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2nd April 2025

Tēnā koe,

**SUBMISSION ON WESTLAND MINERAL SANDS:
WEST COAST REGIONAL COUNCIL APPLICATION RC NO: RC-2023-0133
WESTLAND DISTRICT COUNCIL APPLICATION NO: RC220013
WESTLAND MINERALS SAND CO LIMITED
713 RUATAPU ROAD (STATE HIGHWAY 6), MANANUI
(Westland Mineral Sands Heavy Mineral Sand Mine at Mananui)**

Thank you for the opportunity to submit on Westland Mineral Sands Co Limited application for eight resource consents to operate a heavy mineral sand mine, including but not limited to, earthworks, land disturbance, vegetation clearance, the take and use of groundwater, and the discharge of contaminants to land where it may enter water from activities at the Mananui site ("Application").

Please find enclosed a submission by the Director-General of Conservation (Director-General) in respect of this Application. You will note the submission seeks that the Application be declined as currently proposed (the Application is opposed in part).

As explained in the submission, the Director-General is particularly concerned that the Application does not adequately address the following matters:

- The adverse effects on the forest fragments proposed to be cleared;
- The potential adverse effects on the threatened West Coast green gecko;
- The potential adverse effects on the threatened and at-risk avifauna species found on, and around, the project site;
- The potential for more than minor adverse effects on freshwater species and habitat; and
- The adverse effects on the Mananui tramway.

The Director-General is willing to work with the Applicant to further refine the conditions of consent in advance of the hearing to try and resolve its concerns noted in the submission.

Please contact Christina Schipper, Resource Management Planner in the first instance if you wish to discuss any of the matters raised in this submission, at [REDACTED]



Tim Shaw
Operations Manager, Hokitika District Office

Copy to:

Heather McKay
General Manager Environment and Sustainability
PO Box 1060
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via email heather@wmsnz.com

Form 13: Submission on application concerning resource consent

Resource Management Act 1991

To: Westland District Council and West Coast Regional Council

Name of submitter: Director-General of Conservation (the **Director-General**)

This is a submission on an application from Westland Minerals Sand Co Limited. (the **Applicant**) for a resource consent.

Description of activity: Westland Mineral Sands Co. Limited (WMSC) are applying for eight resource consents necessary to undertake heavy mineral sands mining and processing to obtain ilmenite, garnet, gold and other minerals over an area of approximately 112ha of land owned by WMSC. The activities will seek to produce a heavy mineral concentrate for export. The site is located at 713 Ruatapu Road, State Highway Six, Mananui and is legally described as Lot 3 DP 366769 BLK VII Mahinapua Survey District.

Trade competition: I am not a trade competitor for the purposes of section 308B of the Resource Management Act 1991

My submission relates to: The whole application

My submission is: I oppose the application in part.

The Director-General's interest in the Application

1. The Director-General of Conservation (the **Director-General**) has all the powers reasonably necessary to enable the Department of Conservation (**DOC**) to perform its functions.¹ The Conservation Act 1987 (the **CA**) sets out DOC's functions which include (amongst other things) management of land and natural and historic resources for conservation purposes, preservation so far as is practicable of all indigenous freshwater fisheries, protection of recreational

¹ Refer section 53 Conservation Act 1987

freshwater fisheries and freshwater fish habitats and advocacy for the conservation of natural resources and historic heritage.² Section 2 of the CA defines 'conservation' to mean '*the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations*'.

2. DOC is also the authority responsible for processing applications under the Wildlife Act 1953. The Wildlife Act 1953 is likely to apply where there is risk of the proposed works disturbing absolutely or partially protected wildlife. This may mean that the Applicant needs to also apply to the Department of Conservation for a Wildlife Authority.

Reasons for the Director-General's submission

3. I am concerned that the conditions proposed in the application do not adequately address:
 - a. The potential adverse effects on indigenous biodiversity and effects on freshwater fish habitat, including but not limited to:
 - i) Terrestrial indigenous biodiversity;
 - ii) Ecology;
 - iii) Freshwater.
 - b. How the proposal will avoid, remedy, or mitigate potential adverse effects.
4. The site is located immediately adjacent to Conservation Area – Mahināpua Creek/Tūwharewhare and Lake Mahinapua Scenic Reserve.
5. The Proposal would have short to medium term adverse effects on the environment, with some existing terrestrial and freshwater habitats being permanently lost.
6. I consider that the site contains significant values.
7. The Proposal outlined in the Application, if not managed appropriately, could create significant risk to environments and native species.
8. Without changes to the conditions, I am not convinced that the Proposal is consistent with relevant provisions of the proposed Te Tai o Poutini Plan, the Westland District Plan, the West Coast Regional Policy Statement, the National Policy Statement for Indigenous Biodiversity, the

2 Conservation Act 1987, section 6.

National Policy Statement for Freshwater Management, the National Environmental Standard for Freshwater, and the New Zealand Coastal Policy Statement.

9. Without being limited to such matters, the decisions sought in my submission are required to ensure that, the decision-maker:
 - a. recognises and provides for the matters of national importance listed in Section 6 of the Resource Management Act 1991 (the **Act**); and
 - b. has particular regard to the intrinsic values of ecosystems as required in Section 7(d) of the Act.
 - c. has regard to other higher order planning documents such as, but not limited to, the National Policy Statement for Indigenous Biodiversity, the National Policy Statement for Freshwater Management and the National Environmental Standard for Freshwater.
10. I am concerned that the proposal does not adequately address:
 - a. The potential adverse effects on indigenous biodiversity, including but not limited to:
 - i. Terrestrial indigenous fauna,
 - ii. Highly Mobile Fauna as defined by the National Policy Statement for Indigenous Biodiversity 2023.
 - iii. Terrestrial indigenous flora, including the effects on a potential significant natural area,
 - iv. Freshwater indigenous fauna, and
 - v. Water quality.
 - b. How the proposal will avoid, remedy, or mitigate potential adverse effects.

11. Without being limited to such matters, I note the following with respect to the Application:

General comments on indigenous biodiversity flora and fauna

12. From the information associated with the Application and the Council's peer review of the Application, there is disagreement on what values are present on the Project Site and the significance of the values.
13. There are disagreements in whether the site provides habitat for some terrestrial indigenous fauna, whether there are natural inland wetlands on the site, and whether the activities on the site will impact the surrounding wetlands and their inhabitants.
14. I seek a precautionary approach is applied to the Application.

15. The Department's ecologist consider that forest fragments are highly likely to be classifiable as Ecologically Significant in the Hokitika Ecological District. Removing these forest fragments would result in adverse effects which have not been appropriately managed through consent conditions.
16. The Department's ecologists consider the effects of the proposal to be more than minor for some indigenous fauna species understood to be present, or closely nearby, the site, resulting in residual adverse effects that require management for:
 - a. 'Threatened – Nationally Vulnerable' West Coast green gecko;
 - b. 'At Risk - Declining' Spotted or Marsh crakes;
 - c. At Risk – Declining' Banded rail;
 - d. 'At Risk – Declining' South Island fernbird; and
 - e. 'Threatened – Nationally Critical' Australasian bittern.
17. I consider that a baseline survey of the adjacent waterways is required to ensure appropriate management of the impacts of the proposal on:
 - a. At Risk – Declining' Longfin eel; Inanga; Giant kōkopu; and Kōaro; Brown mudfish; and
 - b. 'Threatened – Nationally Vulnerable' Shortjaw kokopu.
18. The proposed mitigation measures proposed by the Applicant are considered to be inadequate to ensure that there is a net gain in biodiversity. The mitigation measures provided do not account for time lag. The forest fragments are old growth and replacing the forest one-for-one does not consider the value of the old growth fragments.
19. I consider that a greater focus on the initial three stages of the effects management hierarchy is necessary to ensure that effects are appropriately managed and there is an overall net gain in indigenous biodiversity values.
20. In addition, there is uncertainty if there are any adverse effects on freshwater values from the proposal in relation to the Māhinapua Creek which is immediately adjacent to the proposed mining area. For example, conditions are required in relation to water quality monitoring of the adjacent creek or other locations which may be affected by the mining activities.

Heritage

21. The northern boundary is parallel to the Mananui Tramline walk. There is potential for the ground disturbance to have an adverse effect on the visitor experience and the Tramline itself.

To mitigate any potential adverse effects on the Tramline, it is proposed that there should be a twenty-metre mining setback from the northern boundary.

Conditions

22. The Applicant has provided a set of draft conditions for the Application. As the conditions currently stand, they are considered inadequate by the Department. There are limited requirements in the conditions that require the Applicant to appropriately monitor, interpret, and adapt their activities to ensure that they are meeting the relevant provisions of the proposed and operative Westland District Plan, the West Coast Regional Land and Water Plan, the proposed Te Tai o Poutini Plan, the West Coast Regional Policy Statement, the National Policy Statement for Freshwater Management, the National Policy Statement for Indigenous Biodiversity, the New Zealand Coastal Policy Statement and National Environmental Standard for Freshwater.
23. If the consents are to be granted, I consider that conditions should be placed on the consent to avoid, mitigate, remedy, offset and / or compensate for the effects of the proposal and to address my concerns., including but not limited to:
 - a. The certification process of management plans is inadequate (including the 'deemed certification' conditions for Management Plans which negates the primary purpose of having the Management Plans independently certified).
 - b. There are insufficient requirements in the conditions for the Rehabilitation and Restoration Plan and the Ecological Management Plan. There is vague direction on what the plans should contain and inconsistency between the requirements of the plans and other conditions. Vague direction does not adequately achieve the objectives and policies of the regional and national plans and policy statements.
 - c. The Rehabilitation and Restoration Plan does not have the requirement to restore any habitat lost. There is a condition that the vegetation does not need to be 'like-for-like' but provide ecological connectivity. There is no reassurance that the restoration habitat will adequately suit the species found on the site.
 - d. Conditions are required in relation ongoing monitoring such as, but not limited to, water quality monitoring.

Decision sought

24. I seek the following decision from the Council:

- a. That the consent authority **declines the application**, given the shortcomings identified above;
- b. If the consent authority is minded to grant the application, that it imposes the following requirements:
 - i. suitable conditions in relation to including monitoring, restoration, certification, the effects management hierarchy including additional offsetting/compensation of adverse effects as required to address my concerns.

25. I also seek such alternative and/or additional relief as may be necessary and appropriate to address my concerns.

I do wish to be heard in support of my submission.

If others make a similar submission, I will consider presenting a joint case with them at a hearing.



Tim Shaw

Operations Manager, Hokitika District

Acting pursuant to delegated authority on behalf of Penny Nelson, Director-General of Conservation

02 April 2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

Address for service:

Attn: Christina Schipper, Resource Management Planner

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Department of Conservation

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