



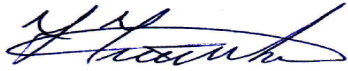
To: West Coast Regional Council & Westland District Council
PO Box 66, Private Bag 704
Greymouth 7840 Hokitika 7842

Name of parties making submission:

Submission statements:

1. This joint submission is in **opposition** to the resource consent applications by Westland Mineral Sands Co. Limited who are seeking the necessary resource consents from the West Coast Regional Council (RC-2023-0133) **and** Westland District Council (RC240013) to undertake heavy mineral mining and ancillary activities for the Mananui Sand Mine Project.
2. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio **could not** gain an advantage in trade competition through this submission.
3. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio **wish** to be heard in support of their joint submission in opposition.
4. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio **would** consider making a joint case with another party at any hearing.
5. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio **are** happy to receive electronic copies of the S.42A Officer's Report and a copy of the Decision once it is released.
6. Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio **have** served via email a copy of the joint submission on the Applicant (Heather McKay, Heather@wmsnz.com)
7. A copy of the joint submission is attached as Appendix 1.

Signature of parties making joint submission



Francois Tumahai
Chairman
Te Rūnanga o Ngāti Waewae

&



Paul Madgwick
Chairman
Te Rūnanga o Makaawhio

Date: 2 April 2025

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APPENDIX 1: Joint submission of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio on the Westland Mineral Sands Co. Ltd applications (RC-2023-0133 and RC240013)

Introduction

This joint submission is made on behalf of Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio.

The Te Rūnanga o Ngāi Tahu Act 1996 and the Ngāi Tahu Claims Settlement Act 1998 give recognition to the status of Papatipu Rūnanga as kaitiaki and manawhenua of the natural resources within their takiwā boundaries.

Westland Minerals Sands Co. Ltd.'s proposed mining site lies solely within the shared takiwā of Ngāti Waewae and Ngāti Māhaki (collectively referred to as Poutini Ngāi Tahu in this joint submission).

Significance of Lake Māhinapua and Tūwharewhare (Māhinapua Creek) to Poutini Ngāi Tahu

The proposed mining site borders the margins of Tūwharewhare (Māhinapua Creek) on its eastern boundary and Lake Māhinapua is located further to the south of the proposed mining site. To Poutini Ngāi Tahu - Lake Māhinapua and Tūwharewhare (Māhinapua Creek) are recognised as a wāhi tapu (sacred place) and a taonga.

The significance of Lake Māhinapua to Poutini Ngāi Tahu has been statutorily recognised by the Crown. The loss and degradation of Poutini Ngāi Tahu values associated with Lake Māhinapua as a taonga were included as part of the overall Ngāi Tahu claim to the Waitangi Tribunal and resulted in the bed of Māhinapua being vested in Te Rūnanga o Ngāi Tahu, through the Ngāi Tahu Claims Settlement Act 1998.

A management plan entitled 'Te Mahere Whakahaere o Te Tāwiri o Te Makō / Lake Māhinapua Management Plan' (the Plan) has been prepared by Te Rūnanga o Ngāi Tahu, in conjunction with Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio to guide and support the management of the bed of Māhinapua, as well as the wider catchment, in line with Poutini Ngāi Tahu values. This management plan is a recognised Iwi Management Plan in terms of the Resource Management Act 1991.

The overarching vision of the Plan is: "*Hei whakamana i te wāhi tapu o Te Tāwiri a te Makō mō tātou, ā, mō kā uri ā muri ake nei / To manage, enhance and protect Lake Māhinapua in a manner that upholds its primary cultural significance and sacredness as wāhi tapu, while also recognising its ecological importance and recreational values.*"

All policies, implementation methods, and actions in the Plan are underpinned by this vision, and are supported by the following objectives:

- Whakamana: Enhance the mana, and recognise the national, regional and local significance of Lake Māhinapua, particularly with regards to its wāhi tapu status.
- Mauri tū/Wairua: Enhance mauri and in-turn the natural and spiritual values of the area.

- Whakakaha i ngā tūmomo koiora: Protect and enhance indigenous biodiversity.
- Whakarato i te mahi-ā-tākaro: Provide for compatible recreational use and enjoyment.
- Whakarato i te mahi arumoni: Provide for compatible commercial opportunities.
- Rangatiratanga/Tohungatanga: Protect tribally owned settlement assets and develop an awareness of other management tools and agency processes while supporting holistic management.

Aspects of the Plan help to achieve the Ki Uta Ki Tai / Mountains to the Sea management planning aspirations of Poutini Ngāi Tahu, especially in terms of the importance of waimāori / freshwater environments. A Ki Uta Ki Tai approach is based on a traditional concept of resource management that recognises the interconnectivity of all resources from the mountains (or source) to the sea, including the critical role of tāngata (people) as kaitiaki.

The Plan seeks to protect and enhance Māhinapua as a significant ecological area, particularly as a kōhanga for mahinga kai and taonga species and to explore appropriate customary use and management compatible with the lake's wāhi tapu status, including improving the cultural and ecological health of Lake Māhinapua through wetland and riparian planting, protection, fencing and management of connected waterways, particularly Tūwharewhare (Māhinapua Creek).

Poutini Ngāi Tahu wishes to acknowledge that the objective and policies of the Plan are referenced within Westland Mineral Sands Co. Ltd.'s application. Some of the policies relevant for the application include:

- Protect ecosystems and habitats of Lake Māhinapua from water quantity and quality degradation (policy 3.2.2)
- Ensure land use activities in the Lake Māhinapua catchment contribute to improved water quality of the lake by implementing best management practices (policy 3.2.3)
- Reduce the potential for increased sedimentation entering Lake Māhinapua through management of adjoining land uses, particularly forestry and mining (policy 3.2.4)
- Identify and protect areas of existing indigenous vegetation at Lake Māhinapua (policy 3.3.3)
- Restore the indigenous biodiversity of Lake Māhinapua through threat removal, encouraging natural regeneration, and enhancement of suitable indigenous vegetation and species, particularly around connected wetlands and waterways, including Tūwharewhare (Māhinapua Creek) and within the DOC Reserve (policy 3.3.4)

The Plan emphasises that water is a taonga of the utmost importance to Poutini Ngāi Tahu. Due to its wāhi tapu status, the maintenance of the pristine water quality of Lake Māhinapua is of vital importance. As stated earlier, Lake Māhinapua and its surrounding area is also an important kōhanga (nest or nursery) for native fish, birds, plants and other fauna as well as being an outstanding natural landscape and significant ecological area. The lake and the surrounding area are home to many taonga species identified in the Ngāi Tahu Claims Settlement Act 1998. Protecting the lakes high quality water and habitat for indigenous freshwater biodiversity is central to upholding the mauri associated with the lake.

In addition, Lake Māhinapua and Tūwharewhare (Māhinapua Creek) are also both identified as Sites and Areas of Significance to Māori (SASM) under the proposed Te Tai o Poutini Plan with wāhi tapu values.

General Position and Reasons for the submission

Poutini Ngāi Tahu wishes to thank Westland Mineral Sands Co. Ltd. (the Applicant) for the consultation they have undertaken with them to date. Poutini Ngāi Tahu has appreciated being able to visit the site and to discuss the proposal with the Applicant.

As stated above, Lake Māhinapua and Tūwharewhare (Māhinapua Creek) are both very significant to Poutini Ngāi Tahu being wāhi tapu (sacred place) and taonga. Poutini Ngāi Tahu have a kaitiaki responsibility to manage, enhance and protect Lake Māhinapua and Tūwharewhare (Māhinapua Creek) in a manner that upholds its cultural significance and sacredness.

As part of the process for considering this proposal to determine if the Applicant's proposal could impact the cultural values associated with Lake Māhinapua and Tūwharewhare (Māhinapua Creek) and the taonga species that live within these areas, Poutini Ngāi Tahu has reviewed the application and the comments and recommendations provided by the peer reviewers engaged by Council.

Poutini Ngāi Tahu wants to ensure appropriate mitigation measures and controls are in place so cultural values for this area are protected, and has identified based on the information provided to date concerns with the following matters:

- 1) The current mine development sequence in relation to proximity to Tūwharewhare (Māhinapua Creek).

Poutini Ngāi Tahu notes that currently the proposed mine development sequence, within the initial years of mining, includes the eastern most boundary where it is proposed to mine along the edge of the vegetation and to the property boundary which is at its closest to Tūwharewhare (Māhinapua Creek).

Poutini Ngāi Tahu is aware that the initial stages of mining on a new site are often when the methodologies for managing adverse effects on the receiving environments are being trialed.

Given the culturally significant values associated with Tūwharewhare (Māhinapua Creek) and its margins, Poutini Ngāi Tahu are seeking for the Applicant to adopt a more precautionary approach and for the initial mining of the site to occur at a greater distance from Tūwharewhare (Māhinapua Creek) and its riparian wetland. This would enable the Applicant to undertake trials of the proposed water management system to be adopted on site, with careful monitoring to ensure the viability of the modelling predictions and measures to be adopted before any mining occurs nearer to the creek and its riparian margins.

- 2) The differences in opinion between the Applicant's experts and the peer reviewers engaged by Council.

While the technical experts for Hydrological and Water Quality Impact Assessment are generally in agreement on most points, Poutini Ngāi Tahu notes that there are currently some differences in opinion between the Applicant's experts and the peer reviewer engaged by Council for ecological matters.

Poutini Ngāi Tahu are consequently seeking to be kept informed of any further information provided by the Applicant's technical experts in response to comments and recommendations made by the peer reviewers engaged by Council in relation to the Ecological Assessment (Tony Payne, Blueprint Ecology) along with any remaining comments/recommendations from the Hydrological and Water Quality Impact Assessment (Brent Sinclair at Wallbridge Gilbert Aztec (WGA)). This information also includes any updates or subsequent assessments/decisions made on the expert evidence and potential effects on the area including Tūwharewhare (Māhinapua Creek) and its riparian wetland area.

3) Information gaps:

- The peer reviewer of the Applicant's Hydrological and Water Quality Impact assessment information and associated documents (Brent Sinclair at Wallbridge Gilbert Aztec (WGA)) outlined that a detailed assessment of mine water chemistry and the potential effects of contaminants on freshwater ecosystems was outside their area of expertise and outside the scope of their review. They stated that further review of the leachate water quality assessment would require a specialist in that field. To provide an additional level of reassurance, Poutini Ngāi Tahu seek this assessment is undertaken and is subject to peer review by an appropriate and suitably qualified expert.
- Poutini Ngāi Tahu also seeks addition information and evaluation on the effects from the long-term post-closure groundwater movement and contaminant transport from the proposed rehabilitated mine site to Tūwharewhare (Māhinapua Creek).
- It is critical for Poutini Ngāi Tahu that no direct discharges of mine water to the creek can eventuate. While the Applicant is seeking to install stormwater systems to manage runoff, these are designed for certain storm events and Poutini Ngāi Tahu seek information on how possible overflows will be managed to protect Tūwharewhare (Māhinapua Creek) and riparian margins, and that effective management measures will be put in place to ensure no direct or indirect discharges of contaminants from mine water to Tūwharewhare (Māhinapua Creek) can eventuate.
- The proposal seeks to remove remanent forest fragments that exist near the eastern boundary of the site and create an ecological restoration area along the Māhinapua Wetland and Creek consisting of approximately 2.37ha of wetland and 4.75ha of new vegetation. Poutini Ngāi Tahu seek further confirmation on the effectiveness of this buffer to protect the values of Tūwharewhare (Māhinapua Creek) and the riparian wetland area in the long term. Poutini Ngāi Tahu supports fencing and vesting of the proposed ecological reserve to ensure the ongoing protection of the indigenous vegetation from future disturbance and to maintain indigenous biological diversity and protect Poutini Ngāi Tahu values associated with Tūwharewhare (Māhinapua Creek) and adjacent riparian vegetated/wetland margin.

Poutini Ngāi Tahu understand there are still some differences in opinion and outstanding ecological matters to be discussed between the Applicant's expert ecologist and the peer reviewer engaged by Council. Poutini Ngāi Tahu seek to be kept informed of any further information or responses provided, including but not

limited to matter relating to the size and value of remanent forest fragments, wetlands, presence and potential adverse effects on terrestrial (ground-dwelling) lizards (green gecko) and the South Island fernbird and Australasian bittern. Poutini Ngāi Tahu are also concerned about the potential for noise and light to degrade important habitat areas within Lake Māhinapua or Tūwharewhare (Māhinapua Creek) for native fauna. Poutini Ngāi Tahu seek that all appropriate management precautions are taken to protect native fauna on site including native fish existing within drainage channels/waterways.

4) Pounamu being returned to the mine pit

- The Applicant states that any pounamu unearthed will be returned to the mine pit with other oversized material. Poutini Ngāi Tahu seeks that any pounamu discovered is returned to them.

Based on the concerns discussed above, Poutini Ngāi Tahu currently **opposes** the Westland Mineral Sands Co. Ltd applications in their entirety. The reasons for this opposition are detailed above and Poutini Ngāi Tahu have referenced the additional information they are seeking from the Applicant to help address some of their concerns.

In addition to the above matters, Poutini Ngāi Tahu also request the ability to input into the drafting of the consent conditions to address the matters of concern in due course. Poutini Ngāi Tahu are wanting to ensure appropriate mitigation measures and controls are in place to ensure the cultural values associated with Lake Māhinapua and Tūwharewhare (Māhinapua Creek) are protected. This includes ensuring that an effective water monitoring programme which includes surface water sampling in addition to groundwater monitoring is in place and that a response management programme is prepared to enable the Applicant to avoid potential reductions in water quality and flow. Poutini Ngāi Tahu supports the comments made by the peer reviewer of the hydrological information to increase the number of monitoring bores to provide for advance detection of contaminant movement in the groundwater, such as additional monitoring wells along the eastern boundary, and between the dredge pond and Tūwharewhare (Māhinapua Creek).

Decision sought

Poutini Ngāi Tahu wishes to advise the Applicant that they will reconsider their position opposing the applications once they have received more information from the Applicant based on the matters outlined in this submission and the Applicant's response to the mitigation measures being sought, if they are comfortable that the effects from mining the site will not impact Poutini Ngāi Tahu values associated with the local area.

Please note that Poutini Ngāi Tahu may need to seek additional mitigation measures depending on if the additional information and technical assessment requested are provided, and if these reports highlight other matters that need to be addressed.

If the concerns of Poutini Ngāi Tahu are not addressed, Poutini Ngāi Tahu seek that the applications be declined.