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This submission is on behalf of Celine B Stokowski and Anthony J Thrupp as individuals in relation to the proposed Te Tai o Poutini One Plan (the Plan).

We would not gain an advantage in trade competition through this submission.

We wish to speak to our submission. We would consider presenting a joint case.

SUMMARY OF VIEWS

- We OPPOSE the use of “Reverse Sensitivity” as a reason to restrict subdivision, use and development to the benefit of Mineral Extraction – Mineral Extraction Strategic Objective/MIN – O4
- We SUPPORT the objective of “*a. Avoid, remedy and mitigate the adverse effects of mineral extraction activities...*” - Mineral Extraction Strategic Objective/MIN- O6
- We have concerns about the application of the objective to “*b. Allow adverse effects to be addressed by alternative mitigation measures...*” on decision making and cannot at this time confirm whether we SUPPORT or OPPOSE
- We SUPPORT the objective that “*The health and wellbeing of people and communities are protected from significant levels of noise.*” - Part 2/District Wide Matters/Noise – O3
- We SUPPORT the Policy Part 2/District-wide matters/Noise – P4
- We OPPOSE the effective increase in noise limits from the Westland District Plan as proposed in Part 2 – District Wide Matters/Noise – R6
- We OPPOSE Part 3 – RURZ – Key Point “*The importance identified in the strategic direction for MIN-Mineral Extraction in ensuring new development does not compromise existing use...*”
- We SUPPORT Part 3 – RURZ P18 and P20 to 25
- We OPPOSE Part 3 – RURZ P19 – “*Activities that are incompatible with the effects of mineral extraction...*”
- We OPPOSE Part 3 – Area Specific Matters- GRUZ – R12 which makes mining a permitted activity

Reasons are listed below.

GENERAL CONTEXT

1. We purchased our 8+ha property located in the Waimea Valley, Westland District in 2001. The main activity in the valley was dairy farming. It is within the proposed General Rural Zone of the Plan.
2. The farmer in the valley undertook two subdivisions over the early 2000s at Ballarat Rise and an area just to the west of us. This added a reasonable amount of new residences to the area which already consisted of developments at the old Stafford township, Havill Drive and Awatuna.
3. Since then, mining in the lower Waimea valley has increased considerably. There are also several mines located on private and public land in the upper Waimea Valley. We estimate at minimum there are 7 mining operating within the Waimea catchment and know of others with consent but not yet operating.
4. At present, there are four (4) active and consented gold mining operations working with 1km of our residence. See Appendix for an image taken by drone from above our house. The mining operations include:
 - Western Dynasty RC-2019-0074
 - Phoenix Mining Limited, last known number #RC160041, granted 2017, MP52365
 - Agri Partners Limited RC-2016-0073/District Consent 160027, MP52365
 - Elect Mining Limited, unknown RC number, granted 2019 or 2020, MP60145

5. We estimate there are a combined total of the following working within 1 km of our property:

- 12-15 x Diggers
- 10-12 x Trucks
- 5-7 x screens
- 2-3 x bulldozers
- 10+ x water pumps

6. We have provided video within this submission. These have all been taken on cellphones. They have been edited for length only- there has been no alteration to audio.

OUR EXPERIENCES OF MINING ACTIVITY AND EFFECTS

7. Since 2010, we have been directly and adversely affected by gold mining operations “moving in next door” to our existing residential use of our land. Adverse effects have included:

- more than minor negative effects on noise amenity
- more than minor negative effects on visual amenity
- more than minor negative effects on waterways

Blacktopp Mining 2010

8. In 2010, WDC consent #100035 was granted in the lower Waimea Valley for a gold mine operated by Blacktopp Mining Ltd.

- This was approximately 750m from our residence.
- We were not considered an Affected Party in this consent.
- This mine is no longer in operation.

9. We made several noise complaints about this operation. On 28 Oct 2011, another party also complained resulting in professional monitoring by Westland District Council (WDC) using Vern Newcombe. The first monitoring was performed several days after our complaints (3 Nov 2011) and the final monitoring one month after the complaints (24 Nov 2011). Results showed two breaches of noise levels:

- 3 Nov 2011 reading was Lmax77dBA. Consent was for Lmax75dBA.
- 24 Nov 2011 reading was L10 57dBA. Consent was for L10 55dBA.

10. This operation also created a significant amount of dust which floated our way during winds from the south – refer Appendix.

Blacktopp Mining 2012

11. In 2012, Blacktopp Mining Ltd applied to mine 112ha of the farm in the lower Waimea Valley over a 20 year consent. This was publicly notified. This operation never eventuated.

12. There were 81 submissions of which 72 were against. We submitted against it- individually as well as part of a group of 58 local resident submitters. The level of public interest in that application shows that mining activity from previous mines (such as Blacktopp’s 2010 operation) were having more than minor adverse effects on a significant amount of local residents.

Agri Partners Limited 2016

13. In 2016, Agri Partners Limited were granted consent (RC-2016-0073/WDC#160027) to mine a portion of the farm that lies within the Waimea Valley.

- This neighbours the location mined by Blacktopp Mining’s 2010 so is approximately 750m for our residence.
- We were not considered an Affected Party in this consent.

- This operation is still active at the time of this writing

14. The District Council Decision dated 18 May 2016 report states:

- *“Mining will occur over 1 year..”*
- *“Due to the surrounding topography and vegetation, and the distance to noise sensitive activity, any noise generated by the proposal is not anticipated to cause adverse effects on surrounding activities; however a condition will be imposed to ensure the District Plan noise limits are adhered to.”*
- *“...amenity values of the surrounding area will not be unduly compromised.”*

indicating that mining would be very short term, be well within District Plan noise limits and not compromise noise or visual amenity.

15. Mining is still occurring at this site, 6 years after the 2-year consent was granted and well past the 1 year justification given in the report. We understand they have been granted at least one variation.

16. The topography of the area is on top of a terrace so there are no natural barriers to noise. Also, vegetation does not create a noise barrier, a fact stated to us by Marshall Day Acoustics who undertake professional noise assessment, prediction and modelling. These arguments in the report do not stand up to scrutiny.

17. We believe Agri Partners do not take active steps to mitigate noise and as such, have consistently operated above their consented noise levels (L10 55dBA and LMAX 75dBA). As an example, view [Agri Partners clips lower res.mp4](#). The video is a selection of clips from 2019 to 2022 and demonstrates a lack of bunding to screen our residence from the main processing area and noise from old machines such as a high pitch whining. Machinery used is sometimes also fitted with tonal alarms. Again, the report argument does not stand up to scrutiny.

18. We have made several noise complaints to the miner and WCRC when noise is like that highlighted in the video clips with limited success.

19. The report does not directly comment on visual amenity; However, this operation is clearly visible from SH7, 2.5 km away and both Stafford Loop and Stafford Road. We would argue this is a more than minor effect on visual amenity.

Phoenix Mining 2017

20. In 2017, Phoenix Mining Limited was granted consent to mine 60ha of land of the local farm. This is:

- approx. 1 km from us.
- We were considered Affected Parties as part of a Limited Notified process and took part in a pre-hearing and hearing.
- This mine is still in operation

21. At the hearings, we raised concerns about noise. The finding of the Commissioner stated that *“...the activity will not be unacceptable in this Rural Zone, taking account of a number of factors, including...The limited duration of mining activity (5 years maximum)...”*. The application stated that mining would take 12-18 months to complete.

22. The Phoenix mine is still in operation and looks nowhere near completion. The original consent expired 17 July 2022. It is likely that a variation or new consent was granted, for which we were not identified as Affected Parties.

23. Operations have grown considerably in scale since the original application.

24. It should be noted that the combined area on which Agri Partners and Phoenix operate make up a sizeable portion of the area for which Blacktopp Mining applied in 2012, a consent that was publicly notified and received a large amount of submissions against.

25. The operation is clearly visible from SH7, approx. 3 kms away and very visible from Stafford Loop Road.

Western Dynasty 2019

26. In 2019, Western Dynasty were granted consent to mine (RC-2019-0074). This is:

- 140m from our residence
- We were Affected Parties in this case and granted APA after negotiation of additional conditions, in good faith.
- This mine is still in operation
- They have also applied for a new consent in order to extend their mining area, for which we did not provide APA and have submitted against as part of Limited Notification.
- As of the time of writing this submission, they have been undertaking work within the area under consideration for the new consent. The miner stated the WCRC told them they could mine up to 2000m³ as a permitted activity.

27. We have concerns that conditions for the existing consent are not being met, including for noise and discharges to water.

28. The application and Marshall Day Assessment of Noise Effects included for current consent require non-tonal alarms be fitted to machinery. There have been instance when tonal alarms were used.

29. The application (and therefore consent conditions) said that no machinery would run 24 hours, however, generators and water pumps run overnight in order to empty the mine pit for the next day's work.

30. Resource consent RC-2019-0074 Condition 5 states *"A noise bund shall be constructed between the processing plant and the dwelling owned by Tony Thrupp and Celine Stokowski, to a minimum height of 4 metres as close to the mine pit as possible to act as a noise barrier. The bund shall be a minimum distance of 250 metres from the notional boundary of the Thrupp/Stokowski dwelling."* Current operations appear non-complaint with these conditions.

- Current bunding (as of time of writing submission) in place does not completely surround the mine pit between processing plant and our dwelling. We have direct line of sight of some plant and therefore, direct noise exposure. View [Western Dynasty bunding.mp4](#).
- The consent conditions require bunding at a min of **250m** from our dwelling and no operations to occur within 140m of our residence. That means a bund would have to progressively move from 250m to 140m (or vice versa). We have not witnessed progressive movement in the bund during current operations. View [Western Dynasty 250m bunding.mp4](#) for an example of an instance when we believe bunding should have been in place. This was taken 29 Dec 2021.

31. We believe Western Dynasty have consistently operated above their consented noise levels. As examples of noise we are subjected to on 6 day a week basis, here are some video examples:

- [Western Dynasty pre and post Level 3.mp4](#) – these were taken 26 and 28 April 2020 respectively. The 26th was the last weekend of Covid Level 4 lockdown, the 28th the start of Covid Level 3.
- [Western Dynasty cicada comparison.mp4](#) – taken 14 Jan 2021. Note the noise of the cicadas. This gives a good comparison of how loud the mining noise is.
- [Western Dynasty first truck load.mp4](#) – taken 13 Aug 2021. This shows noise generated by first loads into the trucks.
- [Western Dynasty early morning.mp4](#) – taken 31 Jan 2022 at 7:15am. This shows noise that is created outside of consented hours.

32. Western Dynasty have consistently discharged sediment to water, in contravention to Condition 39 which states “...all discharges from mining operations...shall not cause any of the following effects in a receiving waterbody...b) conspicuous change in colour and visual clarity...”. See Appendix for images.

33. In addition, they have been given abatement notices for levels measured in excess of consented suspended solids concentrations.

34. Western Dynasty has started clearing vegetation and mining overburden in anticipation of their new resource consent. This has given us the opportunity to experience potential noise effects from the proposed new operation. Video taken 14 Sept 2022 illustrates noise from that operation and is a good example of what residences nearby can expect of an operation that is 250m away and a permitted activity as proposed in the Plan. [Western Dynasty working on upper terrace.mp4.](#)

35. Western Dynasty operated on the first day of Level 4 lockdown.

Elect Mining 2019 or 2020

36. Elect Mining Limited were granted consent to mine an area that borders our property. We do not know the RC number of this consent.

- This mine is approximately 450m from our residence.
- We were not considered Affected Parties for this consent.
- This mine is still in operation

37. Elect consistently worked through Level 4 lockdown and continue to operate on public holidays. View this video for an example of work during Level 4 lockdown. Taken 27 August 2021.

Other mining in upper valley

38. Aureon Limited, near the Goldsborough campground, have told me that they voluntarily reported several discharges over the years to the WCRC.

39. David Russ, located across the road from Aureon, have had ongoing issues with managing stormwater during periods of high rainfall, including an instance that it was so great it washed out Stafford Loop Road.

DISCUSSIONS

40. Actual, adverse wellbeing and amenity effects of mining in the Rural Zone are significant and therefore, the Plan does not actively look after the wellbeing of its communities in the Rural Zone or properly manage amenity (two priorities identified in the Plan).

41. The lack of honest assessment of effects is evidenced through the disconnect between statements in Council reports and mining applications for resource consent and what actually happens on the ground.

42. The argument for “reverse sensitivity” effectively gives mining an easy way to avoid mitigation of effects and limits development opportunities outside of mining once a single mine is set up in an area. It restricts diversification in the rural sector.

43. The reality is that mines have moved into the Waimea Valley, next to “existing” residential uses and are effectively “reversely sensitive” to the resulting complaints and requirement to mitigate effects and meet conditions.

44. As evidenced by the 2012 Blacktopp Mining that was publicly notified, a significant portion of residences within the rural area of the Waimea Valley can experience adverse effects from mining and have concerns.

45. In effect, the Plan, in general, does not accurately reflect an honest assessment of effects from mining in the Rural Zone. Specifically:

Effects are long-term

46. Once a mining operation is in place, it stays there for a long time. Operations are often justified in reports and applications as less than minor in terms of effects given they are “short-term” or have a finite end date; However, as is often the case (i.e. Agri Partners Limited and Phoenix Mining), the reality is Operations extend well beyond the initial timeframe through the issuing of “rolling” consent variations. This will occur even more frequently if mining is a permitted activity as consented applications can then use that infrastructure to mine adjoining titles on a rotational annual basis without consent and therefore, outside their consented mitigation conditions (such as the case in Western Dynasty).

47. Once one mine is in place, it is used as justification for further mines with an “existing use” argument. However, this argument does not seem to be applicable when the reverse is true – i.e. a mine has moved in next door to a residence. This has resulted in the concentration of mines within the Waimea Valley without consideration given to cumulative effects.

Effects are cumulative

48. More mines concentrated in one area means cumulative effects on that area. For example, proposed allowable noise levels do allow for periods of excess noise (i.e. over 55 dBA). Take one operation with allowed excessive noise, then layer on a significant amount of additional operations and you get excessive noise at alternating times. At the notional boundary of a residence surrounded by mines, what would be considered compliant in the case of one operation, if looked at collectively would be non-compliant. The same could be said of visual, freshwater, and climate change effects.

Noise effects are significant and look set to increase

49. Actual adverse noise effects from mining, whether permitted or consented activity, often extend well past reasonable or consented hours of operation (i.e. start up/fuel/move machines, run generators and pumps overnight, road maintenance, or undertake mining outside permitted hours such as in the case of Elect Mining).

50. As example, we are exposed to repeated excessive noise consistently throughout a day, six days week from 4 mines. We are surrounded by mining to the south-east, south and north and take extreme measures of playing music if working from home or wearing noise cancelling headphones if working outside while mining is in operation.

51. Professional noise monitoring from the Blacktopp 2010 operation and videos taken of Agri Partners Limited's current operation highlights that mining operations as far away as 750m from a notional boundary can exceed proposed noise limits.

52. Videos taken of Western Dynasty Limited show that noise levels from operations at the proposed permitted distance of 250m can very likely exceed proposed noise levels.

53. Our experience of miners highlights that they often do not actively operate in a way to minimise noise effects on nearby residences. In the instances when we have complained directly to the miner, action taken has proven to be of a very short-term nature (i.e. a day or two).

54. Proposed noise levels throughout the Plan are stated as Leq as opposed to L10. The same noise measurement over time results in a lower Leq result than L10 result. The difference is estimated to be 3db. This means the Plan is proposing an increase to allowable noise levels (i.e. 55 Leq) 3db higher than currently allowed in the Westland District Plan (i.e. 55 L10).

55. There is no resource within Councils to ensure noise levels will be met. The WDC no longer undertakes noise monitoring for mining since the WCRC has taken over management, and the WCRC does not undertake professional noise monitoring.

Visual effects are significant

56. Each of the mines operating in the Waimea Valley can be seen as large disturbed ground expanses from many kms away. We have heard a description of the Waimea Valley recently as a “moonscape” and “bomb site”.

Freshwater effects are significant

57. Dirty water discharges to water, whether accidental or intentional, occur as a rule with mining. Making mining a permitted activity will compound the issue.

58. The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 act to protect freshwater values, especially around wetlands and providing for fish passage. It is hard to see how making mining a permitted activity will work to benefit freshwater values or encourage compliance with regulations.

Thank you for your time and due consideration of this submission.

Celine B Stokowski



Anthony J Thrupp



Dated: 11 Nov 2022

APPENDIX



Figure 1: Panoramic drone image (almost 360 degrees) taken above our residence, showing four mining operations within 1km. Moving from east to west = Western Dynasty foreground left (east and southeast of us), Phoenix Mining background left (southeast of us), Agri Partners Limited background centre (south/southwest of us), Elect Mining background right (north/northwest of us). Taken 9 Oct 2022.



Figure 2: Drone image showing Western Dynasty (centre) and Phoenix Mining (upper right). Taken 9 Oct 2022.



Figure 3: Image showing dust creation from Blacktopp Mining 2010 operation. Taken 11 Feb 2013. from our property.



Figure 4: Drone image showing water quality of drains that run through our property to meet the roadside drain on Stafford Road (upper left). The roadside drain then cuts under Stafford Road and eventually into Waimea Creek. Taken before Western Dynasty started mining next door.



Figure 5: Image showing discharge from Western Dynasty where our shared drain meets the Stafford Road drain. This resulted in compliance action. Taken 20 Oct 2021.



Figure 6: Image taken from same location as above. Taken 01 Nov 2022.



Figure 7: Image taken from same location as above 3 Nov 2022. After heavy rain event.



Figure 8: Image showing the state of our drain as a result of mining activity next door by Western Dynasty. Compare this to Figure 4 water quality. Drain now has vegetation covered in silt; thick, muddy, silty bottom; and vegetative growth.