

Before the Hearing Commissioners
Appointed by the Grey District Council
and West Coast Regional Council

Under the Resource Management Act 1991

In the matter of Resource consent applications by TiGa Minerals and Metals
Ltd to establish and operate a mineral sands mine on State
Highway 6, Barrytown (RC-2023-0046; LUN3154/23)

Supplementary Statement of Nicholas Peter Fuller

19 March 2024

Applicant's solicitor:
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**anderson
lloyd.**

Matters of response

- 1 My name is Nicholas Peter Fuller.
- 2 I have been asked to provide a response/additional information on the following matters:
 - (a) Heavy vehicle volumes on State Highway 6; and
 - (b) Changes to the days of trucking associated with the proposed Mine;
 - (c) Removal of the northern truck route;
 - (d) Clarification of Additional Heavy Vehicle Movements;
 - (e) Risks to cyclists using State Highway 6 and the associated Transport Peer Review¹. This follows the preparation of a Joint Witness Statement between myself and Mr Collins; and
 - (f) Comments on the Conditions attached to Mr Geddes' Supplementary Evidence.

Heavy Vehicle Volumes

- 3 I understand that a query has been raised by the Commissioners as to what is included in the Heavy Vehicle volumes in the NZ Transport Agency traffic count on State Highway 6 (SH6). The NZ Transport Agency website indicates that the traffic counting software uses the following to classify vehicles:
 - (a) Vehicles of less than 5.5m length are classed as light vehicles;
 - (b) Vehicles longer than 11m are classed as heavy vehicles; and
 - (c) 50% of vehicles between 5.5m and 11m long are classed as light vehicles and the other 50% are classed as heavy vehicles.
- 4 Given the above, the heavy vehicle counts on the State highway includes an element of camper vans and other medium sized commercial vehicles, as well as larger trucks such as milk tankers.

¹ The statement of Evidence from Mat Collins dated 29th February 2024.

Changes to Days of Trucking

- 5 It is proposed not to undertake trucking from the Mine on Sundays. The Transport Assessment was based on the extraction of material taking five to seven years, although with a twelve-year consent sought to allow for contingencies.
- 6 The removal of Sunday trucking would extend the overall timeframe for trucking by approximately 14%. Applying this to the five to seven year timeframe initially set out suggests that the trucking of material would need to occur over a six to eight year period with less trucking days per annum.

Removal of Northern Trucking Route

- 7 The Applicant no longer proposes to use the northern trucking route, with all material now being proposed to head to / from the south. This has no effect in terms of the assessments provided, other than to add certainty regarding trucking routes, as I understand is requested by submitters.

Additional Heavy Truck Movements

- 8 The Transport Assessment was based on 50 heavy vehicle movements per day and five heavy vehicle movements per hour. These movements were all associated with the transporting of the Heavy Mineral Concentrate from the site.
- 9 I have been advised that the Mine would also generate:
 - (a) One fuel delivery every two weeks (i.e. two truck movements); plus
 - (b) A sewage truck (two movements) every three weeks to pump out the holding tanks.
- 10 I consider the above truck movements to be low volume and these would not make a material difference to the transport effects of the proposal.

Risks to Cyclists & Transport Peer Review

Changes to the Transport Management Plan Condition Since the Hearing

- 11 Further to the provision of measures in the Draft Transport Management Plan regarding the education of Mine truck drivers regarding locations where they may encounter cyclists and locations of tight geometry, additional measures are proposed (through Conditions) to mitigate potential concerns regarding truck movements and cycle interactions.
- 12 The first of these measures is to require a method of communication within the trucking fleet to alert other fleet drivers to the presence of a cyclist, pedestrian or other emerging safety hazards to minimise risks to other road users. This is anticipated to be radio communication where a Mine truck driver can let the other

drivers know whether they have passed a cyclist, pedestrian or other potential hazard so that the other drivers are forewarned.

- 13 It is also proposed that northbound truck drivers must communicate with other trucks within the Mining fleet prior to the passing bay north of Nine Mile Creek, and must pull over and wait at the passing bay if there is a southbound truck approaching the tight road geometry section from Twelve Mile Bluff to the south side of Ten Mile Creek, and not progress further until the southbound truck has cleared the area. This will avoid conflicts with other Mine trucks in this area and removes the potential that two oncoming Mine trucks are present at the same time as a cyclist through this segment of tight geometry.
- 14 In addition, a review Condition is also proposed that requires a review of the Transport Management Plan should a serious traffic accident occur (i.e. an injury crash or a fatality) to identify any further mitigation measures that can be implemented to avoid similar incidents from occurring. This allows for ongoing review of the effectiveness of the Transport Management Plan and appropriate alterations to mitigate any identified shortcomings.
- 15 I consider that the above, along with the measures already outlined in the Draft Transport Management Plan and associated conditions manage the potential risks associated with Mine truck and cycle interactions as far as is practicable.

Transport Peer Review

- 16 I have read the Evidence of Mr Collins. Although I generally agree with that evidence, I consider that the statement at paragraph 13 of the Evidence (repeated also at paragraph 47) that '*The proposed activity will have an overall negative effect on cyclists, ...*' should be tempered with an acknowledgement of the mitigation being offered and account for the currently low cycle volumes using the State highway.
- 17 Particularly focussing on the suggested amendments to the Conditions, I generally agree with the intent of the changes proposed in that evidence and these have been incorporated into the Applicant's proposed Conditions of Consent (in Conditions 15.7, 15.9 and 15.10). The two areas of disagreement are:
 - (a) The wording of the proposed condition regarding the need for trucks to carry clear identification and a phone number for the Consent Holder² (although I agree with the intent of this condition); and

² Paragraph 39, clause (v) of Mr Collins' evidence.

- (b) The need for additional signage / markings to mitigate the effects of truck movements associated with the proposed activity.

18 I address the above matters in turn in the following sections.

Truck Identification

- 19 As set out in the Joint Witness Statement, I agree with the intent of the proposed condition regarding the need for trucks to carry identification and a phone number, so complaints regarding driving by Mine trucks are able to be easily made. As I understand that the trucking is proposed to be contracted to a third party, the vehicles may not be able to be 'branded' with the Consent Holders details.
- 20 I consider that the condition should be reworded require that trucks associated with the Mine are branded (either for the Mine or the contracted operator) and a phone number is provided. A register of complaint should be kept by either the Consent Holder or trucking operator and (if it is the later) those complaints need to be passed on to the Consent Holder in a timely manner, nominally with 48 hours.
- 21 Furthermore, those complaints need to be communicated to the drivers, as a reminder of the need to take care. These changes have been included in Ms McKenzie's revised conditions of consent 19th March at Condition 15.10 and I agree with these conditions.

Road Signage and Line Marking

- 22 I disagree with Mr Collins regarding the need to install additional signage or road markings on SH6 to mitigate the effects of the Mine trucks on pedestrian and cycle safety.
- 23 In my opinion, static signage would be unlikely to lead to enduring safety improvements associated with the trucks because the cycle and pedestrian volumes on SH6 appear to be very low. This means drivers would not typically encounter cyclists or pedestrians the majority of times they travel the route between the Site and Greymouth. In this context, I anticipate that the drivers would become desensitised to the signage.
- 24 I accept that active warning signage would be more effective than static signage, as this would only be triggered if there is a cyclist present. However, in the context of the Mine truck drivers, I consider that the proposed radio communication would be more effective than active warning signs as it allows truck drivers in both directions to be aware of the cyclists / pedestrians on the whole of the route. I understand that the need to adhere to the Transport Management Plan will be reiterated regularly at 'Toolbox Talks', so drivers will be aware of the need for the communication (included at Condition 15.10).

25 I accept that active warning signage would benefit the existing road users, notably by alerting the current drivers on SH6 of cyclists. This is remedying an existing safety concern, rather than mitigating the effects of the Mine trucks. As such, I consider that active warning signage does not provide additional mitigation associated with the effects of Mine truck traffic above that which has already been proposed.

26 I also note that the Applicant has received email correspondence between the NZ Transport Agency and the Council's planner regarding the need for road widening and signage. This is included in **Attachment 1**, which discusses signage and road widening and states that:

In this instance we don't consider it to be absolutely necessary for the applicant to take such upgrades in the network and it could pose challenges for them relying on a third party for their activity to proceed when the key matter for NZTA in this situation was safe and efficient access into and out of their site.

27 I also note that the NZ Transport Agency acknowledges that:

There is the potential for other activities around the West Coast or the south island that could increase the use of the state highway network without requiring such upgrades, and there would be no mechanism for them to do so.

28 Although the concluding paragraph states that the NZ Transport Agency would consider installing signage at key areas, this does not appear to be a request for signage. I also emphasise that the NZ Transport Agency has not opposed this Application.

Council's Proposed Conditions

29 I have reviewed the Council's proposed Conditions of Consent (attached to Mr Geddes' Supplementary Evidence). I discuss two of these in the following section.

Condition 15.11 – Requirement to Stop Work Following an Accident

30 The Council's proposed Condition 15.11 requires that the activity must stop if a vehicle associated with the activity causes a fatality or serious injury. This is an unusual condition in my experience and I would expect any serious safety incidents associated with trucking for the activity to be covered by usual Health and Safety procedures, including Work Safe and their associated legislation. As such, I do not consider it necessary to include additional requirements that are already covered by existing legislation. The Applicant already has a requirement to review the Transport Management Plan measures and implement the changes within 10 working days of a serious or fatal incident occurring.

31 I also note that the requirement to stop activity at the Mine could capture events for which the Mine truck driver was not at fault. This could include drunk drivers or tourists that were on the wrong side of the road. Whilst I agree that these matters require investigating, the Council's proposed Condition has the potential to affect the Consent Holder through no fault of their own.

Condition 15.14 – Annual Monitoring of Mine Truck Drivers

32 The Council's proposed Condition 15.14 requires that annual monitoring of the truck drivers is undertaken to ensure they are complying with the requirements of the Transport Management Plan. I note there are already measures in place to:

- (a) Ensure complaints are recorded, investigated and fed back to the drivers;
- (b) Require inductions and briefings of drivers; and
- (c) Update drivers when the Transport Management Plan alters.

33 I consider that the complaints process effectively provides ongoing monitoring of the driver behaviour and provides the most important feedback regarding adhering to the Transport Management Plan. As such, I do not consider this additional Condition to be necessary, nor do I see how it could practically be implemented.

34 The need for the Council's Condition also implies that the truck drivers will not be adhering to the Transport Management Plan, whereas I consider that there must be an inherent belief that all management plans are being adhered to.

Applicants Proposed Conditions

35 I have reviewed the Applicant's transport related proposed Conditions of Consent (dated 19 March 2024). I am satisfied that these Conditions incorporate the recommendations set out in Mr Collins' evidence, except for the requirement for signage. I note that the proposed condition regarding truck identification has been amended as per my discussion in paragraphs 19 to 21.

36 For the reasons set out above, I do not consider it necessary to include a Condition requiring signage or road markings on the road network to mitigate the effects of Mine trucks. As such, my opinion is that the proposed Conditions are sufficient to mitigate the transport effects of the proposed activity.



Nicholas Peter Fuller

Dated this 19th day of March 2024

Attachment 1: NZTA Correspondence

From: [Kate McKenzie](#)
To: [Nick Fuller](#)
Subject: FW: Waka Kotahi Commentary as Requested - TiGa Minerals Sand Mining Proposal - Barrytown CRM:0303000413
Date: Friday, 15 March 2024 11:29:28 am
Attachments: [image001.png](#)

From: Stuart Pearson <Stuart.Pearson@nzta.govt.nz>
Sent: Friday, February 23, 2024 1:56 PM
To: Mark Geddes - Perspective Consulting <mark@perspective.net.nz>
Subject: RE: Waka Kotahi Commentary as Requested - TiGa Minerals Sand Mining Proposal - Barrytown CRM:0303000413

Hi Mark,

This is definitely an interesting one for NZTA to consider.

There is always going to be benefit in improving the safety for cyclists by undertaking shoulder widening on the network (which may require widening on both sides of the road to accommodate cyclists heading either direction). NZTA is making improvements for cyclists across the country, but funding is constrained to undertake such improvements. However, there will be many challenges with undertaking widening, such as land availability, land profile, earthworks, culvert extensions, NPS-FW, resiliency, ongoing maintenance, etc. So, these will all be considerations for undertaking any widening along the state highway. However, signage would definitely be far easier to implement and maintain, which is something we have been putting in the network when funding is available in areas where widening cannot occur.

In this instance we don't consider it to be absolutely necessary for the applicant to take such upgrades in the network and it could pose challenges for them relying on a third party for their activity to proceed when the key matter for NZTA in this situation was safe and efficient access into and out of their site. There is the potential for other activities around the West Coast or the south island that could increase the use of the state highway network without requiring such upgrades, and there would be no mechanism for them to do so. But we also wouldn't oppose such upgrades to occur if the applicant can meet NZTA standards, and obtain all the appropriate consents and approvals.

If there were some key areas where signage could be erected that could support safe cycling then this is something we would be happy to consider. Such signs would need to either meet the 2010 signage bylaw or meet the requirements of an official traffic sign. Any work to erect these signs will also need approval via a Corridor Access Request.

Hopefully this helps.

Kind regards,
Stuart

From: Mark Geddes - Perspective Consulting <mark@perspective.net.nz>
Sent: Wednesday, February 14, 2024 6:04 PM
To: Stuart Pearson <Stuart.Pearson@nzta.govt.nz>
Subject: RE: Waka Kotahi Commentary as Requested - TiGa Minerals Sand Mining Proposal - Barrytown CRM:0303000413

CAUTION: The sender of this email is from outside Waka Kotahi. Do not click links, attachments, or reply unless you recognise the sender's email address and know the content is safe.

Hi Stuart,

We've had 6 days and counting of the hearing for the TiGA minerals sand mine on the West Coast. There was a lot of lay evidence, including video evidence, demonstrating how dangerous the Coast Road is for cyclists and pedestrians. I rode it myself and consider the combination of no shoulder, blind corners and fast-moving traffic make it seriously dangerous for cyclists/pedestrians in places.

While the applicant has not got to the stage of proposing road widening, conditions could be imposed to required that it if Waka Kotahi were in agreement. However, we could not impose conditions if Waka Kotahi were not in agreement as conditions cannot be imposed on land that the applicant does not control. Accordingly, in principle, would Waka Kotahi agree to hard should road widening and signage to mitigate risks to cyclist/pedestrians assuming it would be done with Waka Kotahi's agreement and to their standards?

Your response would be much appreciated.

Kind regards

Perspective

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