a detrimental impact on this tourist infrastructure for the region, and on local residents.