

NOTIFICATION ASSESSMENT



Applicant Name: Westland Mineral Sands Co. Limited

Application number: 240013

Date application received: 25 October 2023

Date application assessed: 27 February 2025

Application site address: 713 Ruatapu Road (State Highway 6), Mananui

Proposed activity: To construct, operate and maintain a mineral sand mine, including associated infrastructure and buildings over an area of approximately 112ha, located at 713 Ruatapu Road (State Highway 6), Mananui within the Rural Zone Operative Westland District Plan ('ODP'), and General Rural Zone, Outstanding Natural Landscape and Pounamu Management Area under the Proposed Te Tai o Poutini Plan ('PDP') and Coastal Hazard Alert Area under Variation 1 of the PDP ('PDP Variation').

Fast-track application: No – 20 days for decision

Under section 95(1) of the RMA, the consent authority must decide whether to notify a consent application. The notification assessment is in two parts:

1. First, an assessment of whether the application should be publicly notified; and
2. Secondly, if the conclusion is that the application need not be publicly notified, an assessment of whether the application should be subject to limited notification.

Section 95(2) specifies the time limits for the notification of applications.

1. A decision on notification for a fast-track application must be completed within 10 working days from the date of lodgment.
2. A decision on notification for any other application must be completed within 20 working days from the date of lodgment.

Summary of the Proposal

The Applicant Westland Minerals Sands Co Ltd ('WMS') seeks all resource consents necessary to construct, operate and maintain a mineral sand mine, including infrastructure, for approximately 112ha of the subject site as illustrated in **Figure 1** and referred to as the "Application Area".

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Figure 1: "Application Area" Site Map (Source: AEE page 7).

The application area will be mined seeking to extract heavy mineral bearing shoreline sands. The mining methodology proposed is to utilise a sand dredge positioned within a mine pond, which is initially excavated to groundwater level, targeting the layered heavy mineral bearing shoreline sands within the proposed mining footprint above RL 0m. Topsoil is removed ahead of the mine path and set aside for rehabilitation. As the dredge mining face advances, the void created behind is progressively backfilled with tailings sand, re contoured and top soiled. The proposed dredge path is an average of 70m wide and will operate in a predominantly North - South direction.

Dredged ore is screened at the mining void to remove oversized particles (larger than 2mm) then the sand fraction is slurry pumped to a processing plant site that is situated adjacent to SH6, garnet and ilmenite HMC will be trucked offsite. Once processed the tailings sand slurry is pumped back to the mining void for back filling. On-going rehabilitation is proposed as the dredge moves through the application area. The proposed mining sequence is illustrated in the schematic in **Figure 2**, prepared by the Applicant.

A 4.4ha area located at the western boundary adjacent to SH6 will comprise of Wet Concentrator Plant Area as detailed in **Figure 3**. The proposed buildings and structures include:

- Wet Concentrator plant (WCP) – setback 150m east of State Highway 6 and up to 17m in height – 2000m²
- Main Site office - 500m²
- Plant maintenance workshop - 350m²
- Mine machinery maintenance workshop - 350m²
- Plant laboratory – 100m²
- Water tanks - 300m²
- Control room MCC - 60m²
- Power transformer 200m²
- 10-15kl Diesel fuel self-bunded double skinned fuel bowser

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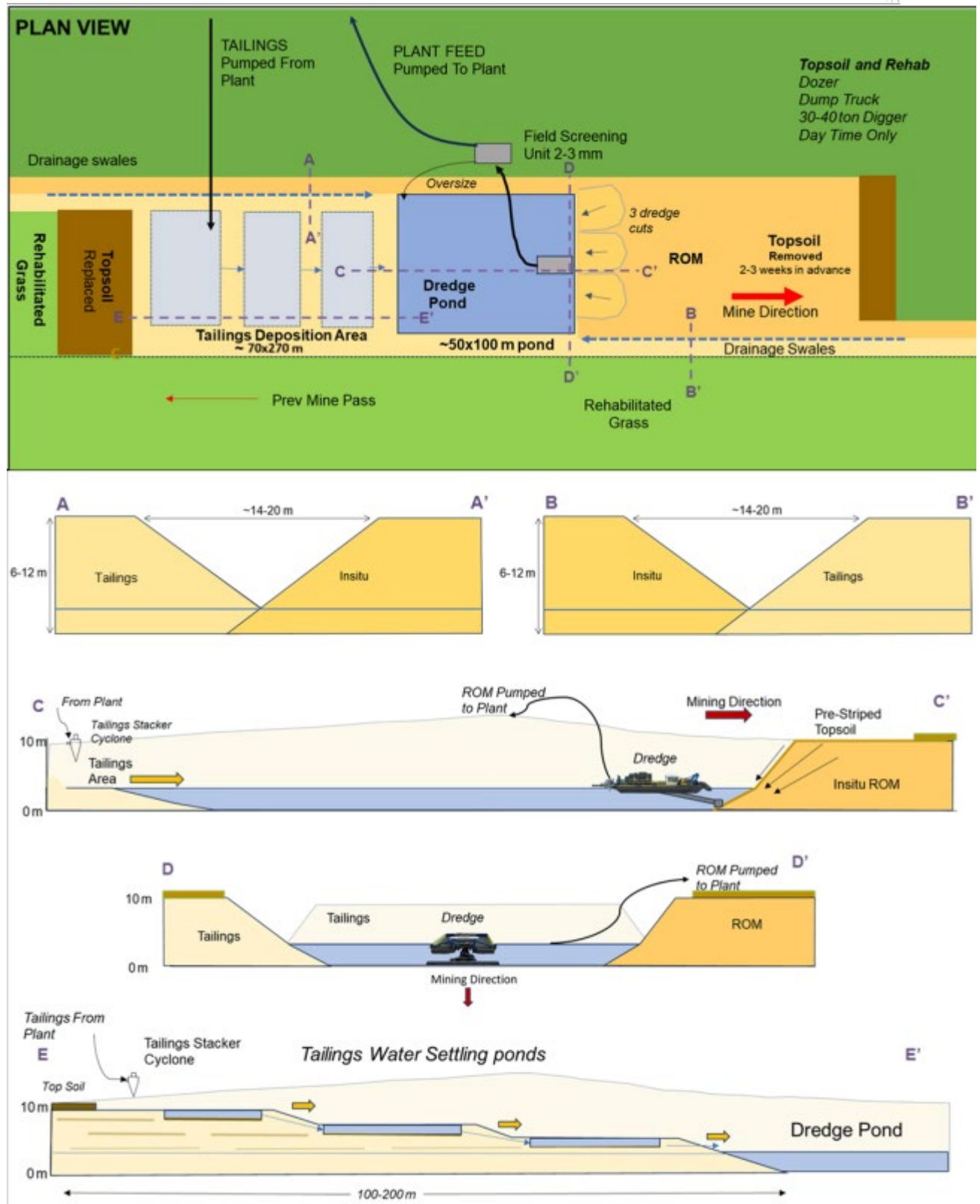


Figure 2: Mining Sequence Schematic (Source: AEE page 19).

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Figure 3: “Wet Concentrator Plant Area” Site Layout Plan (Source: AEE page 25).

The mining operation will occur 24 hours 7 days a week, with the Applicant seeking a consent term of 16 years.

The land will be progressively rehabilitated to pasture, and an ecological restoration area will be created along the Māhinapua Wetland and Creek. The ecological area will consist of approximately 2.37ha of wetland and 4.75ha of new vegetation.

Section 4 The Proposal, pages 14 – 40 of the AEE provides a detailed and comprehensive description of the proposal, which I adopt for the purposes of this report. The proposal details outlined include:

- Pre-mining Sequence;
- Mining Methodology and Sequence;
- Wet Concentrator Plant (WCP) Process;
- Plant and Machinery;
- Onsite Processing, Buildings and Facilities;
- Lighting;
- Hours of Operation;
- Traffic and Site Access;
- Noise;

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- Mine Water Management;
- Groundwater Take;
- Dust Management;
- Hazardous Substances Use, Storage and Management;
- Ecological Values;
- Visual and Ecological Planting;
- Rehabilitation Management Plan;
- Final Land Form;
- Proposed Conditions of Consent; and
- Lapse Date and Term of Consent.

Summary of Site and Locality Description

Section 3 Application Site and Surrounding Environment pages 7 - 13 of the AEE provides a description of the site and surrounding area, which has been adopted for this report.

The subject site is legally described as Lot 1 DP 3854 (RT WS8C/973) being a total of 140.1780ha in area. Located at Mananui, approximately 7.5km south of the Hokitika Township and 4km north of Ruatapu. The majority of the site is currently used for farming being predominantly pasture, with a single residential dwelling and associated ancillary sheds. Wetlands are located within the eastern portion of the site, with approximately 4.2ha¹ of fragmented remnant indigenous vegetation. The site has a series of parallel low dune ridges running from north to south and a number of drains discharging to Tūwharewhare (Māhinapua Creek).

The subject site has undulating topography, with elevation ranging between 5 and 14m above mean sea level (AMSL). The site is underlain by a sequence of shore-parallel to subparallel shoreline sediments deposited over the last 12,000 years (Holocene) during the Aranui interglacial period (Nathan et al., 2002).

The applicant holds Mining Permit - MP60508 which expires in 2039 and covers the 140ha property. The property title includes privately held mineral rights.

The subject site drains into various catchments, two sea draining catchments and the Māhinapua catchment.

¹ Applicant considers that there is 4.2ha of remnant indigenous vegetation, Council Peer Review concludes that there is 5.1 Ha of remnant indigenous vegetation.

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Figure 4: Site Location (Source: Westland District Council Intramaps).

Two registered archeological sites, being J33/214 - buildings located along the northern boundary of the application area and J33/215 - historic mining activities located to the east of the application area are within the vicinity of the proposal.

The subject site is zoned Rural Zone under the ODP (**Figure 5**):



Figure 5: Site Zone ODP (Source: Westland District Council ODP).

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The subject site is proposed to be zoned General Rural Zone, Outstanding Natural Landscape ('ONL') and Pounamu Management Area under the PDP and Coastal Hazard Alert Area under Variation 1 of the PDP Variation (**Figure 6**).



Figure 6: Site Zone PDP and PDP Variation (Source: Te Tai o Poutini Plan Eplan).

The subject site is bordered by State Highway 6 ('SH6') to the west, Māhinapua Creek to the east, Department of Conservation ('DOC') administered land to the south and to the north is the Mananui Tramline public walkway. The majority of the surrounding area is lowland pastoral farmland and the subject site is separated from the coastal environment by SH6 and farmland to the west.

Lake Māhinapua is located to the south of the subject site and is identified within Schedule Five as ONL 26 in the PDP and is described as:

“Low lying lake basin that is strongly defined by surrounding mature indigenous forest.

- *Very extensive and homogenous mature swamp forest around the entire lake fringe that directly interacts with the open waters of the Lake. Intact sequences of wetland and swamp species through to canopy native forest.*
- *High transient values associated with evident bird life on the lake and surrounding indigenous forest.*
- *The tranquility of the lake, unmodified sequences of native forest amplify the natural qualities of this landscape.*
- *Due to its intimate scale this landscape as a whole is a landmark”.*

The PDP includes proposed Sites and Areas of Significance to Māori ('SASM') (**Figure 7**) in proximity to the subject site, Tūwharewhare (Māhinapua Creek) is proposed SASM 105 being identified as Wāhi tapu, Lake Māhinapua is proposed SASM 111 being identified as Wāhi tapu and Māhinapua is proposed SASM 110 being identified as a Pā site, Battle site with a Category Rua (2).

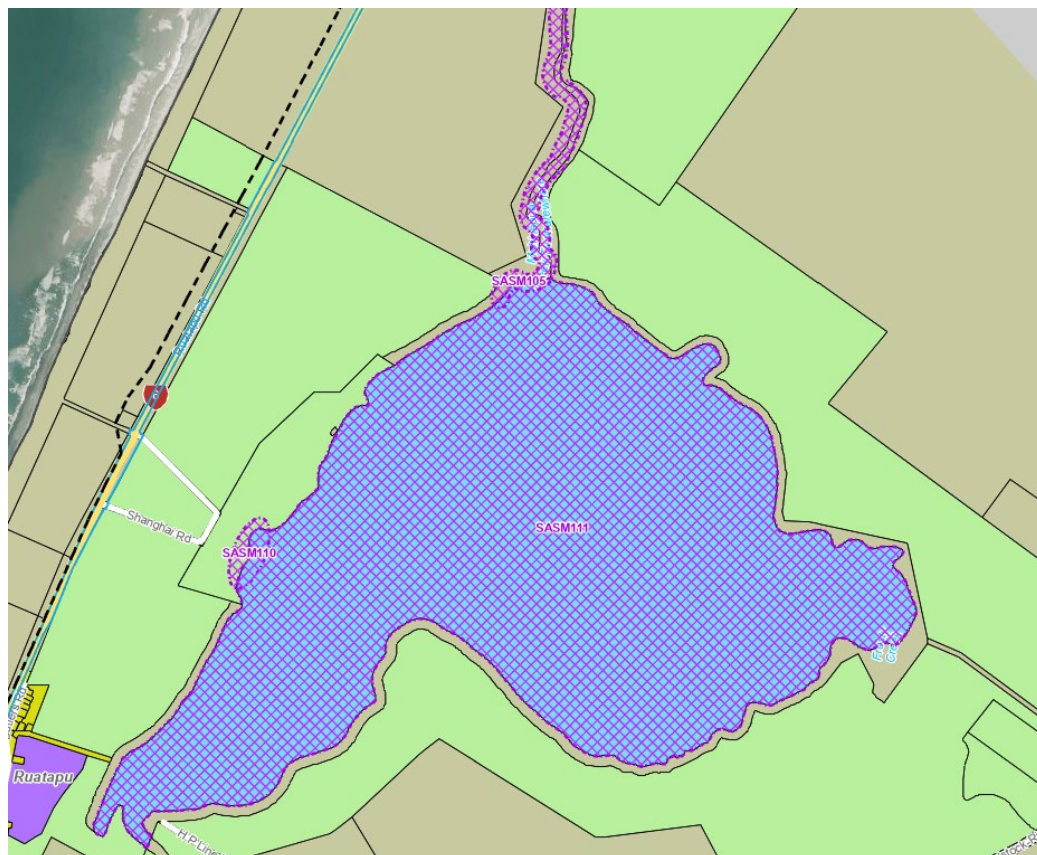


Figure 7: PDP Proposed SASM (Source: Te Tai o Poutini Plan Eplan).

Peer Review

Peer review of technical reporting associated with the application was undertaken by the following professionals:

Noise	Tokin and Taylor
Ecology	Blueprint Ecology
Hydrology	Wallbridge Gilbert Aztec

Further Information

Further information was requested on the 15th of January 2024 with regard to:

- Confirming technical details and potential effect to hydrology and water quality.
- Clarification with respect to the use of proposed temporary dams and associated pondlocations and the Erosion Sediment Control Plan.
- Clarification of noise limits applied, assessment of noise from truck movements on SH6, modelling results of noise levels and effects on the Bittern and other sensitive species, and confirmation of setback distances.
- Request for lizard, long-tailed bat and avifauna surveys, confirmation of the extent of natural

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wetlands within the application area and relevant assessment, consideration of areas within the site that meet the SNA criteria and relevant assessment against the National Policy Statement Indigenous Biodiversity 2023 ('NPS-IB'), quantification of the value of biodiversity impacted, mitigated and off-set, and clarification of what management and monitoring of plant lighting is proposed.

- Request for an updated Rehabilitation Management Plan to include detail on how forest planting/revegetation and wetland creation will be managed.
- Clarification on hours of operation.
- Explanation as to why landscape bunds do not extend around the full site boundary and updated Site Plan.
- Request for a geotechnical assessment.
- Details of signage to be installed.
- Clarification of how close the mining activity will be from the wetland for the purposes of assessment against the relevant plan rules.
- Further comment invited with respect to the activity status of the proposal considered to be a non-complying activity (activity status under the ODP was determined by the applicant to be a restricted discretionary activity due to the application of Rule 5.6.2.2D).
- Details of how the proposed bond sum was calculated.

The information was provided on 6 December 2024, following review by technical experts and further clarification regarding built form received on the 21 of February 2025, the information was considered to be at an adequate level to proceed with notification as requested.

District Plan Rules

ODP

The application site is zoned Rural under the ODP, and the proposed activity requires resource consent for the following reasons:

The applicant has applied for consent under the following ODP rules:

Land Use

- As a **Restricted Discretionary Activity** pursuant to **Rule 5.6.2.2D Mining Activity**.
The proposal includes the construction, operation and maintenance of a Mining Activity which is a restricted discretionary activity.
- As a **Restricted Discretionary Activity** pursuant to **Rule 8.9.2a**
The proposal includes the construction and operation of a new access to SH6 to serve the mining activity which is expected to create 515 equivalent car movements per day, exceeding the permitted activity limit of 100 equivalent car movements per day.

Note:

The applicant considers that no additional consents are necessary due to the matters of discretion

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associated with rule 5.6.2.2D. Legal opinion is provided in support of their interpretation.² Council³ has a different interpretation of the ODP, which is that the proposal requires additional consents due to the definition of mining being confined to the extraction activity.

The ODP Part 9 Definitions apply to determining the activity:

Mining means to take, win, or extract, by whatever means, a mineral existing in its natural state in land, or a chemical substance from that mineral, **for the purpose of obtaining the mineral or chemical substance**; but does not include prospecting or exploration; and 'to mine' has a corresponding meaning.

Industrial Activity means any activity involving the production, **processing**, assembly, servicing, **testing, repair** and/or storage and warehousing of any **materials, goods, products or vehicles** and includes transportation facilities and freight depots but does not include odorous activities specified in Appendix G.

Accessory Building on any site means a building, the use of which is incidental to that of any other building or buildings on the site... In relation to a site on which no building has been erected the building must be incidental to any permitted activity. *(my emphasis added)*

The extent to which the definition of mining includes buildings (as indicated by the matters of restricted discretion for mining in the rural zone) is considered to be limited to those buildings directly associated with the dredging rig itself and does not cover the substantial complex of buildings and structures that house the associated elements of the mine's business, such as processing the mined material, laboratories and workshops (plant area).

Rural Zone Rule 5.6.2.1 states that:

Any activity which does not fall within the permitted or discretionary categories is deemed to be a non-complying activity.

The categories are listed in rules 5.6.2.2A – D:

Rule 5.6.2.2C states that:

Any other activity which complies with the standards for discretionary activities (see table 5.7), except mining.

As such rule 5.6.2.2C and therefore the standards of table 5.7 apply to the proposed buildings associated with the project as previously listed.

- Table 5.7 (a) states that the maximum gross ground floor area of non-farming buildings must not exceed 800m² as a discretionary activity. As the proposed processing plant exceeds this limit the proposal is considered to be a **Non-Complying Activity** under rule 5.6.2.1.
- Table 5.7 (h) states that the maximum height of all other buildings must not exceed 8m. The proposed processing plant is 17m in height and is considered to be a **Discretionary Activity** under rule 5.6.2.2C.

The Applicant considers that the proposed vegetation clearance is part of the mining activity being sufficiently covered by the matters of discretion within rule 5.6.2.2D. The Council interpretation differs, because the definition of mining does include vegetation clearance. In accordance with rule 5.6.2.2C bullet point three, the proposal will result in the clearance of more than 2000m² of indigenous

² Refer to Westland Mineral Sands Co Letter of Response to RFI dated 6 December 2024 and Attachment 5 Letter from Anderson Lloyd.

³ Refer to RiceSpeir Legal Advice to Westland District Council.

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vegetation per 5 years per site:

- (a) where the contiguous land is managed for conservation purpose; or
- (b) from an area of indigenous vegetation is in excess of 5 hectares.
- (c) From a natural wetland;

is a **Discretionary Activity** under rule 5.6.2.2C.

The contiguous land to the south is managed for conservation purposes by DOC as the Conservation Area - Mahināpua Creek /Tūwharewhare, and, in addition, Council's Ecologist considers that the area of indigenous vegetation exceeds 5ha, therefore it is considered that the proposal is a **Discretionary Activity**.

Overall the application is considered by Council to be a **Non-Complying Activity**.

PDP

The proposal requires consent under rule ECO-R5: Indigenous vegetation clearance of the PDP (which has immediate legal effect). The proposal will result in the clearance of approximately 4.2ha⁴ of indigenous vegetation over a 10-year period, exceeding the permitted limit of 5000m² per site in total over any continuous three-year period. This requires consent as a **Restricted Discretionary Activity**.

Proposed rule ECO-R5 restricts discretion to:

- a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;
- b. Constraints imposed by functional or operational need of network utilities and critical infrastructure;
- c. Effects on habitats of any threatened or protected species;
- d. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;
- e. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;
- f. Effects on the intrinsic values of ecosystems;
- g. Effects on recreational values of public land; and
- h. The matters outlined in Policies ECO - P6 and ECO - P7.

Regional Consents

Consent(s) are also sought from West Coast Regional Council (WCRC) (RC-2023-0133) for the following:

Table 1: Resource consents applied for with the West Coast Regional Council

Reference	Activity	Description/Location
RC-2023-0133-01	Land Use Consent	To undertake earthworks associated with mineral sands mining and, Mananui.
RC-2023-0133-02	Land Use Consent, NES-F	To undertake earthworks and land disturbance within 100m of a natural inland wetland associated with mineral sands mining, Mananui.

⁴ Peer Review concludes that 5.1ha of indigenous vegetation will be cleared.
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Reference	Activity	Description/Location
RC-2023-0133-03	Water Permit	To take and use groundwater from a dredge pond associated with mineral sands mining, Mananui.
RC-2023-0133-04	Water Permit	To take and use groundwater from a well associated with mineral sands mining, Mananui.
RC-2023-0133-05	Discharge Permit	To discharge water (dewatering water) containing contaminants to land where it may enter water via settling ponds associated with mineral sand mining, Mananui.
RC-2023-0133-06	Discharge Permit	To discharge water (processing tailings water) containing contaminants to land where it may enter water via a dredge pond associated with mineral sand mining, Mananui
RC-2023-0133-07	Discharge Permit	To discharge water (processing and mine water) containing contaminants to land where it may enter water via an infiltration trench associated with mineral sand mining, Mananui

Matters that are within the jurisdiction and functions of a Regional Council in accordance with section 30 of the RMA are not addressed within this assessment, noting that 'mining' falls within the definition of 'earthworks' under the West Coast Regional Land and Water Plan.

Public Notification Assessment

Section 95A(3)(a) - Public notification if the applicant requests

The applicant has requested that the application be publicly notified.	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
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The application must be publicly notified pursuant to Section 95A(3)(a) as requested by the Applicant in the "Westland Mineral Sands Co Ltd Application for Resource Consents to West Coast Regional Council and Westland District Council, Mananui Mineral Sand Project, Application and Assessment of Effects on Environment" prepared by Tai Poutini Professional Services dated 24 October 2023 and updated by Westland Minerals Sands Co dated 6 December 2024 ('AEE').

For completeness a summary of effects has been provided, however this does not constitute an assessment against steps 2-4 of Section 95A or against Sections 95B to 95E of the Act.

Summary of Effects

Section 95D(b) Permitted Baseline

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The following activities are provided for as permitted activities subject to compliance with relevant standards.

ODP

The following activities are permitted within the Rural Zone:

- Any agricultural, existing residential, forestry below an altitude of 1000 m (except clearance of indigenous vegetation as specified in 5.6.2.1C) prospecting or recreational activity.
- All prospecting activities as defined by the Crown Minerals Act 1991 and all reconnaissance exploration activities up to and including drilling, scout trenching and geophysical surveys, subject to:
 - a) All drilling limited to 150 mm diameter and a density of one drill site per hectare.
 - b) Scout trenching or sampling by hand methods, or by mechanical means where there is existing access to the actual site to be sampled, or by the use of explosives, where the aggregate length of the samples taken does not exceed 50 linear meters of sample per hectare.
 - c) Geophysical surveys not using explosives.
- Standards (relevant) specified in Table 5.7:
 - No maximum gross ground floor area of farm buildings.
 - Buildings for commercial livestock and animals are setback 300m from residential zone boundaries, 45m from dwelling and 30m from other site boundaries.
 - All other buildings are setback 10m from front boundary, 3m from side and rear boundaries and 20m from state highway boundary.
 - Noise shall not exceed 55 dBAL₁₀ at any point within the notional boundary of a residential activity between 0700 – 2100 hours Monday to Friday and 0700 – 1800 hours Saturday. All other times including public holidays noise shall not exceed 45 dBAL₁₀ at any point within the notional boundary of a residential activity.
 - One sign per site with a maximum area of 2m².
 - Maximum building height for all other buildings 8m.
 - Riparian setbacks, 25m from natural wetlands greater than 2ha, lakes 20m, rivers and streams of more than 3m in width 10m.
 - Clearance of 2000m² of indigenous vegetation per 5 years per site, where the contiguous land is not managed for conservation purposes or from an area of indigenous vegetation less than 5ha and is not from a natural wetland.

PDP

The following permitted activities with immediate legal effect are relevant to the proposal:

ECO-R1 Indigenous Vegetation Clearance and Disturbance Outside of the Coastal Environment

Activity Status Permitted

Where:

1. It is outside of a scheduled Significant Natural Area as identified in Schedule Four;
2. It is clearance permitted by the Natural Character and the Margins of Waterbodies Rule NC - R1; or
3. It is necessary for one of the following purposes:
 - i. It is the removal of windthrown timber through:
 - a. Use of helicopter recovery methods; or
 - b. Where +ground-based recovery is only undertaken from areas adjacent to existing vehicle tracks; or
 - ii. The maintenance, operation and repair of lawfully established tracks, fences, structures, buildings, critical infrastructure, network utilities, renewable electricity generation activities or natural hazard mitigation activities;

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- iii. For the installation of temporary network activities following a regional or local state of emergency declaration;
 - iv. To prevent a serious threat to people, property, structures or services;
 - v. To ensure the safe and efficient operation (including maintenance and repair) of any formed public road, rail corridor or access;
 - vi. For the construction of new fences and traplines associated with Conservation Activities or to exclude stock or pest animals;
 - vii. To upgrade or create new public walking or cycling tracks up to 3m in width undertaken by the Council or its approved contractor;
 - viii. To comply with section 43 of the Fire and Emergency Act 2017;
 - ix. For construction or operation of an above ground or below ground network utility or the national grid where:
 - a. The construction corridor does not exceed 3m in width; and
 - b. All machinery used in construction is cleaned and made free of weed material and seeds prior to entering the site; and
 - c. Rehabilitation of disturbed areas is undertaken following the completion of construction;
 - x. It is cultural harvest undertaken by Poutini Ngāi Tahu; or
 - xi. It is on MPZ - Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
 - xii. It is within an area subject to a QEII National Trust Covenant or Ngā Whenua Rahui Kawaneta, a Reserves or Conservation Act covenant or a Heritage covenant under the Heritage New Zealand/Pouhere Taonga Act and the vegetation disturbance is authorised by that legal instrument;
4. Within the Grey District it is clearance outside of an Outstanding Natural Landscape identified in Schedule Five; or
5. Within the Buller and Westland Districts:
- i. It is the removal or clearance of mānuka, kānuka and bracken only that is not part of any wetland and which is under 15 years old, not exceeding 5ha per site over any continuous three year period, subject to provision of notice to the relevant District Council at least 20 working days prior to the proposed clearance including:
 - a. Details of the location of the proposed clearance;
 - b. Area of the proposed clearance; and
 - c. Verification by documentary, photographic or other means that the vegetation is less than 15 years old and not part of any wetland; or
 - ii. It is a maximum area of 5000m² per site, in total, over any continuous three-year period.

NC-R1 Indigenous Vegetation Clearance and Earthworks within the Riparian Margin of a River, Lake or Wetland. (Riparian margin is defined as all land within 10m of any wetland, stream or river with an average bed width greater than 3m and 20m of any lake)

Activity Status Permitted

1. Where this is outside of any Significant Natural Area identified in Schedule Four, and for:
 - a. Fence lines; or
 - b. Maintenance, operation, minor upgrade and repair of network utilities, critical infrastructure or renewable electricity generation activities;
 - c. Connections to wastewater, stormwater and reticulated network utility systems; or
 - d. Installation of an environmental monitoring and extreme weather event monitoring facility; or
 - e. Maintenance and repair of lawfully established structures; or
 - f. The construction of parks facilities, parks furniture or public access points within an Open Space and Recreation Zone; or

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- g. The establishment of a river crossing point up to 3m wide; or
 - h. Poutini Ngāi Tahu activities;
 - i. Activities on Māori Purpose Zoned land and undertaken in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
 - j. Natural hazard mitigation activities undertaken by a statutory agency or their nominated contractor;
2. The amount of indigenous vegetation clearance is not greater than 20m² per 200m length of Riparian Margin;
 3. The amount of earthworks is not greater than 20m³ per 200m length of Riparian Margin;
 4. All earthworks stockpiles are located outside of the Riparian Margin of the waterbody; and
 5. Unless carried out by a statutory agency or their nominated contractor responsible for natural hazard mitigation, the clearance and earthworks are not located within areas used and identified for natural hazard mitigation structures.

Overall, the activity will notably exceed the permitted baseline provided for within both the ODP and PDP.

Type of effect	Comments
Noise	<p>The proposal will result in noise being generated from the mining activity and processing plant 24 hours a day, 7 days a week for a period of 10 years. Noise will be generated by the processing plant and associated equipment and vehicle and machinery operation.</p> <p>A Noise Assessment dated 4 December 2024 has been completed by Marshall Day Acoustics in support of the Application. This assessment concludes that the proposal has the potential to exceed the ODP standard of 45 dB L10 noise limit that applies during the day on Sundays and Public Holidays, between 2100 and 2200 hours Monday to Friday and between 1800 and 2200 hours on Saturdays.</p> <p>This assessment states that mining activities will only just be audible during lulls in traffic during the day. At night, noise may be audible when excavation is occurring at the closest point to dwellings. However, noise levels from site will be below World Health Organisation guidance at all times, permitting residents to sleep at night with windows open.</p> <p>Mitigation measures have been recommended by Marshall Day, including the positioning of the plant as far away from dwellings as practicably possible (as well as adjacent ecological areas) and providing for some targeted noise screening bunds around existing dwellings.</p> <p>The plant has also been located centrally to minimise pumping from various locations which will reduce noise levels.</p> <p>Proposed conditions of consent include setbacks from notional boundaries of 669, 677 and 694 Ruatapu Road for the proposed mining activities:</p> <ul style="list-style-type: none"> • 85 metres between 0700 and 2200 hrs, and • 115 metres between 2200 and 0700hrs. <p>Marshall Day considers that noise effects from the activity will be reasonable in the context of the rural receiving environment.</p> <p>Peer Review of the Marshall Day report has been undertaken by Tonkin and Taylor (original</p>

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	<p>review dated 28th of November 2023 and review of further information dated 14th of February 2025) who conclude:</p> <ul style="list-style-type: none"> • That they have residual concerns over the amenity for residents due to the 55 dB LAeq (15min) daytime noise limit extending until 10 pm at weekends and public holidays, but Tokin and Taylor consider that there is precedent for this at Barrytown Flats and appears to be the intent of the PDP so Tonkin and Taylor have raised no further comments. • The Tonkin and Taylor response considers that the two setback distances from 669, 677 and 694 Ruatapu Road proposed by Marshall Day are practicable to comply with. • The assessment of truck noise demonstrates that noise effects are expected to be reasonable. • We have no additional concerns regarding avifauna. <p>The Applicant AEE (para 6.22) concludes <i>“Ultimately the Acoustic Assessment concludes that the effects of the proposal are reasonable in the context of the Rural receiving environment. On the basis that the proposal complies with published guidance for the protection of residential amenity, we consider the noise effects to be less than minor in nature.”</i></p>
Ecological effects	<p>The application is supported by an Ecological Assessment prepared by BlueGreen Ecology Ltd dated 18 November 2024.</p> <p>This assessment includes studies of natural inland wetlands, remaining forest fragments and waterways, as well as surveys of native bat, bird and lizard populations. No bats or lizards were reported within the Application Area, the avian survey identified the values of the site, some very high, were all associated with the wetland and Māhinapua Creek and none with the pasture forest fragments.</p> <p>This assessment concludes that no natural inland wetlands are considered present west of the escarpment, within the pasture. To the east of the escarpment, a WCRC Land and Water Plan Schedule 2 Wetland was determined to be significant (in accordance with Schedule 1 of the WCRLWP) and of ‘very high’ value (and therefore schedule 1).</p> <p>The application states that the proposal seeks to remove 4.2ha of forest fragments as part of the mining activity, considered by the ecological assessment to be low value. However, fauna management requirements are recommended to ensure harm is minimised to indigenous nesting birds. The assessment also concludes that no Significant Natural Areas (“SNA”) will be affected.</p> <p>The proposal includes a net groundwater take from the pit of 3 litres per second to maintain a hydraulic gradient away from the wetland and Māhinapua Creek. This is intended to avoid sedimentation and increased metal loads and changes in water quality occurring within Māhinapua Creek by maintaining a hydraulic gradient away from the water body and discharging this water to an infiltration trench on the southern boundary.</p> <p>Groundwater level monitoring is proposed to ensure that changes in water levels are identified and if linked to the mining activity (i.e. not seasonal fluctuations) can be rectified through amendments to the water management within the mine area. The ecological assessment confirms that there will be no drainage of wetlands.</p> <p>The application states that the proposal includes the restoration (as a remedy to the forest loss)</p>

of approximately 4.75ha of broadleaf/podocarp forest along the western boundary of the escarpment forest (beyond the proposed mining area). The ecological assessment considers the escarpment forest critical as a buffer to protect the significant eastern wetland from both the proposal and the existing (and post-mining) farming land use. Two indigenous wetlands are proposed as part of the 1.7 km long and 30m wide restored forest edge (Ca. 2.37 ha) and these are considered by the ecological assessment to improve long term water quality discharged to the east wetland. Fauna salvage and remedial rehabilitation are recommended by the ecological assessment to manage the potential effects of habitat disturbance.

The ecological assessment considers that the application (following the ecological recommendations) will result in a net ecological gain for the property and better secure the valuable and significant eastern features.

The AEE Ecology assessment makes the following ecological conclusions:

- The vegetation loss due to the fragmented and poor quality nature of the remnant forest is considered to have a less than minor effect on avifauna both in terms of habitat loss and displacement and nest, egg and parent loss from clearance activities (paragraph 6.54).
- The ecological assessment confirms that there will be no drainage of wetlands. As water levels and hydrological function will be maintained, so too will the extent and ecological values of these areas. The effects on wetlands are primarily avoided through the maintenance of water levels, therefore considered to be less than minor in nature. (paragraph 6.59).
- The robust and tested water management methods proposed ensure that effects on water quality can be avoided, therefore ensuring that effects on stream ecology are also avoided. With the water management strategy in place there should be negligible/unmeasurable ecological effects on the surrounding receiving environments. (paragraph 6.63).

Blueprint Ecology completed a peer review on behalf of Council (original review dated 20th of December 2023 and review of further information dated 11th of February 2025). The peer review has disagreed with a number of the Applicant's Ecological Assessment conclusions, primarily the calculation of the forest fragments – a total of approximately 5.1ha, the presence of and potential adverse effects on terrestrial (ground-dwelling) lizards (green gecko) and the South Island fernbird and Australasian bittern. These being Threatened – Nationally Vulnerable 'West Coast green gecko'; 'At Risk – Declining' South Island fernbird; 'Threatened – Nationally Critical' Australasian bittern.

The Reviewer also concludes that Applicant does not provide a representative assessment of ecological integrity as defined in the NPS-IB in the areas requested. The forest fragments have adequate ecological integrity to meet the NPS-IB representativeness criteria. That is, they are able to support and maintain their composition, structure and functions, despite the historic and current land use practices.

The Reviewer identifies that conclusions in the ecological assessment are predicated on an erroneous assessment of potential adverse effects to forest values, natural inland wetland, native lizards, Australasian bittern and South Island fernbird. There is no attempt to avoid potentially significant adverse ecological effects, and the proposal does not appropriately follow the effects management hierarchy of the NPS-IB. The proposal is inconsistent with the ecological provisions of the RPS, PDPNPS-FM and NPS-IB. Furthermore, the review identifies a

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	<p>biodiversity offset or compensation is not provided for residual adverse ecological effects after initiatives to avoid, minimise and mitigate potential adverse ecological effects have been applied.</p>
<p>Effects on Landscape and Natural Character</p>	<p>The application is supported by a Landscape and Visual Assessment of Effects ('LVA') prepared by Glasson Huxtable Landscape Architects (original report dated October 2023 and revision 2 dated December 2024); this report has been relied upon for the purpose of this assessment.</p> <p>The subject site is located in Mananui, within a rural context, the landform of Mananui is gently undulating, increasing beyond SH6. The two most notable landscape features lie to the east and south-east of Mananui, being Māhinapua Creek and Lake Māhinapua. The wider area is characterised by areas of native vegetation, pastoral farming activities and rural residential housing. The site itself is modified and is primarily grass covered farmland, with some with fragmented pockets of native vegetation throughout and more vegetation fringing the inland boundary.</p> <p>The LVA concludes that the subject site is not within the coastal environment, which is consistent with the PDP coastal environment overlay.</p> <p>The PDP identifies the south-eastern corner of the site (outside of the Application Area), the southern part of Māhinapua Creek, the entirety of Lake Māhinapua and the established vegetation as proposed ONL.</p> <p>The LVA states that the natural character of the Māhinapua Creek and wetland, Māhinapua Scenic Reserve and Lake Māhinapua exhibit high value of naturalness, whilst the modified pastoral plain either side of SH6 (and which the application area is part of) has downgraded natural character.</p> <p>The LVA states that the amenity values for this location relate to the:</p> <ul style="list-style-type: none"> • Diverse landscape made up of many different landscape components and characteristics. • High natural character around the site (but not for the application area which is modified). • Openness and generally “unbuilt” landscape. • Contrast between the wide-open pastoral areas with long views and the impermeable bush. • The beauty of Māhinapua Creek with reflections visible on a clear still day. • The emptiness of the area with movement and noise (other than the wind) confined to individual properties and the intermittent cars travelling along SH6. <p>The potential landscape effects from the proposal arise from:</p> <ul style="list-style-type: none"> • The short-term change in landscape character from farming to mining and processing. • The short-term effect arising from construction activity associated with site establishment. • The change of landcover with vegetation and pasture loss. • The proposed Processing Plant (WCP) height. • The addition of new structures, ponds, fences, roads, machinery, bunds, and planting. • The effects arising from the mining activity itself. • The preservation of natural systems (wetlands, vegetation, and farmland). • The protection of identified visual values (important viewpoints and vistas).

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	<ul style="list-style-type: none"> • The effects of the Application on natural character and natural features. • The effects of the Application on amenity values and the quality of the environment. • The restoration, rehabilitation, and environmental enhancement. <p>The Applicant has designed the project and proposed measures to mitigate potential landscape effects including limiting the duration of mining activity, management of construction and operation of the proposed works and mining activity and rehabilitation. Compliance with these have been assumed in the LVA.</p> <p>With respect to potential effects to the ONL, the LVA concludes that there will be “no adverse effects arising from mining activity on the ‘outstanding’ value of the landscape”. Reasoning for this conclusion is detailed in page 43 of the Report, including reliance upon conditions proposed by the Applicant.</p> <p>The LVA concludes that the proposal will result in a low (minor), short term adverse effect on natural character for both the application area and locality during mining. Longer term, with mining activity complete, and rehabilitation implemented (new planting, fencing and reserve area), there will be a positive low to moderate (minor) effect on natural character.</p> <p>The LVA also concludes that the proposal will result in the openness and largely unbuilt area being changed in the short term through the addition of the plant, ancillary buildings, machinery, movement, bunding, screening vegetation and the mine pit itself. A part of the Application Area at any one time will be affected by the mining activity alongside the use of the Processing Plant. This will result in a transitional low (less than minor) adverse effect on amenity, resulting in gradual change across the Application Area as the project progresses.</p> <p>Overall, the LVA concludes that when comparing the landscape effects of the mining activity to the existing farming operation, the proposed changes are appropriate for the location. The Application is considered by the LVA to have a low to moderate (minor) adverse effect on landscape character, during mining and a low (minor) positive effect on landscape character in the longer term. This is due to the carefully chosen mining disturbance area, the short timeframe, the graduation of effects across the application area (largely dependent on when and where the mining activity is occurring), and the ability for continuous and condensed rehabilitation to occur.</p>
<p>Visual Amenity Effects</p>	<p>The LVA has been relied upon for the purpose of this assessment, it identifies the viewing audience as:</p> <ul style="list-style-type: none"> • Locals and tourists using SH6 to travel between Hokitika and destinations south of the site. • Recreationalists using the local amenities that offer views of the application area, including the Māhinapua Walkway, Māhinapua Creek, Māhinapua Scenic Reserve, and the Mananui Bush Walk. • Residents of private properties. <p>The proposal is considered to have general visual effects from both the building form, structures, new access and truck movements proposed and the mining activity. The LVA anticipates that as mining moves across the Application Area, there will be a transient effect on both public and private viewers. The LVA also concludes that the Processing Plant has the greatest visual effect due to its height and its uniqueness in the surrounding landscape.</p> <p>The LVA has undertaken a detailed assessment of each viewing audience reaching conclusions of both low adverse visual effects and low to moderate adverse visual effects.</p> <p>The LVA has recommended a number of mitigation measures including a landscape mitigation</p>

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	<p>planting plan, bunding, planting at boundaries, building colours, establishment of setbacks and removal of buildings and structures and rehabilitation, post mining.</p> <p>Overall, the LVA concludes that during the Application, there is anticipated to be a low to moderate (minor) adverse visual effect on both public and private viewers in the vicinity. For those further afield, this is anticipated to be a very low (less than minor) adverse visual effect.</p>
Traffic Effects	<p>The subject site has two existing vehicle crossings from SH6. The proposal includes the construction of a new crossing and access centrally within the site. The proposed access has been designed as an intersection (with a right turn bay). The access arm has also been designed to accommodate vehicles turning to / from the State highway without conflict.</p> <p>Consent is sought for an average maximum of 70 truck movements (35 each way) to and from the site per day, 515 total equivalent car movements per day, and an average maximum of 48 vehicle movements and 6 heavy vehicles per hour. Onsite parking and loading areas will be provided within the Application Area.</p> <p>An Integrated Transport Assessment has been prepared by Novogroup dated October 2023. This confirms that:</p> <ul style="list-style-type: none"> • Access is considered to be a benefit to the safety and efficiency of SH6 and therefore acceptable. • The visibility at the access will more than comply with the District Plan and NZTA requirements. • The traffic volumes on SH6 and generated by the activity remain well within acceptable volumes based on the anticipated capacity of the existing road design and the proposed access arrangements. • The effects of the proposed activity on the wider transport network have also been considered and there is more than sufficient capacity to accommodate the anticipated traffic generated by the proposal. <p>Overall, the Integrated Transport Assessment concludes that the effects of the proposal are less than minor.</p>
Heritage Effects	<p>The Application is supported by an archeological assessment prepared by New Zealand Heritage Properties Ltd dated October 2023 and is relied upon for the purpose of this assessment.</p> <p>The assessment recognises the long history of nineteenth century activities that were strongly associated with resource extraction associated with the subject site. The assessment also recognises the value of the wider catchment as outlined in the Lake Māhinapua Management Plan (Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, & Te Rūnanga o Makaawhio, 2018). Lake Māhinapua is a taonga to Poutini Ngāi Tahu, with cultural, ecological, and landscape values, and it is recognised as a wāhi tapu.</p> <p>Given the distance to the project area from Lake Māhinapua, it is not anticipated that the project work will have any effect on these values; however, it is not appropriate for NZHP to comment on these cultural values.</p> <p>Two archaeological sites are identified within the project area:</p> <ul style="list-style-type: none"> • J33/214 Demolition debris associated with four former dwellings • J33/215 Three water races (mining gold) <p>J33/215 is outside of the area to be mined and will not be affected.</p>

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	<p>J33/214 will be completely destroyed and NZHP considers the magnitude of impact on this site will be major. NZHP supports (section 10.3 of their report) the proposed modification of J33/214 and any unrecorded archaeology sites uncovered during the proposed works. The information gathered from investigations of J33/214, and other sites yet to be uncovered, has the potential to provide information regarding usage of the site by aged or infirm miners residing on the reserve, and by those miners or foresters using the wider landscape.</p> <p>Earthworks for the project have the potential to encounter and affect archaeological remains relating to earlier uses of the landscape. Considering the large extent and depth of the earthworks across the majority of the project area, NZHP considers the magnitude of impact on any unrecorded archaeological sites will be major.</p> <p>NZHP have recommended number of measures to mitigate and remedy heritage effects associated with the proposal including the requirement to obtain an Archeological Authority under the Heritage New Zealand Pouhere Taonga Act.</p>
Cultural Effects	<p>The subject site is within the joint rohe of Te Runanga o Ngati Waewae and Te Runanga o Makaawhio. Lake Māhinapua and Māhinapua Creek are taonga to Poutini Ngāi Tahu, with cultural, ecological, and landscape values recognised as a wāhi tapu and identified as SASM under the PDP.</p> <p>The proposed works will not be undertaken within these wāhi tapu, however, the proposal has the potential to give rise to effects on taonga species and affect the mauri of water in the surrounding environment.</p> <p>The Applicant states that any pounamu unearthed will be returned to the mine pit with other oversized material.</p> <p>The Ngai Tahu Claims Settlement Act 1998 identifies taonga species, those potentially affected by the proposal are identified in the ecological assessment being, Mātā (Fernbird), Kōparapara (Bellbird), Riroriro (Grey Warbler), Miromiro (South Island Tomtit), Pūtakitaki (Paradise Shelduck), Weka, Kōtare (Kingfisher), Kūkupa (New Zealand Wood Pigeon), Pīpīwharauoa (Shining Cuckoo), Pīwakawaka (South Island Fantail), Pūkeko, Tūi, Kāhu (Australasian Harrier). The ecological assessment confirms that the effects on these taonga species are less than minor.</p> <p>The proposal includes management measures to ensure that potential adverse effects on the waterbodies surrounding the mine area will be mitigated, and in the longer term the site rehabilitation will reduce nutrient runoff from the existing farming activity and improve water quality in Māhinapua Creek.</p> <p>The Applicant has not undertaken specific consultation with respect to this proposal, instead stating that engagement has been undertaken with the Runanga. No evidence of this consultation has been provided by the Applicant.</p>
Hazardous Substances	<p>The proposal involves the storage of up to 15,000 litres of diesel on site to power generators and earthmoving machinery. The onsite fuel tank is a standard design with full secondary containment and will be located within the processing plant hardstand area. The application confirms that any spills can be contained by removal of any contaminated hardfill and appropriate disposal.</p> <p>The proposed storage will be located at least 150m away from the property boundaries and a significant distance away from any residential activities.</p> <p>The application states that fuel storage and transport will likely be managed by the fuel delivery company in terms of ensuring that the fuel storage tank is appropriately certified</p>

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	<p>under the Hazardous Substances and New Organisms Act 2006.</p> <p>The Applicant concludes that the potential environmental effects associated with the storage of diesel are considered to be less than minor in nature (AEE paragraph 6.75).</p>
Radiation	<p>A Radiation Assessment Report dated October 2023 has been prepared by Hardie Pacific and submitted in support of the application. The assessment indicates that the majority of radioactive material is captured in the Heavy Mineral Concentrate, which is removed from the site, however the report also confirms that the HMC produced is well below the concentration which would classify the material as radioactive, and therefore the Radiation Safety Act 2016 does not apply to the production/transportation of this material.</p> <p>The Applicant has confirmed that at least 6 months of baseline data will be obtained prior to mining commencing to establish background levels of radiation at the site, and has proposed conditions of consent to monitor radiation levels at the boundary of the application site for the duration of mining to confirm that public exposure levels within the Radiation Safety Act 2016 are not exceeded as a result of this activity.</p> <p>On this basis the Applicant considers that the effects associated with the disturbance of naturally occurring radionuclides is considered to be negligible (AEE paragraph 6.79).</p>
Economic Effects	<p>The Applicant has provided an Economic Assessment prepared by Sense Partners dated October 2023.</p> <p>This assessment concludes that the economic impact demonstrates that the proposed operation will provide a significant regional economic benefit including:</p> <ul style="list-style-type: none"> • The proposed mining operation at Mananui and supporting logistics chain will generate \$71m in export revenue each year. This will yield a \$37.9m direct contribution to regional GDP, equivalent to a 1.8% boost to regional GDP for the West Coast. • The operation will directly support between 65 and 70 mining jobs. • A local non-wage spend of \$15.4m per year will indirectly support a further 65 to 69 jobs. These include support roles in engineering, metallurgical, geotechnical, geology, maintenance, and naval architecture services. <p>The Applicant considers that the proposal will result in positive economic effects.</p>

Decision on Public Notification

The application will be publicly notified pursuant to 95A(3)(a) based on the applicant’s request.

Limited Notification Assessment

Figure 7 identifies the people who have been identified as being potentially adversely affected by the proposal. Given that the application is to be publicly notified, no further assessment of specific persons is required in this instance.

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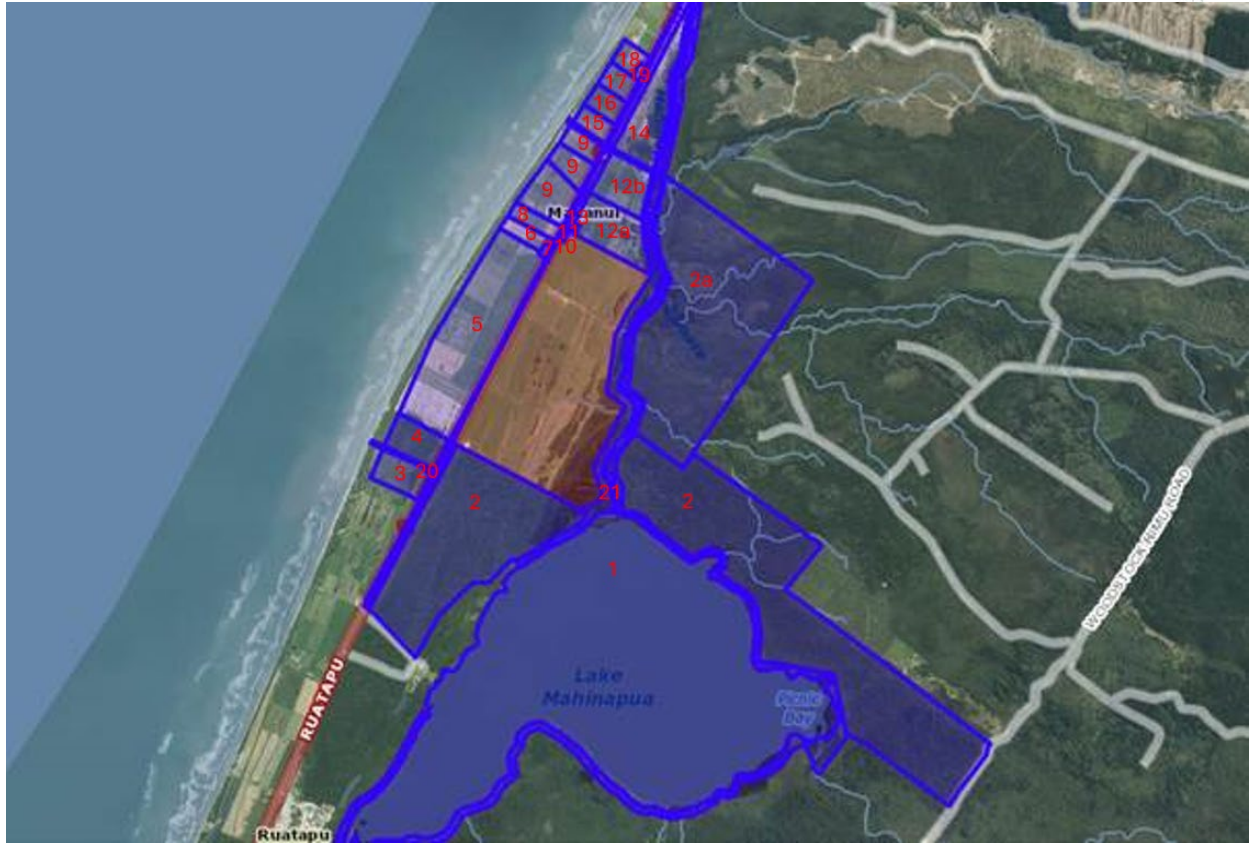


Figure 8 – Potentially affected properties – Source Emaps Dated 16 January 2025.

Report by:	Peer Review by:	Decision by:
		
Melissa McGrath Consultant Planner	Deborah Patterson Senior Planner	Olivia Anderson Planning Manager