

**SUBMISSION
ON AN APPLICATION FOR RESOURCE CONSENT
UNDER SECTION 96
OF THE RESOURCE MANAGEMENT ACT 1991**

Office Use Only



PART A: DESCRIPTION OF APPLICATION

CONSENT NUMBER:

APPLICANT:

RC-2023-0133-01	Mananui Westland Mineral Sands
RC-2023-0133-02	
RC-2023-0133-03	
RC-2023-0133-04	
RC-2023-0133-05	
RC-2023-0133-06	
RC-2023-0133-07	
RC240013	

DESCRIPTION OF PROPOSED ACTIVITY:

Mineral Sand Mining

LOCATION:

713 Ruatapu Road, State Highway Six, Mananui
Lot 3 DP 366769 BLK VII Mahinapua Survey District

PART B: SUBMITTER DETAILS

Full name/s	Royal Forest & Bird Protection Society of New Zealand Inc. (Forest & Bird)		
Postal address	PO Box 2516, Christchurch		
I am the owner/occupier (delete one) of the following property:	N/a		
Primary contact person/s	Nicky Snoyink		
Email address	[REDACTED]		
Phone number/s	Home:	[REDACTED]	Business:
	Mobile:	[REDACTED]	Fax:

Signature:

[REDACTED]

Date:

2 APRIL 2025

Name (BLOCK CAPITALS):

NICKY SNOYINK

***If this is a joint submission by 2 or more individuals, each individual's signature is required.
A signature is not required if you make your submission by electronic means.***

I/we wish to submit on the applications lodged with the **West Coast Regional Council**

(tick one)

☐

I/we wish to submit on applications lodged with the **Westland District Council**

☐

I/we wish to submit on applications lodged with **BOTH Councils**

☒

I/we **support** the application

(tick one)

☐

I/we **oppose** the application

☒

I/we **neither support nor oppose** the application

☐

I/we **wish to be heard** in support of my/our submission.

(tick one)

☒

I/we **DO NOT wish to be heard** and hereby make my/our submission in writing only.

☐

If you wish to be heard, and others make a similar submission would you consider making a joint case with them at any hearing

☒

Yes

☐

No

If you indicated you wish to be heard, you will be sent a copy of the S.42A Officer's Report and a copy of the Decision once it is released. These documents will be sent electronically. Only under special circumstances will a hard copy be sent.

☐ Hard (paper) copy

Reasons for a hard copy: _____

I/we **have** served a copy of my/our submission on the Applicant as per Section 96(6)(b) of the RMA

☒ Yes

My/our submission is that: (state in summary the nature of your submission. Clearly indicate whether you support or oppose the specific proposal, or wish to have amendments made, giving reasons)

Please see the attached PDF: Attachment F&B submission 02042025

I/we seek the following decision from the Local Authority/Authorities:(give precise details)

Forest & Bird seeks that these resource consents are **DECLINED** in their entirety or any such other relief to give effect to this submission.

I/we have attached additional information/reports to support my/our submission

☒ Yes

Important information – please read carefully

Public information

The information you provide is public information. It is used to help process a resource consent application and assess the impact of an activity on the environment and other people.

Your information is held and administered by the West Coast Regional Council and Westland District Council in accordance with the Local Government Official Information and Meetings Act 1987 and the Privacy Act 1993. This means that your information may be disclosed to other people who request it in accordance with the terms of these Acts. It is therefore important you let us know if your form includes any information you consider should not be disclosed.



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REGIONAL COUNCIL

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Forest & Bird

TE REO O TE TAIAO | *Giving Nature a Voice*

2 April 2025

As an attachment to the completed Form 13 please find Forest & Bird's Submission to the West Coast Regional Council and the Westland District Council on **Mananui**
Westland Mineral Sands sand mining resource consents:

Consent Authority	Consent No.	Consent Type	Purpose
WCRC	RC-2023-0133-01	Land Use Consent	To undertake earthworks and land disturbance within 100m of a natural inland wetland associated with mineral sands mining, Mananui.
WCRC	RC-2023-0133-02	Land Use Consent	To undertake earthworks exceeding 5,000m ³ per annum associated with mineral sands mining, Mananui.
WCRC	RC-2023-0133-03	Water Permit	To take and use groundwater from a dredge pond associated with mineral sands mining, Mananui.
WCRC	RC-2023-0133-04	Water Permit	To take and use groundwater from a well associated with mineral sands mining, Mananui.
WCRC	RC-2023-0133-05	Discharge Permit	To discharge water (dewatering water) including contaminants to land via settling ponds where it may enter water associated with mineral sands mining, Mananui

WCRC	RC-2023-0133-06	Discharge Permit	To discharge water (processing tailings water) including contaminants to land via a dredge pond where it may enter water associated with mineral sands mining, Mananui.
WCRC	RC-2023-0133-07	Discharge Permit	To discharge water (processing and mine water) to land via an infiltration trench where it may enter water associated with mineral sands mining, Mananui
WDC	RC240013	Land Use Consent	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 under the Operative Westland District Plan ('ODP'), 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')

The Royal Forest and Bird Protection Society of New Zealand Incorporated (Forest & Bird) is New Zealand's largest independent nature conservation organisation, with many members and supporters. Our mission is to be a voice for nature on land, in fresh water and at sea.

Forest & Bird has 47 branches throughout the country, including one on the West Coast, the region in which this application lies. Members of the West Coast Branch of Forest & Bird are spread through the West Coast region, and they are involved in a wide range of conservation and advocacy activities.

Forest & Bird has for many years had a strong interest and involvement in resource consent applications and planning processes on the West Coast. This includes submissions on two other sandmining applications and participation in the development of the West Coast Regional Policy Statement and in the Te Tai o Poutini One Plan.

This work has involved advocating for greater protection of indigenous biodiversity on land, in freshwater and in the coastal environment, and in protecting and enhancing the healthy functioning and integrity of indigenous ecosystems across the region.

Forest & Bird could not gain an advantage in trade competition through this submission.

Forest & Bird opposes this consent application in its entirety for the following reasons:

Impact on areas meeting the Significant Natural Area criteria

1. Forest & Bird is concerned about the impact the proposal will have on areas that meet Significant Natural Area criteria and other indigenous biodiversity. Policy 7 of the National Policy Statement for Indigenous Biodiversity directs that SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development. Forest & Bird considers that the level of protection required Policy 7 has not been met. It is also concerned that there has been an inadequate assessment of areas that meet the Significant Natural Area criteria of the West Coast Regional Policy Statement and the National Policy Statement for Indigenous Biodiversity (NPSIB).
2. Forest & Bird acknowledges the Ecology Peer Review by Payne¹ (Peer Review). The Peer Review notes the interior of the 0.5 ha southeastern forest fragment and central 3.3 ha forest fragment have ecological integrity that is typical of the character of the ecological district.
3. Forest & Bird is concerned about discrepancies in the identification of forest extent and that the value of forest ecosystems within the project footprint have been downplayed. The applicant's ecologist describes the indigenous vegetation within the proposed development footprint as consisting of seven forest fragment that total 4.2 ha. However, the Peer Review calculates c. 5.1 ha of forest fragments within the proposed development footprint by delineating areas of mature forest in recent aerial photographs. The Peer Review does not agree the forest fragments are of 'low' ecological value and notes that some remnants are at least 'moderate' and could be of higher ecological value dependent what native species are present seasonally or permanently.
4. Forest & Bird considers that the extent and value of forest systems needs to be properly addressed before further effects management measures (such as offset) can be assessed.

¹ Blueprint Ecology 2023. Westland Mineral Sands, Mananui: section 92 Request: Ecology. Report prepared by Blueprint Ecology Limited for West Coast Regional Council.

Impact on wetlands and other freshwater values

5. Forest & Bird is concerned about the effects the proposal will have on wetlands and other freshwater values. About 10% of New Zealand's original wetlands remain, which means every wetland counts.
6. The Peer Review highlights that there are natural inland wetlands within the proposed development's footprint that have not been accounted for. Forest & Bird considers this is a major gap in the assessment of environmental effects. Appropriate delineation of all wetlands is required, and effects of any wetland removal needs to be addressed. The Peer Review has identified plots containing facultative wetland and obligate wetland species and it is concerning that these have not been addressed by the applicant.
7. Wetlands provide ecosystem services that reduce the impacts of climate change. Any removal of wetlands within or adjacent to the coastal environment compromises their ability to provide a natural defence, which is contrary to policies 25 and 26 of the New Zealand Coastal Policy Statement. Relatedly, the NPSIB requires local authorities to recognise the interconnectedness of the whole environment, and the interactions between the terrestrial environment, and the coastal environment (NPSIB 3.4(a)). It also requires local authorities to promote the resilience of indigenous biodiversity to climate change by allowing and supporting the natural adjustments of habitats and ecosystems to the changing climate (NPSIB 3.6(1)(a)).
8. Wetlands also provide critical habitat for the survival of many species. Accordingly, Forest & Bird is concerned about significant adverse effects on Threatened and At Risk freshwater species which occur in wetland areas and could be present in wider parts of the project footprint. The Peer Review notes that the lack of surveys to detect the 'At Risk – Declining' brown mudfish (*Neochanna apoda*). These species occur within the Hokitika District and their habitat includes swamp forests, dune swamps and have been found in slow flowing drains and boggy paddocks.
9. Forest & Bird does not consider that the proposal has a functional need to locate within wetland areas. Alternative areas need to be investigating, including mining in less ecologically sensitive areas of the site instead of requiring removal of wetland areas. There might be financial and logistical advantages in removing wetlands, but these are operational needs rather than "functional."
10. Forest & Bird is also concerned that the water quality effects on waterways including adjacent waterways have been adequately addressed.

Impact on New Zealand birds

11. Forest & Bird considers that the proposal will not safeguard various avifauna, including specified highly mobile fauna as defined under the NPSIB, from the adverse effects of the sand extraction activity. This includes effects on the 'Threatened – Nationally Critical' Australasian bittern and 'At Risk – Declining' South Island fernbird. The former species is listed as "specified highly mobile fauna" under the NPSIB, and their populations outside SNAs are required to be maintained (NPSIB Policy 15). Forest & Bird is concerned that the noise effects on avifauna has not been adequately considered.
12. Forest & Bird remains concerned about the sea birds (such as the Tāiko/Westland Petrel) that may be affected, noting that these species will be afforded protection under the NZCPS.

Impact on bats

13. Forest & Bird is concerned that both the operation of the activity and clearance of trees will cause adverse effects on long-tailed bats (also specified highly mobile fauna under the NPSIB). The Peer Review notes the growing threats to bat species includes artificial light at night and that it is unclear what the predicted light pollution is on the adjacent Lake Mahinapua DOC Scenic Reserve when the proposed mining activity is 10 m away. The applicant's assessment does not appear to address the potential effects of increased lighting to transiting long-tailed bats which may use the forest on the eastern portion of the site as a corridor.

Impact on herpetofauna

14. Forest & Bird is concerned about effects on significant herpetofauna including 'At Risk – Declining' Canterbury grass skink, 'Threatened – Nationally Critical' Hokitika skink, 'At Risk – Declining' forest gecko (*Mokopirirakau granulatus*), 'Threatened – Nationally Vulnerable' West Coast green gecko. The Peer Review notes that the potential loss of even a single individual with a 'Threatened' status is considered to be a significant ecological effect. Forest & Bird is concerned about the impact the activity will have on these species as well as potential implications of the Wildlife Act and Conservation Act if threatened fauna are present.

Planning provisions and decision-making

4. Forest & Bird considers the application should be declined on the basis that it:
 - a. Does not promote the sustainable management of natural and physical resources and are otherwise contrary to the purpose and principles of the Resource Management Act 1991. In particular, the application does not

recognise and provide for the matters of national importance outlined in s 6 of the RMA including:

- i. The preservation of the natural character of wetlands and their margins and the protection of them from inappropriate subdivision, use, and development under s 6(a).
 - ii. The protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna under s 6(c).
- b. Is contrary to directive policies in the:
 - i. National Policy Statement for Indigenous Biodiversity;
 - ii. National Policy Statement for Freshwater Management; and
 - iii. New Zealand Coastal Policy Statement.
- c. Is contrary to the West Coast Regional Policy Statement, specifically Chapters 7, 7A, 8, 9, and 11.
- d. Is contrary to provisions under the Westland District Plan and the proposed Te Tai o Poutini One Plan.

Inadequacy of proposed conditions

- 5. Forest & Bird considers the conditions proffered to date are inadequate. A non-exhaustive list of issues of concern to Forest & Bird that arise out of the proposed conditions are set out below:
 - a. Conditions need to provide for a robust monitoring programme, prior to and during extraction, which is capable of identifying effects on avifauna (including Westland Petrel), herpetofauna, and bats. This should include appropriate stop/go trigger points where adverse effects on these species are detected.
 - b. Remove “deemed” certification of management plans (including at clauses 6.4 and 6.8) and require that where a Consent Authority does not certify a management plan that the Consent Holder will need to resubmit that management plan.
 - c. Further essential matters for management of ecological effects would need to be set out more fully in consent conditions and not left to management plans.
 - d. The proposed “Fauna Management Plan” at clause 18.1 is insufficient. Comprehensive management plan conditions are required in relation to avifauna, herpetofauna and bats. The conditions applicable to each category

must contain the matters that must be included within those management plans, including where appropriate, the standards to be achieved.

Forest & Bird seeks that these resource consents are **DECLINED** in their entirety or any such other relief to give effect to this submission.

Forest & Bird wishes to be heard.

Thank you for the opportunity to submit.

Nicky Snoyink

Regional Conservation Manager Canterbury/West Coast

Forest & Bird

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