

Attachment O – Plan Compliance Assessment Table – Mananui

Rule Reference	Explanation / Requirement	Activity Status / Compliance / Comment
Westland District Plan		
Rural Environmental Area		
Rules		
5.6..2.2 D Rural Zone	<p>Restricted Discretionary Activity</p> <p><i>Mining. The matters over which control is reserved are:</i></p> <ul style="list-style-type: none"> - Distance to boundaries - Water bodies and riparian margins - Gradient of mined land to boundaries - Bulk and location of stockpiling and buildings - Noise - Hours of Operation - The use and transport of hazardous substances - Financial contributions relating to landscaping, land restoration and roading - Habitat of threatened or protected species - Intrinsic values - Amenity values - Archaeological, historical and cultural sites - Avoiding, remedying or mitigating potential adverse effects on the life supporting capacity of air, water, soil and ecosystems; on the natural character of waterways and their margins and the coast; on significant indigenous vegetation and significant habitats of indigenous fauna; and on outstanding landscapes and natural features 	<p>Restricted Discretionary</p>
West Coast Regional Land and Water Plan		
18.1.1 Permitted Activities on Land		
Rules		
2. Earthworks in riparian margins	<p><i>Earthworks within riparian margins, and any associated discharge of sediment are a permitted activity if all of the following conditions are met:</i></p> <p>(a) <i>The volume of earthworks in the riparian margin must not exceed 25m³ and must not involve the cumulative disturbance of more than 20 linear metres in any 200 metre length of riparian margin; and</i></p> <p>(b) <i>Sufficient sediment control is constructed so that the activity does not either:</i></p>	<p>Complies</p> <p>All mining earthworks are setback from riparian margins.</p>



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	<p><i>i) Decrease the visual clarity of any receiving water by more than 40% as measured by black disc; or</i></p> <p><i>ii) Alter the natural turbidity in the receiving water by more than 1 Nephelometric Turbidity Unit (NTU) where the natural turbidity upstream from the discharge is less than or equal to 10 NTU; or</i></p> <p><i>iii) Alter the natural turbidity in the receiving water by more than 10 NTU where the natural turbidity upstream from the discharge is greater than 10 NTU; as measured beyond 12 times the river's width or 200 metres of the activity, whichever is the lesser; and</i></p> <p><i>(c) No soil or debris is placed directly in any river or lake bed; and</i></p> <p><i>(d) There is no conspicuous deposition of sediment on the bed of any water body; and</i></p> <p><i>(e) The activity does not affect any surface water take; and</i></p> <p><i>(f) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and</i></p> <p><i>(g) Earthworks are carried out such that:</i></p> <p><i>i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes, to avoid causing erosion; and</i></p> <p><i>ii) Any culverts or cut and fill batters are designed and constructed or installed to prevent their failure and avoid causing erosion; and</i></p> <p><i>iii) Trenches for the purpose of installing pipes, lines, or cables are backfilled and compacted as soon as practicable; and</i></p> <p><i>(h) No refuelling of equipment takes place on any area of a riverbed; and</i></p> <p><i>(i) The activity does not cause or contribute to any slope or land instability, including subsidence or other erosion; and</i></p> <p><i>(j) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and</i></p> <p><i>(k) No earthworks occur within any wetland identified in Schedule 1; and</i></p> <p><i>(l) No earthworks occur within any wetland identified in Schedule 2 unless it meets the requirements of Rule 7.</i></p>	<p>The ephemeral waterbody does not meet the minimum width of 3m which triggers the application of this rule.</p>
<p>3 Earthworks in the Non Erosion Prone Area, outside riparian margins</p>	<p><i>Earthworks in the Non Erosion Prone Area (less than 120 slope), and outside any riparian margin, and any associated discharge of sediment is a permitted activity if all of the following conditions are met:</i></p> <p><i>(a) Earthworks either:</i></p> <p><i>i) Are for the formation, construction, or reconstruction of roads, tracks, railway lines, landings, firebreaks, and network utility lines, pipes, or cables; or</i></p> <p><i>ii) Do not exceed an annual volume of 5000m³</i></p>	<p>Consent Required – Discretionary activity</p> <p>Earthworks will exceed 5,000m³ per hectare.</p>



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	<p><i>per landholding or hectare, whichever is the smaller; and</i></p> <p><i>(b) Sufficient sediment control is constructed so that the activity does not cause the visual clarity of any receiving water to decrease by more than 40%, as measured by black disc beyond 12 times the river’s width or 200 metres from the activity, whichever is the lesser; and</i></p> <p><i>(c) No soil or debris is placed directly in any river or lake bed; and</i></p> <p><i>(d) There is no conspicuous deposition of sediment on the bed of any water body, or on land beyond the boundary of the subject property; and</i></p> <p><i>(e) The activity does not affect any surface water take; and</i></p> <p><i>(f) The activity is not within:</i></p> <ul style="list-style-type: none"> <i>i) 50 metres of the Coastal Marine Area on the open coast line; or</i> <i>ii) 20 metres of the Coastal Marine Area elsewhere; or</i> <i>iii) Any wetland identified in Schedule 1; or</i> <i>iv) Any wetland identified in Schedule 2 unless it meets the requirements of Rule 7; and</i> <p><i>(g) Where earthworks are for the formation, construction, or reconstruction of any road, track, firebreak, landing, line, pipe, or cable:</i></p> <ul style="list-style-type: none"> <i>i) Formed surfaces with an inward cross fall must have a constructed form of drainage control such as a water table, kerb and channel, swale, channel/ditch, or sumps and pipes to avoid causing erosion; and</i> <i>ii) Any culverts, or cut and fill batters are designed and constructed or installed so as to prevent their failure and avoid causing erosion; and</i> <i>iii) Trenches for the purpose of installing lines, pipes, or cables are backfilled and compacted as soon as practicable; and</i> <p><i>(h) The activity does not cause or contribute toward any slope or land surface instability, including subsidence or other erosion; and</i></p> <p><i>(i) All areas of bare ground created by the activity and any stockpiles of material are protected from soil erosion as soon as practicable; and</i></p> <p><i>(j) Where earthworks are for the purpose of forming a drain:</i></p> <ul style="list-style-type: none"> <i>i) There is no erosion of the bed or banks of the receiving water body; and</i> <i>ii) The drainage does not increase the flow in the receiving water body to the extent that it</i> 	



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	<p>exceeds the carrying capacity of existing infrastructure; and</p> <p>iii) The activity does not occur within 25 metres of any wetland identified in Schedule 1 or 2;</p> <p>(k) Where the earthworks are for the purpose of constructing a water supply bore the Council must be notified within five working days of the location depth and purpose of the bore.</p>	
8. Vegetation disturbance in riparian margins	<p>Vegetation Disturbance within riparian margins is a permitted activity if all of the following conditions are met:</p> <p>(a) Native Vegetation is only removed where:</p> <p>i) It is causing bank erosion; or</p> <p>ii) It is toxic to livestock; or</p> <p>iii) The activity is undertaken in conjunction with permitted activity Rule 2 or 7; and</p> <p>(b) There is no disturbance to inanga (whitebait) and other native fish spawning habitat at any site listed in Schedule 11 during the months of December to May inclusive; and</p> <p>(c) The activity does not cause or contribute to land instability or erosion; and</p> <p>(d) All areas of bare ground created by the activity are protected from soil erosion as soon as practicable; and</p> <p>(e) No debris is placed directly in any river or lake bed, or in any wetland identified in Schedule 1 or 2.</p>	<p>Complies</p> <p>All mining earthworks are setback from riparian margins.</p> <p>The ephemeral waterbody does not meet the minimum width of 3m which triggers the application of this rule.</p>
18.1.4 Discretionary Activities on Land		
Rules		
16. Discretionary activities outside of a wetland identified in Schedule 1 or 2	<p>Outside of a wetland identified in Schedule 1 or 2, any:</p> <p>(i) Vegetation disturbance that contravenes Rules 8 or 9;</p> <p>(ii) Earthworks that contravenes Rules 2, 3, 4, 5, 6 or 12; or</p> <p>(iii) Grazing within, and livestock access to, riparian margins that contravenes Rule 11; is a discretionary activity.</p>	<p>Consent required – Discretionary Activity</p> <p>Earthworks will be over 5,000m³ per annum</p>
Takes, Uses, Diversions, and Damming of Water		
18.3.1 Permitted activities		
Rules		
44 Take and Use of Groundwater	<p>The taking and use of groundwater is a permitted activity if all of the following conditions are met:</p> <p>(a) The total take does not exceed two litres per second, up to a maximum volume of 50,000 litres per day; and</p> <p>(b) Any well shall be located not less than 20 metres from any adjacent well or the Coastal Marine Area</p>	<p>Does not comply – Restricted Discretionary Activity</p>



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	<p><i>and from any septic tank disposal field or effluent treatment ponds or silage storage areas; and</i></p> <p><i>(c) Any well or bore not primarily used for potable water supply shall be located not less than 20 metres from any sewage effluent disposal field, agricultural effluent treatment ponds, silage storage areas, or feed lots or wintering pads; and</i></p> <p><i>(d) Any well or bore used primarily for potable water supply shall be located not less than:</i></p> <p><i>i) 100 metres from a sewage effluent discharge, where the discharge is from a soak pit; or</i></p> <p><i>ii) 50 metres from a sewage effluent discharge where the discharge is from other treatment systems; or</i></p> <p><i>iii) 50 metres from a pit toilet; or</i></p> <p><i>iv) 50 metres from any effluent treatment ponds, silage storage areas, feed lots or wintering pads, or offal pits; and</i></p> <p><i>(e) Any bore shall be located not less than 200 metres from any adjacent bore; and</i></p> <p><i>(f) No existing lawful take of water is adversely affected as a result of the taking; and</i></p> <p><i>(g) The council is informed in writing of the location, expected rate and frequency of the take prior to the take occurring and contact details of the person taking; and</i></p> <p><i>(h) The bore or well casing and headworks prevent:</i></p> <p><i>(i) The infiltration of contaminants; and</i></p> <p><i>(ii) The uncontrolled discharge or leakage of water to the surface and between aquifers.</i></p>	<p>Groundwater will be intercepted and abstracted from the mine pit through the mine water circuit. Abstraction will exceed permitted rates.</p> <p>A groundwater take is proposed at the processing plant site, which will be 38 l/s.</p>
<p>51. Diversion of natural runoff - contaminated and uncontaminated</p>	<p><i>The diversion (whether in pipes, constructed channels or otherwise) of stormwater runoff that is not contaminated, or of runoff that is contaminated to a water treatment system, is a permitted activity provided:</i></p> <p><i>(a) For the non-contaminated water:</i></p> <p><i>i) The diversion does not cause or exacerbate: flooding or ponding of water on another person’s property, erosion, land instability, sedimentation or property damage; and</i></p> <p><i>ii) The diversion does not affect any natural wetland; and</i></p> <p><i>iii) The diversion is incidental to permitted or consented earthworks; and</i></p> <p><i>iv) The diversion does not relate to the diversion of runoff from an area greater than 20 hectares; and</i></p> <p><i>(b) For contaminated water:</i></p> <p><i>i) The water is diverted to a water treatment system or plant; and</i></p> <p><i>ii) The diversion is incidental to permitted or consented earthworks.</i></p>	<p>Complies – Permitted Activity</p> <p>Stormwater from within the mining area will be directed to the settling pond system. The ponds will be sufficiently sized to allow treatment of the water to avoid sedimentation, flooding, ponding, erosion or property damage.</p>
<p>18.3.3 Restricted Discretionary activities</p>		
<p>Rules</p>		



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56. Other takes and uses of groundwater	<p>Unless permitted by Rules 44, 45, or 46, or controlled by Rule 52, the taking and use of groundwater is a restricted discretionary activity.</p> <p>In considering any resource consent under this rule the council will restrict the exercise of its discretion to the following:</p> <ul style="list-style-type: none"> (a) The amount of water to be taken; (b) The current allocation from the aquifer and the estimated annual yield; (c) Any adverse effect on any existing lawful take of water; (d) Whether a minimum water level needs to be applied to the take; (e) Any adverse effect on any connected surface water body; (f) Any adverse effect on the existing quality of groundwater in the aquifer; (g) The means and timing of the take, and the rate of take; (h) The quantity of water required for the intended use; (i) The duration of the resource consent; (j) The information and monitoring requirements; and (k) The review of conditions of the resource consent. 	<p>Consent Required -Restricted Discretionary Activity</p> <p>The abstraction of water from the mine pit, and abstraction of water from the well at the processing plant falls under this rule.</p>
Discharges to Land		
18.5.1 Permitted activities		
Rules		
81. Discharge of stormwater runoff	<p>The discharge of collected stormwater runoff into or onto land is a permitted activity provided that all of the following conditions are met:</p> <ul style="list-style-type: none"> (a) The discharge does not cause or exacerbate erosion, scouring, land instability, sedimentation or ponding beyond the boundary of the subject property; and (b) The discharge does not contain any human or animal or wastes; and (c) Where the discharge into or onto land enters water, it does not increase the flow to the extent that it exceeds the carrying capacity of existing drainage infrastructure; and (d) If the discharge originates from an area where hazardous substances are stored or used: <ul style="list-style-type: none"> i) Hazardous substances cannot enter the stormwater system; or ii) There is an interceptor in place to collect all stormwater that contains hazardous substances and beyond trace concentrations these hazardous substances are contained on-site until removed to an approved disposal facility for the type of hazardous substance concerned. 	<p>Complies – Permitted Activity</p> <p>Stormwater runoff from around the mine site will be diverted away from disturbed areas. Stormwater from within disturbed areas will be directed to the settling pond system, and be managed to comply with this rule.</p>

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83. Stockpiling	<p>Unless covered by Rule 84 the stockpiling of gravel, sand, rock, soil or coal is a permitted activity, provided that all of the following conditions are met:</p> <p>(a) There is no discharge of contaminated runoff beyond the boundary of the subject property; and</p> <p>(b) The discharge is located and contained to ensure that neither the discharge nor any contaminant arising from the discharge is able to enter any water body or the coastal marine area.</p>	<p>Complies - Permitted Activity</p> <p>Overburden and topsoil stockpiles will be managed during construction so that any runoff is diverted to the water treatment system, or sediment control devices will be installed to avoid contaminated runoff. Stockpiles will be stabilised by planting or hydroseeding as soon as practicable, which will avoid any contaminated discharge arising from the stockpiles.</p>
<p>18.5.3 Discretionary Discharges to Land</p>		
91. Discharge to land discretionary activity Rule	<p>Unless permitted by Rules 72 to 86, or controlled by Rules 87 to 90, any discharge of contaminants into or onto land is a discretionary activity.</p>	<p>Consent required – Discretionary Activity</p> <p>Discharges of mine influenced water from the settling ponds (where not discharging to water as described above), will discharge back to the mining void.</p>



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West Coast Regional Air Quality Plan		
10.4 Permitted Activities		
Rules		
Rule 3	<p>Unless covered by another rule in this Plan, the discharge of any contaminant into air arising from the stockpiling, conveying and handling of gravel, sand, soil, rock, coal, sawdust or wood chips, is a permitted activity provided that the following conditions are met:</p> <p>a) there is no discharge of dust beyond the boundary of the subject property, and</p> <p>b) any discharge of odour is not noxious, dangerous, offensive or objectionable beyond the boundary of the subject property.</p>	<p>Complies</p> <p>A Dust Management Plan is proposed which will set out how the applicant will monitor and avoid dust emissions.</p>
Rule 5	<p>Unless covered by another Rule in this Plan, the discharge of any contaminant into air arising from earthworks, quarrying operations, mining, or cleanfill operations is a permitted activity provided that the following conditions are met:</p> <p>a) any discharge of smoke, dust, gas or odour is not noxious, dangerous, offensive or objectionable beyond the boundary of the subject property; or</p> <p>b) in the case of public amenity areas, any discharge of smoke, dust, gas or odour is not offensive or objectionable beyond the boundary or beyond 50 metres of the discharge, whichever is the lesser.</p>	<p>Complies</p> <p>A Dust Management Plan is proposed which will set out how the applicant will monitor and avoid dust emissions.</p>



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Proposed Te Tai o Poutini Plan		
Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora		
Ecosystems and Indigenous Biodiversity Rules		
Permitted Activities		
<p>ECO-R1</p> <p>Indigenous vegetation clearance and disturbance outside of the coastal environment</p>	<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 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: <ol style="list-style-type: none"> i. It is the removal of windthrown timber through: <ol style="list-style-type: none"> 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; 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: <ol style="list-style-type: none"> 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; 	<p>Does not comply</p> <p>The proposal involves more than 5,000m² of indigenous vegetation clearance in any three year period.</p> <p>Note: this rule has immediate legal effect.</p>



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	<ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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: <ul style="list-style-type: none"> 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. 	
Controlled Activities		
Restricted Discretionary Activities		
ECO-R5 Indigenous vegetation clearance not meeting Permitted or Controlled Activity Standards	Activity Status Restricted Discretionary Where: <ul style="list-style-type: none"> 1. This is not within: <ul style="list-style-type: none"> i. A Significant Natural Area identified in Schedule Four; ii. An area of land environment of category one or two of the Threatened Environment Classification; iii. An Outstanding Natural Landscape identified in Schedule Five; iv. An Outstanding Natural Feature identified in Schedule Six; v. An area of High Coastal Natural Character identified in Schedule Seven; or 	Restricted Discretionary Activity Note: this rule has immediate legal effect



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	<p style="text-align: center;"><i>vi. An area of Outstanding Coastal Natural Character identified in Schedule Eight.</i></p> <p>Discretion is restricted to:</p> <ul style="list-style-type: none"> <i>a. Whether there are other regulations impacting the site that have meant the land is unable to be used for economic rural uses;</i> <i>b. Constraints imposed by functional or operational need of network utilities and critical infrastructure;</i> <i>c. Effects on habitats of any threatened or protected species;</i> <i>d. Effects on the threat status of land environments in category one or two of the Threatened Environments Classification;</i> <i>e. Effects on ecological functioning and the life supporting capacity of air, water, soil and ecosystems;</i> <i>f. Effects on the intrinsic values of ecosystems;</i> <i>g. Effects on recreational values of public land; and</i> <i>h. The matters outlined in Policies ECO - P6 and ECO - P7.</i> 	

