



Tai Poutini
RESOURCES



Westland Mineral Sands Co. Ltd

APPLICATION FOR RESOURCE CONSENT TO BULLER DISTRICT
COUNCIL AND WEST COAST REGIONAL COUNCIL

MINERAL SAND MINING ACTIVITIES AT NINE MILE, CAPE FOULWIND

tpri.co.nz

July 2021

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1. Executive Summary

- 1.1 Westland Mineral Sands Co. Ltd (**WMSC**) currently holds an interest in Minerals Prospecting Permit PP60494 over approximately 21.1 square kilometres of land south of Cape Foulwind. The site includes both privately owned minerals, and publicly owned minerals which require minerals permits. Application has been submitted for an exploration permit and a mining permit application will be submitted following granting of the exploration permit, in relation to that part of the site which requires further permitting. It is noted that the permits are held by Aspiring Resources Ltd which is a related company to WMSC.
- 1.2 This application covers approximately 22 hectares of land for mining purposes plus associated facilities and roading. The total area affected is in the vicinity of 25 hectares. The application is for heavy minerals, notably ilmenite, with associated garnet and rare earth elements also present. The removal of up to 500,000 tonnes of heavy mineral concentrate (**HMC**) is sought over the term of the consent.
- 1.3 The application area sits across four separate privately owned land parcels which are collectively 78.15 hectares in area. The current and ongoing land use (in conjunction with proposed mining) is pastoral grazing.
- 1.4 The land is characterised by two dune systems with a flat valley between. The proposed mining will focus on the inland (Ferry) dune system.
- 1.5 Mining of the application area will be completed over approximately 5 – 7 years. The applicant is seeking a 10-year term for consents. This will allow for contingencies and give the security required given the scale of investment required for the project.
- 1.6 Mineral sands mining within the application area is already consented until 2028 by both the West Coast Regional Council (**WCRC**) and the Buller District Council (**BDC**) (RC13036 and RC130035). These consents authorise the excavation of mineral sands at a rate of 8,000m³ per year and 120,000m³ for the life of the consent and will be superseded by the current proposal.
- 1.7 Resource consent is required under the Buller District Plan, the West Coast Regional Land and Water Plan and the National Environmental Standards for Freshwater.
- 1.8 This Assessment of Environmental Effects (**AEE**) report considers the effects of the proposal and determines that the proposal will have no more than minor adverse effects on the environment while having positive effects in terms of economic growth and local employment opportunities. The proposal involves substantial mitigation measures to reduce the effects on the environment, such as effects on landscape and visual amenity, noise effects, traffic effects, effects on heritage, indigenous flora and fauna and water bodies. An assessment against the objectives and policies of the Buller District Plan, the West Coast Regional Land and Water Plan, the Regional Policy



Statement 2019, the National Policy Statement for Freshwater Management and the New Zealand Coastal Policy Statement concludes that the proposal is consistent with the relevant provisions of each plan.

- 1.9 WMSC has undertaken consultation with iwi, local residents and landowners, and agencies with an interest in the application and this consultation is ongoing.
- 1.10 The proposal accords with the purpose and principles of the Resource Management Act 1991 (RMA) and accords with the definition of sustainable management.

2. Details of Applicant

Applicant

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3. Application Site and Surrounding Environment

Site Details

- 3.1 This application covers approximately 22 hectares of proposed mining area along with adjacent processing facilities and access roads, inland from Okari Road at Nine Mile, Cape Foulwind. The application area is on privately owned land, and is legally described as Lot 4 DP 13269, Lot 5 DP 13269, Lot 12 DP 354487 and Lot 4 DP 534034 (with all landowners associated with WMSC). The site is located at or about E1472410.0 N5372103.1 (NZTM). The broad location of the application area is shown in Figure 1 below. A more detailed site plan is attached as **Attachment A**.
- 3.2 The lower portion of the site within Lot 4 DP 534034 (held in CT 880653) has been assessed as having privately owned minerals (by accredited company Land Information Services) and therefore a mining permit is not required for this portion of the application area. Application for an exploration permit is currently in place with New Zealand Petroleum and Minerals in relation to the northern part of the site and this will be transferred to a mining permit once granted. No mining of the northern part of the site will be undertaken prior to the relevant mining permit being granted.

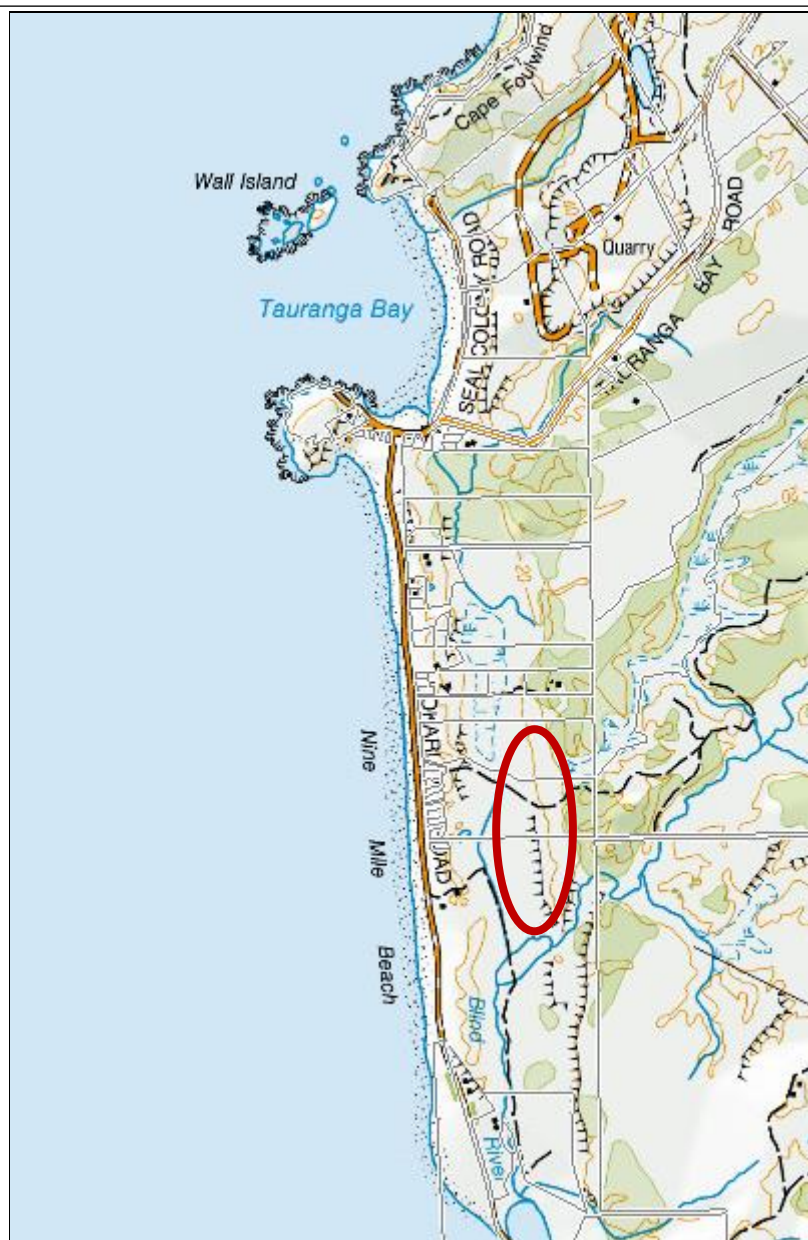


Figure 1: Application location

- 3.3 Site access will be provided via an existing entranceway from Okari Road as shown on **Attachment A**.
- 3.4 The site is separated from the coastline by Okari Road and a coastal dune system which physically and visually separates the application area from the coastal environment. The mining area is located over a second inland dune system, along with a small amount of extraction and the processing plant on the adjacent flats.
- 3.5 The site is part of a former dairy farm and is currently utilised for cattle grazing. Most of the site is covered in established pasture, with native vegetation fringing the inland boundary. Portions of two wetlands (Schedule 2 West Coast Regional Land and Water Plan) extend onto the site at the northern end. Blind River runs along the south-eastern boundary, and an unnamed highly

modified tributary runs from the Okari Wetland (Okari Swamp) to Blind River. It is noted that Blind River is highly modified due to previous straightening/modification as part of historic drainage works. A number of farm drainage channels also exist on the site. There is an unformed legal road running through the centre of the site.

- 3.6 Residential lifestyle development has occurred to the west and north of the site, although this is largely physically separated from the site by the coastal dunes. Farmland surrounds the site to the south and east with pockets of native vegetation and two wetlands interspersed with developed pasture to the north and east. It is noted that noise levels are acceptable and within national guidelines at residential houses, even though District Plan limits are breached at the property boundary for night time noise. This is largely due to the boundaries being located at the top of the dune to the rear of the houses and noise levels decreasing at the house locations which are shielded by the dune system. Noise effects are further discussed in Section 6 later in this AEE.
- 3.7 There are a number of known historic and archaeological sites in the vicinity of the application area. These are primarily shell middens, along with a historic hut site. All historic and archaeological sites are excluded from the application area.

Geology, hydrology and climate

- 3.8 The Nine Mile project geology consists of Holocene postglacial (<10ka) coastal sediments deposited on a flat wave cut marine platform during shoreline progradation. The eastern boundary of the deposit is delineated by a post glacial Holocene shoreline/cliff, found throughout Westland known as the Nine Mile shoreline. The sediments were deposited during westward progradation from the shoreline towards the present shoreline. Two main mineralised paleo dune formations exist in the project area; the eastern Ferry Member and western Shetland Member. These shoreline placer deposits contain accumulations of heavy minerals and are up to 30m thick. The consent area is located on an area of the inland Ferry Member (referred to as the inland dune throughout this application).
- 3.9 The Ferry Member orebody (inland dune) within the consent area consists of free flowing to slightly indurated dunal sands that contain elevated heavy mineral content - notably garnet, ilmenite and critical minerals/rare earth elements. The average minable thickness of the sands is approximately 12.5 metres in a range of 3 – 28 metres. The mining basement directly underlying the dunal sand is a blueish marine calcareous mudstone referred to locally as 'Papa'. In places a gravelly horizon sits on top of the mudstone basement. The sand, or ore component generally contains minor amounts of oversize material >2mm (i.e., 4%) and up to 10% of 'slimes' (very fine materials such as clays, particles less than 50 micron). The average ilmenite grade within the consent area is ~5% but ranges between 3-25%. The average heavy mineral content is ~15% which includes minerals such as garnet, zircon, monazite, rutile, magnetite, and fine gold contained in the sands. 81 drillholes have been drilled historically within the area and have been used to inform the geological and resource models.

- 3.10 Annual rainfall in the area (from Westport weather stations) is just over 2000mm and the predominant winds are from the southwest (Macara, G.R., 2016, *The Climate and Weather of the West Coast*, www.niwa.co.nz).
- 3.11 Blind River flows from adjacent Landcorp farmland along the south-eastern boundary of the application site and continues to the Okari Estuary approximately one kilometre to the south. The Okari Wetland (Okari Swamp) is connected by a highly modified waterway (with the appearance of a farm drain) to Blind River just south of the application area. Silverstream Wetland (Silverstream Swamp) is located on the fringe of the north-eastern portion of the site.

Existing Resource Consents

- 3.12 Mineral sands mining is currently consented within the application area by both the West Coast Regional Council (WCRC) and the Buller District Council (BDC) (RC13036 and RC130035). These consents authorise the excavation of mineral sands at a rate of 8,000m³ per year and 120,000m³ for the life of the consent. The consents were granted in 2013 with a 15-year term and as such do not expire until 2028. Discussion with WCRC suggests the last work undertaken under the consents was around 2015/2016. The current application will supersede the two existing consents.
- 3.13 Water take from Blind River is currently allocated under RC-2016-0036 to a rate of 74L/sec for irrigation and dairy shed management purposes with the point of take on adjacent (to the proposed minerals sand site) farmland. As the two properties are being farmed jointly, and the full take for irrigation will not be required until mining has completed, the existing take is sufficient to provide water for both the existing consented farming purposes and the proposed mining activity. As such a separate application has been made to WCRC to re-consent RC-2016-0036 to also provide for mining use of the currently allocated take (see application RC-2021-0090). Therefore, no application for water take is included in the current application.

4. The Proposal

Overview

- 4.1 WMSC proposes to authorise mineral sand mining within approximately 22 hectares of land covered by Prospecting Permit PP60494 along with processing and associated facilities. A site plan showing the application area and notable features is contained in **Attachment A**.
- 4.2 The proposed mining activity will involve the removal of topsoil, excavation of sands and transporting to an onsite processing plant. Excess material will be returned to the pit and the site will be progressively rehabilitated following mining. The mineral sands will be processed via the onsite plant with resulting HMC trucked off site for shipping. No chemicals are used during the process. Approximately 100,000 -120,000 tonnes per annum of HMC is expected to be removed from site at peak production up to a total approximate 500,000 tonnes of HMC.

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- 4.3 Water for the processing plant will be sourced from Blind River and will utilise an existing allocation of water. Re-consenting of this water permit to include mining use is currently in process under application RC-2021-0090. Discharge will be via settling ponds to ground. There will be no direct discharge to surface water.

Plant and Machinery

- 4.4 The following machinery will be used during the course of the proposed mining activity:
- 1 x 40T excavator
 - 1 x 8T excavator
 - 1 x 40T dump truck
 - 1 x 25T loader
 - Various pumps and hoses
 - Several light 4 wheel drive vehicles
 - On-site wash plant and associated facilities
 - Truck and trailer units
- 4.5 Plant lighting will be designed within District Plan compliance limits. Further lighting will be directed downwards to operational areas and shrouded as necessary. Lighting from vehicle operating at night will also comply with District Plan limits.

Earthworks and mining methodology

- 4.6 Mining will involve removing and reserving topsoil, excavating mineral sands and progressively rehabilitating.
- 4.7 The average mineable thickness of the sands is 12.5 metres in a range of 3 – 28 metres as shown in Figure 2. The deposit is on average 200 metres wide (up to 250 metres). Higher grades generally exist closer to the base of the deposit and the deposit is thickest along the crest of the dune and thins to the east and west. Excavation will remove the dune down to a base level around the water table level, or at times several metres below. This is further outlined in the hydrological assessment attached as **Attachment B**.

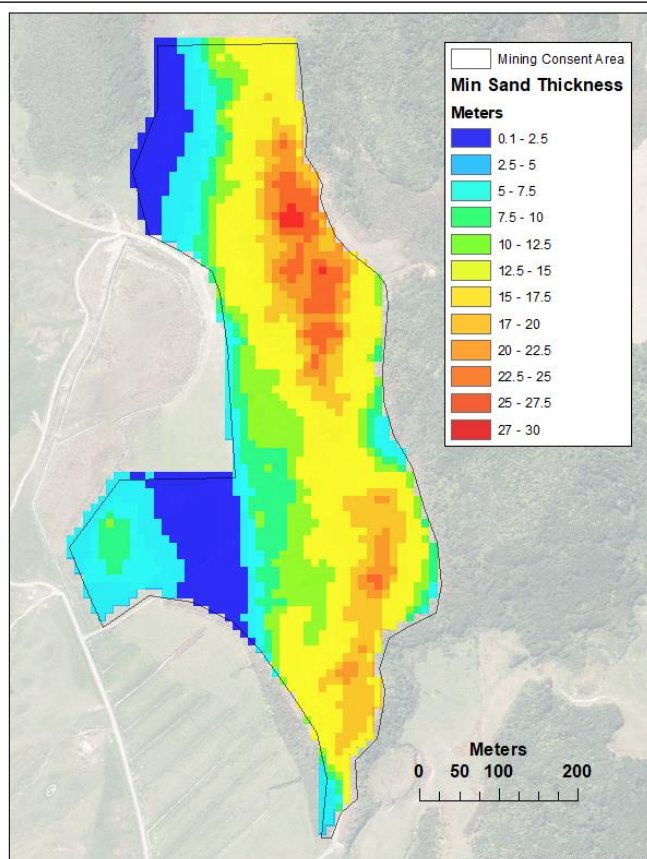


Figure 2: Mineral Sand Thickness

- 4.8 Mining will commence from the southernmost point and proceed northwards, mining a continuous east-west slot the width of the deposit. Topsoil, between 0.3 – 1.5 metres thick will be removed and reserved for rehabilitation.
- 4.9 The sand ore will be excavated, loaded on to dump trucks and transported to the processing plant. The orebody will be benched down to reach the base of the deposit. The mine benches will be between 5 and 10 metres wide, no greater than 5 metres high with a slope batter between 37-45°. Bunds will be constructed along bench edges and the number of benches will vary depending on the thickness of the ore. All slopes will be temporary in nature, being exposed for approximately six months with a nominal angle of 45°. The excavation area will advance northwards at variable rates depending on the thickness of the ore and width of the resource.
- 4.10 Resource and ground water modelling predict that 87% of the ore in the consent area is above the water table and will be mined dry. The maximum modelled thickness of ore below the water table (wet) is circa six metres with an average thickness of around two metres. Once the mining benches reach the water table, ore within the reach of the excavator will be extracted wet below the water table. Any ore that cannot be extracted will be left in place. No pumping to lower the water table is proposed.

- 4.11 A starter pit will be excavated to create a void within which tailings can then be placed upon commencement of processing. This will occur on the southernmost corner of the consent area. Initially tailings will be stockpiled at the plant site until a big enough void is opened to reach the base of the deposit. Once the initial starter pit is completed, infilling of the mining void and rehabilitation will reach an equilibrium with run of mine (ROM) material on an ongoing basis.
- 4.12 A schematic diagram of mining methodology and progression is illustrated in Figure 3.

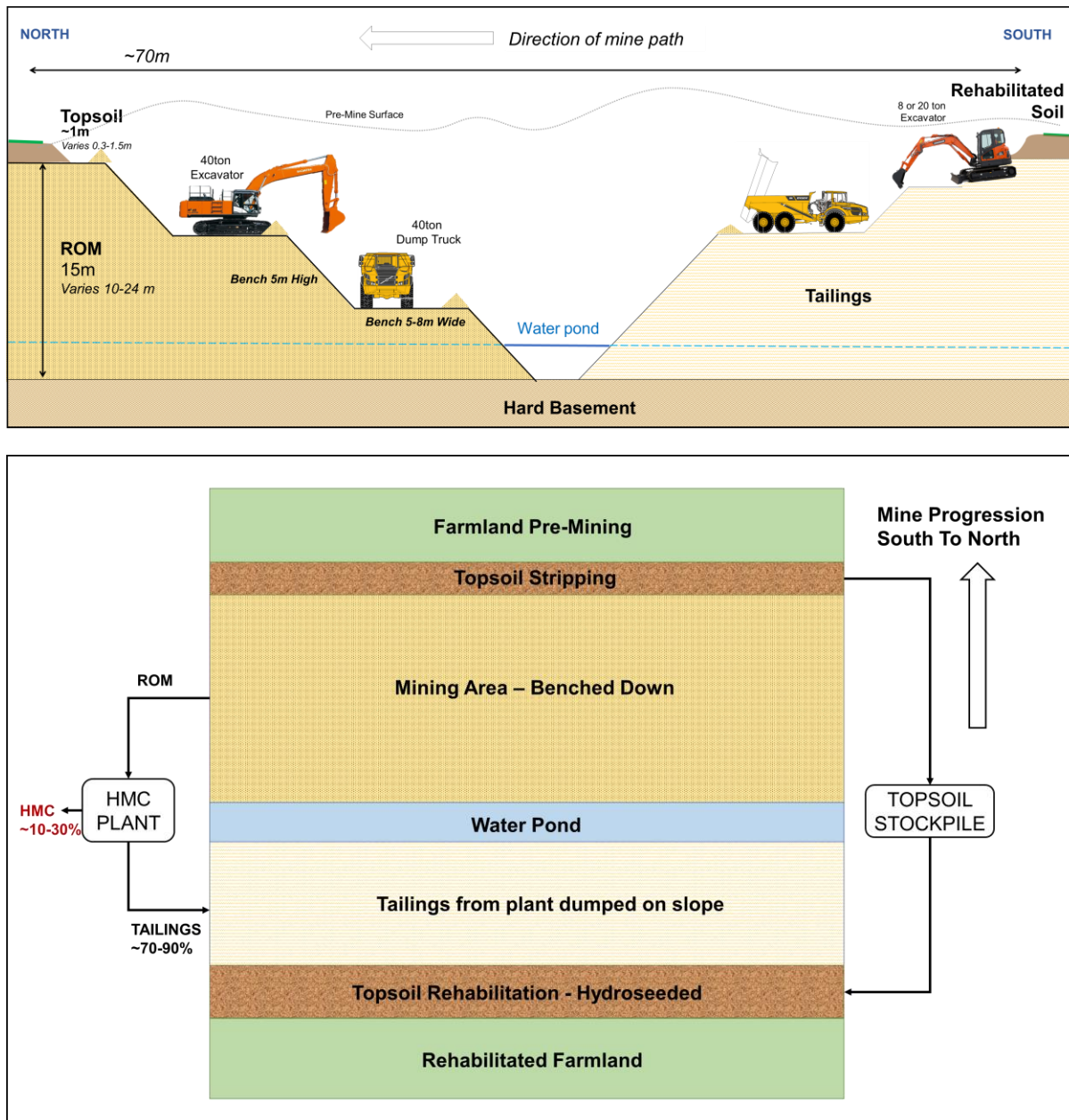


Figure 3: Schematic diagram of mining methodology and various aspects of the process and progression.

- 4.13 Following the extraction of the heavy mineral concentrate (**HMC**) through the plant, approximately 80-90% of material will be returned to the excavated area and the land formed back in a similar formation to what currently exists with some improved contour for farming utilisation. Topsoil will be re-spread and pastures re-established. A maximum 2ha will be disturbed at the excavation area at any one time and a maximum of 5ha across the site (including stripping, rehabilitation, roading and any disturbed area at the plant site).
- 4.14 Stormwater infiltration rates at the excavation area are expected to be high and it is considered unlikely that significant stormwater management will be required. However, sediment and erosion management will be outlined as part of the Annual Work Programme and things like cut off drains for clean water can be established if required. Water carts or sprinklers will also be available to utilise on exposed areas and haul roads during dry periods to manage dust as necessary.
- 4.15 Buffers from sensitive areas will also be established. This includes a 40-metre buffer from the two Schedule 2 wetlands, a 20-metre buffer from Blind River, and five metre buffers from major drains. The proposed buffers are outlined on the site plan attached as **Attachment A**.
- 4.16 An assessment of archaeological and historic sites in the vicinity has been undertaken and is attached as **Attachment C**. As shown on the site plan (**Attachment A**) there is an exclusion area around a previously recorded site that could not be located as part of the site assessment. No earthworks will be undertaken in the recommended exclusion zone.
- 4.17 It is noted that there is an unformed legal road running through the proposed mining area. Mining of the unformed legal road area is sought under this proposal. No structures will be located over the unformed legal road however the haul road will cross it as well as piping associated with water management.
- 4.18 Samples of heavy mineral concentrates from the site have been tested for radioactivity. The sands from the site have been confirmed as non-radioactive. Under New Zealand law material with a value greater than 10 Bq/g is defined as radioactive. Material from the site is assessed as below 1 Bq/g. Evidence of testing and the result is attached as **Attachment D**.

On-site processing and facilities

- 4.19 Excavated material will be transported to the wet concentrate plant (wash plant) where it will be processed to extract the HMC. The excavated materials will initially pass through a trommel to remove oversized material (>2mm). Fine material is then pumped up approximately 12 metres to fall downwards through sets of concaved fiberglass spirals where gravity and water separate the heavy materials from the lighter reject material, notably quartz. The removed or reject materials will be returned to the mine pit for rehabilitative purposes.

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- 4.20 Sands (ROM) may be stockpiled prior to processing, as will material to be returned to the pit and heavy mineral concentrate prior to transporting to the port.
- 4.21 The overall processing plant will be 17 metres high at the highest point and will be established as part of the overall site facilities over an area of approximately 1.36 hectares.
- 4.22 Associated facilities will include water storage and settling ponds, staff facilities including a portable building (site office), parking and loading facilities. Power will be provided by way of an onsite generator and septic facilities will be portable and contained.
- 4.23 Plant water is treated over a series of settling cones (no chemical processes) and recirculated for reuse with any excess entering the settling pond system.
- 4.24 Stormwater generated on the plant site will be captured and directed to settling ponds prior to discharge to ground. Process water will be recycled so far as possible as per 4.23 above, with sediments being directed to the settling pond system.
- 4.25 Schematic diagrams of the minerals separation process, the site layout and the plant are attached as **Attachment E**. These diagrams are included to give an indication of processes and layout; however, the exact placement of structures and building may differ slightly when constructed.

Site Access

- 4.26 Site access will be via an existing formed entranceway off Okari Road. The entranceway is to the immediate north of the Okari Road subdivision and is shown on the plan attached as **Attachment A**.
- 4.27 The applicant has consulted with BDC around entranceway requirements and will work with BDC to upgrade the entranceway to an appropriate standard. Early discussions indicate a slip lane for trucks turning, improved gradient onto the site, some vegetation management for site lines and signage may be required. It is anticipated these requirements can be included by way of consent conditions.
- 4.28 Upgrading requirements along the existing road within the application site are minimum and will involve widening of the carriageway in some places and upgrading the road surface primarily through gravel topping. An existing culvert may require upgrade or replacement to cater for heavy vehicle usage.
- 4.29 Earthworks in relation to the entranceway and accessway upgrade avoid all known archaeological sites. Sediment control measures will be put in place as required to manage any sediment runoff to waterbodies.

Traffic

- 4.30 The site will be accessed by light vehicles for approximately four staff daily plus occasional visitors and service vehicles. Heavy vehicles will be used during the construction and establishment of the site at a rate of up to 14 vehicle movements daily and then occasionally for maintenance or deliveries on an ongoing basis.
- 4.31 Processed materials (HMC) will be trucked from the site to the port in Westport. The applicant proposes to undertake trucking activity 24 hours per day, primarily Monday to Friday. Occasional trucking to and from the site will occur on weekends if shipping logistics require this. Consent is sought for up to 40 heavy vehicle movements per day, however, there will not be this many movements every day. Heavy vehicle movements will peak around periods where ships are in port for loading.
- 4.32 A traffic management plan will be implemented, which will include truck speed limits of 50km/hour for Okari Road and will ensure that no two mining haulage trucks will pass on the road. The traffic management plan will also cover management of other effects, such as potential effects on little blue penguin (covered later in this AEE).
- 4.33 The applicant is aware that the Kawatiri Coastal Trail is also currently proposed within the area. For the most part there is no potential impact from either activity on the other. However, the Kawatiri Coastal Trail is currently intended to utilise a portion of Okari Road and a resource consent application has been lodged with the Buller District Council in relation to the trail. While the consent application has not been granted at this point, the proposed use of the road for the activity is relevant to this application, and the potential effects are discussed later in this AEE.

Hours of operation

- 4.34 Extraction and processing activities are proposed to occur 24 hours per day, seven days per week. As mentioned above, HMC transportation from the site will be primarily limited to Monday to Friday with occasional weekend trucking. Light vehicle and occasional heavy vehicle use for deliveries or maintenance may occur seven days a week.

Mobile Fuel Use

- 4.35 Vehicles and machinery onsite will be fuelled by diesel. There will be no fuel storage on site and fuel will be provided by way of a mobile 3,000 litre diesel tank. The mobile tank and its use will comply with the Hazardous Substances and New Organisms Act 1996 and the Health and Safety at Work Act 2015.
- 4.36 Refuelling will take place away from waterways and drains and a spill kit will be available.

Site rehabilitation

- 4.37 The application site is part of a former dairy farm and is currently being grazed in conjunction with neighbouring farmland. The area proposed for excavation is limited to the pasture covered dunes and a small area of adjacent flats. Minimal (less than 0.5ha over three years) incidental native vegetation on the fringes of the pasture area may be disturbed.
- 4.38 Broadly, the excavated land will be backfilled, levelled and contoured with any soil stockpiled spread out and used as a growing medium. The land will then be returned to pasture, in a similar contour to that which currently exists.
- 4.39 Initial vegetative cover (potentially using hydroseeding) will be established as soon as practicable to minimize erosion potential from the site and longer term, permanent pasture species will be established. Application of lime and fertilisers will be managed to ensure quality productive pasture as necessary, in accordance with national and regional regulations.
- 4.40 Rehabilitation will be completed on a progressive basis throughout the operation in order to maintain compliance with the proposed disturbed area limit of 2ha at the excavation area.
- 4.41 Detailed rehabilitation plans and final landforms as the operation progresses will be included in the Annual Work Programme that is anticipated to be required by consent conditions.

Lapse date and term of consent

- 4.42 Mining is proposed to take approximately 5 - 7 years to complete to full site rehabilitation. WMSC seek a 10-year consent term, to allow for contingencies and to provide operational certainty given the level of investment.

5. Statutory framework

Buller District Plan

- 5.1 The site is located within the Rural Zone under the Buller District Plan. A full assessment compliance assessment against potentially relevant rules is attached as **Attachment F**. Consents are required under the following rules:
- Mining and incidental earthworks is a restricted discretionary activity under Rule 5.3.2.4.3.
 - The use of fuel where the site is not sealed, bunded and roofed or covered is a discretionary activity under Rule 6.4.2.7.
 - Noise that exceeds permitted activity levels at the boundary of land used for residential activity is a non-complying activity under Rule 7.9.1.2.

West Coast Regional Land and Water Plan

5.2 A full compliance assessment against potentially relevant rules is attached as **Attachment G**. Consents are required under the following rules:

- Earthworks that exceed 5,000m³ per year and over 20,000m³ over the landholding over the course of the activity is a discretionary activity under Rule 16(ii).
- Discharges to ground are a discretionary activity under Rule 91.

Regional Air Quality Plan

5.3 No consents are sought under the Regional Air Quality Plan as all permitted activity rules are proposed to be met.

National Environmental Standard for Freshwater

5.4 The mining activity and access road will be within 100 metres of wetlands therefore non-complying activity consent is required under the following rule:

- Rule 54(c) the taking, use, damming, diversion, or discharge of water within, or within a 100m setback from, a natural wetland.

5.5 It is noted that Rule 54 is only triggered in relation to a theoretical water take and discharge within the mining void and stormwater discharge from any modified land surfaces within a 100-metre setback, not for any activity within any wetland. Further, activities will not result in or be likely to result in the complete or partial drainage of all or part of a natural wetland, therefore Rule 52 does not apply.

Overall activity status

5.6 The proposed mining activity is overall a **discretionary** activity under the Regional Plan and a **non-complying activity** under the District Plan and National Environmental Standard for Freshwater. It is noted that if not for mobile fuel use, and noise at property boundaries the activity would be **restricted discretionary** under the Buller District Plan.

6. Assessment of effects on the environment

6.1 Section 88 of the RMA requires that the Applicant undertake an assessment of any actual or potential effects on the environment that may arise from the proposal, and the ways in which any adverse effects may be avoided, remedied, or mitigated.

6.2 This section discusses the effects of the proposal in the following sequence:

- Permitted baseline and existing environment
- Landscape and visual amenity
- Noise
- Traffic
- Heritage/Archaeology
- Flora and Fauna

-
- Waterbodies and groundwater
 - Positive effects
 - Assessment of Alternatives

Permitted Baseline and Existing Environment

- 6.3 As noted previously, resource consent currently exists for mineral sand mining at the site with up to 8000m³ per annum authorised. The authorised activity includes removal from site by truck along the currently proposed accessway. These consents are valid until 2028 and form a key part of the existing environment.
- 6.4 The proposed application area is within the rural area where rural activity already exists by way of dairy and other pastoral farming. A level of noise, lighting at night, traffic movements and landscape modification is already occurring due to these activities.

Landscape and visual amenity

- 6.5 The application area is a discrete site that sits to the east of Okari Road in a wider area that is characterised by pastoral farming activities, areas of native vegetation and rural residential housing. The site itself is highly modified and is primarily grass covered farmland, with some weedy areas and fringed by native vegetation to the east and north along with the southern tips of two wetlands.
- 6.6 The mine site and processing plant will be visually separate from Okari Road and the coastline by a set of coastal dunes and cannot be readily seen (other than the odd glimpse or distant view) from either private residences or public viewpoints.
- 6.7 The site will be temporarily disturbed by mining operations and the processing plant, however, will be fully rehabilitated back to improved pasture during the life of the consent. Further, the landscape features of the coastal dune system, the wetlands, Blind River, and the indigenous vegetation will be left intact.
- 6.8 A landscape assessment has been undertaken which fully assesses the visual and landscape effects of the proposed activity (see **Attachment H**) as low and less than minor.

Noise

- 6.9 Noise will be generated by the processing plant and associated equipment and vehicle and machinery operation. A number of mitigation measures have been considered and will be undertaken to ensure acceptable noise levels can be met. These include the positioning of the plant centrally on the site as far away from dwellings as practicably possible and enclosing some noise generating equipment (such as pumps, trommel) and parts of the plant as required.
- 6.10 The Buller District Plan sets out compliance limits for noise at the boundary of land used for residential activities. In addition, national noise standards (NZS 6802:2008 Acoustics –

Environmental Noise) are published by Standards New Zealand and the World Health Organisation Guidelines for Community Noise provide guidelines for noise exposure. These standards and guidelines are commonly utilised as a guide for acceptable levels of noise.

- 6.11 The applicant has commissioned a full acoustic assessment to assess the effects of noise generated as a result of the proposed activities (see **Attachment I**).
- 6.12 The acoustic assessment outlines that daytime noise limits as per the District Plan will be complied with. Night-time noise limits may be breached at the boundary of some properties adjacent to the application area, however can be comfortably met at all dwellings. The assessment notes that the geography of the site is relevant to the assessment as the property boundary is about the top of the dune system, while the housing is on the western side of the dunes away from the application area. Noise at housing is therefore less than at the property boundary due to the screening by the dunes.
- 6.13 A number of consent conditions have been recommended as part of the acoustic assessment. These broadly cover:
- Assessment of the processing plant by an acoustic specialist prior to any night-time activities occurring to ensure noise limits as proposed are met.
 - Noise limits that cannot be exceeded at any dwelling with higher limits on Sundays, public holidays and night-time.
 - Requiring regular maintenance and repair of plant and equipment to ensure best noise minimisation at all times.
 - No tonal or reverse beepers on vehicles.
- 6.14 The effects of noise from the proposal have been assessed as acceptable through the acoustic assessment. Considering this, and the inclusion of the proposed conditions, overall it is considered that there will be no more than minor effects associated with noise from the proposal.

Traffic

- 6.15 Traffic will access the site from the existing entranceway on Okari Road and will include low light vehicle use and moderate truck use. It is noted that truck movements as discussed here include trucks and truck and trailer units.
- 6.16 Consent is sought for a maximum of 40 truck movements (20 each way) to and from the site. Trucks will travel between the site and the port in Westport via Okari Road, Tauranga Bay Road, Cape Foulwind Road (State Highway 67A) and The Esplanade. The route is shown in Figure 2 of the Transport Assessment which is attached as **Attachment J**.
- 6.17 It is noted that although consent is sought for a maximum of 40 truck movements per day, there will not be 40 truck movements every day. The actual number of movements will depend on the



speed of processing onsite and shipping logistics. Higher levels of truck movements (at or close to the maximum) are most likely when a ship is in port to be loaded.

- 6.18 The applicant has spent significant time and resource investigating alternative options for heavy vehicle access through land to the east of the application area, to avoid heavy vehicle use through Tauranga Bay and Okari Road. Despite potential routes being identified, adjacent landowner access has not been able to be obtained, and the Tauranga Bay/Okari Road route is the only viable option.
- 6.19 Although the applicant is furthering discussions with adjacent landowners, consent is sought for access from the Okari Road entranceway as a future viable alternative is unknown.
- 6.20 The applicant is also aware that the Charleston Westport Coastal Trail Trust has recently applied for resource consent from BDC for a section of the Kawatiri Coastal Trail which in part, proposes the shared use of Okari Road by cycles. The section of the road that would also be affected by the current application is approximately 1.2km, from a current pull over area on Okari Road at the northern end to the proposed site access point.
- 6.21 The shared use of cycles and trucks under both proposals has been assessed as unacceptable under the transport assessment attached as **Attachment J**. The transport assessment has also proposed an off-road pathway as suitable mitigation for the adverse effects of shared road use by the Coastal Trail users and trucks.
- 6.22 The applicant has held initial discussions with BDC and the Charleston Westport Coastal Trail Trust to understand the issues and effects of both uses of the road (in conjunction with existing road use). The applicant is committed to working with the other parties to seek a mutually beneficial outcome as part of this process, should consent be granted for truck use associated with the entranceway from Okari Road in this application.
- 6.23 Pre-application consultation has occurred with nearby residents and the applicant notes concerns held by some residents relating to the use of Okari Road for heavy vehicles. These are particularly in relation to safety, passing ability, road maintenance and noise and the effects these things will have on lifestyle and business.
- 6.24 The Transport Assessment (**Attachment J**) has assessed road safety and passing ability and has concluded that the effects are less than minor. While the truck movements will undoubtedly increase the number of vehicles on the road, the imposition of an appropriate management plan will mean that impacts can be acceptably managed. Recommendations include speed restrictions and passing restrictions for trucks involved with the project. While the assessment has recommended a 60km speed limit for trucks on Okari Road, the applicant proposes to further reduce this to 50km.

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- 6.25 Roothing maintenance is within the control of BDC and the applicant will work with BDC on any requirements. Early discussions indicate a number of requirements around the entranceway but not further along the road. An entranceway upgrade design has been proposed as shown as Appendix 1 of the attached Transport Assessment (**Attachment J**).
- 6.26 Overall, the attached Transport Assessment concludes that with the proposed mitigation, including an off-road coastal pathway, and the proposed traffic management plan and entranceway upgrade, the effects of the proposal are acceptable and less than minor.
- 6.27 It is noted that under the Buller District Plan and giving regard to the matters of discretion in relation to mining activities (discussed later), resource consent is only required in relation to site access, not for the use of public road by vehicles. However, the effects associated with site access points are able to be considered.
- 6.28 Further, under rule 7.8.2 noise from traffic use of public roads is specifically excluded from noise compliance limits in the Buller District Plan.
- 6.29 Overall, it is considered that the effects relating to site access from Okari Road and associated traffic are minor but not more than minor.

Heritage/Archaeology

- 6.30 There are a number of recorded archaeological sites as well as historic sites listed in the Buller District Plan within the wider vicinity of the application site. The application area avoids all known archaeological sites and no earthworks will be undertaken in the vicinity of any known site.
- 6.31 Given the Māori and European history of the area, and the known recorded sites, the applicant has commissioned an archaeological assessment of the wider land area which goes beyond the area of disturbance sought by the current application. The assessment is attached as **Attachment D** and covers the history of the area, results from an assessment of the site and includes a number of recommendations.
- 6.32 The archaeological assessment overall concludes that the proposed works will not impact any of the previously recorded archaeological sites or schedule Historic Places and the effects on the archaeological values of these sites will be negligible.
- 6.33 Due to the presence of known sites within the wider area, a number of recommendations are made which are outlined on pages 55 and 56 of the Archaeological Assessment attached as **Attachment C**. The recommendations broadly cover:

Authority Application: An archaeological application should be obtained with HNZPT prior to any earthworks commencing.

Exclusion Area: NZHP recommends that a visible barrier should be erected between the proposed works area and the closest recorded archaeological site K29/16 (Historic Place No. 16) for the duration of the proposed works. A map should also be provided to contractors showing the recorded sites and historic places in the wider project area.

Archaeological Management Plan (AMP): All works must be carried out in accordance with an AMP prepared by NZHP.

Contractor Briefing: All contractors working on the project must be briefed by the project archaeologist.

Monitoring: All works undertaken for the haul road running through the seaward dune should be monitored by an archaeologist. All other works should operate under On Call Procedures.

Engagement with mana whenua: This assessment has identified multiple sites that are of interest to mana whenua. While the works will not impact these sites NZHP recommends that mana whenua are engaged surrounding the wider project.

On Call Procedure: Should any archaeological material be encountered during the works associated with this project a recommended On Call Procedure Protocol (OCP) should be followed.

Archaeology of Māori origin & Kōiwi (human remains). Protocols are recommended regarding the discovery of any objects of Māori origin or Kōiwi.

Reporting: Requirements regarding archaeological reporting or archaeological work on site.

- 6.34 The applicant considered the archaeological values of the surrounding area in developing the minerals sands proposal, and the activity is to be undertaken to protect these values. Known archaeological sites are being avoided, an archaeological authority will be sought prior to the commencement of any earthworks, and engagement with mana whenua is ongoing as part of the wider application.
- 6.35 It is considered that with the mitigation measures as outlined above, the effects on historic and archaeological values from the proposed activity will be less than minor.

Flora and Fauna

- 6.36 The dominant vegetation in the application area is exotic pasture, with indigenous vegetation and wetlands fringing the site to the east and north.
- 6.37 Indigenous vegetation on the eastern border of the site is contiguous with larger areas of forest on adjacent land which are held in Queen Elizabeth II Trust covenants. This vegetation largely comprises healthy podocarp forest including kahikatea, manuka, mahoe, flax and cabbage trees. There is also a small sliver of 'bush' on the western side of the inland dune which consists of indigenous species such as flaxes, mahoe, kamahi, wheki, cabbage tree and rimu, as well as weeds such as blackberry and gorse. Other than incidental vegetation clearance along the fringes of both sites (well within District Plan permitted activity levels of up to 0.5ha over three years), no disturbance of indigenous vegetation is proposed.

- 6.38 There are two wetlands (Okari and Silverstream) which extend slightly into the site at the northern extent. These wetlands are listed as Schedule 2 under the Regional Land and Water Plan and have not been assessed in terms of significance. The application does not propose any disturbance of the wetlands and imposes a 40-metre buffer to protect them from any adverse effects as a result of the activities.
- 6.39 A variety of native bird species are likely to be present in the area surrounding the site. Any impacts on native birds in general are considered likely to be negligible, as the disturbed area is confined to highly modified pasture, setbacks from wetlands and along riparian margins are imposed, and indigenous vegetation is largely left intact as part of contiguous tracts of native vegetation contained on adjacent land. However, potential effects in relation to three key species are discussed below:

Little Blue Penguin: Little Blue Penguin are not known to be present in the application area however may be present in the coastal due system adjacent to Okari Road. Little Blue Penguin are known to exist along the Okari Road coastline and can cross the road to burrow in the lower sand dunes. There is a risk to Little Blue Penguin from traffic using the road, and while this risk already exists from existing Okari Road traffic, it is accepted that the proposed use of the road by trucks may increase this risk. Trucks associated with the proposal will be limited to 50km along this stretch of road. In addition, driver education in relation to penguins is proposed, to ensure drivers are aware of penguin presence and movements. With these mitigation measures it is considered that the increased risk to Little Blue Penguin from the proposed activity is less than minor.

Westland Petrel: Westland Petrel have their sole breeding colony at Barrytown, near Punakaiki and as such nesting and breeding birds are not present in the application area, however, Westland Petrel range as far north as Westport. Fledgling Westland Petrel are known to be attracted to artificial light and can be grounded as a result. Although the risk is higher within closer vicinity of the breeding colony, the applicant has considered the potential effects of their operation on any flying Westland Petrel in the area.

As the operation is proposed to run 24 hours a day, lighting will be utilised over the hours of darkness. As well as being within District Plan compliance limits, plant lighting will be designed to be directed downwards and shrouded as needed to minimise any potential effects of artificial lighting on Westland Petrel.

Moving lights from machinery operating will be in accordance with District Plan limits and will be moving as vehicles and machinery move. This use is in keeping with what can normally be expected in the rural environment (e.g., from tractors and other vehicles operating in the dark).

Overall, the risk to Westland Petrel from the proposed operations is considered to be low, and the lighting design sufficient mitigation.

Australasian Bittern: Pre-consultation with the Department of Conservation has raised the possibility that the wetlands on and adjacent to the site may provide habitat for the Australasian Bittern, however their presence is not known. The two wetlands extending into the site only have small portions within the site and the large majority of the potential wetland habitat is outside of the site and distant from the proposed operation area. No activity is proposed within wetlands, and 40 metre minimum setbacks will be imposed. Trucks will pass the Okari Road wetland on the internal access road at just over 40 metres at the closest point. It is noted that the point of the wetland that is closest is the end of a finger extending towards the site and the majority of the wetland is at a much further distance away. Trucks will also be passing intermittently and not constantly. With the setbacks and overall distances of the mineral sands activity from the wetlands, it is not anticipated that there would be adverse effects on Australasian Bittern in the event they were present in the wetlands at any time.

- 6.40 Blind River runs along the south-eastern boundary of the site. Freshwater fish species and eels are likely to be present in the waterway, along with the downstream environment being a habitat for whitebait. A 20-metre setback is proposed from Blind River, and no direct discharge to water is proposed. It is not anticipated that there will be any adverse effects on the aquatic environment in Blind River.

Water bodies and groundwater

- 6.41 The proposed activity has the potential to interact with groundwater, Blind River and the two wetlands in the vicinity.
- 6.42 Excavation may occur below the water table but no dewatering will occur and drainage pathways may be modified during excavation but will be reinstated to match the existing state. Sediment runoff will be managed during road construction and mining activities as necessary to avoid adverse effects on water bodies. Stormwater and any excess process water will be collected at the processing site and discharged to ground via settling ponds.
- 6.43 A detailed Water Management Plan and Sediment and Erosion Control Plan is proposed to be developed prior to the commencement of mining operations and these will be updated as required as part of annual work programmes.
- 6.44 A hydrological assessment has been undertaken to consider effects of the proposed activities and is attached as **Attachment B**. The assessment outlines mitigation and controls to ensure that there is no hydrological effect on wetlands, and that water quality is maintained through appropriate site management and sediment control. Several conditions of consent are recommended as follows:
- i. A Water Management Plan shall be developed for the site prior to the start of mining operations to include:
 - a. A maximum rate of excavation (e.g. 100 m³/d) for material below the water table in the area adjacent to Silverstream Swamp

- b. Documentation of the trial excavation hydraulic conductivity testing process (see Section **Error! Reference source not found.**); and
 - c. Actions and associated monitoring to avoid water quality impact associated with seepage from the proposed settling ponds to the underlying aquifer and downgradient surface waters.
- ii. An Erosion and Sediment Control Plan shall be developed for the site prior to the start of mining operations to provide specific details of the actions that will be undertaken to prevent sediment discharge to waterways.
 - iii. Suspended sediment, iron and manganese discharges from the operational mine site shall not result in conspicuous change in visual clarity or colour beyond the zone of reasonable mixing in surface watercourses.
 - iv. Iron and manganese discharges from the operational mine site shall not result in conspicuous increases in iron and manganese precipitates in surface waters.

6.45 With the implementation of proposed conditions i(a)&(b) above, the assessment concludes that there will not be, and is not likely to be any hydrological effect (and therefore drainage of any wetland).

6.46 The assessment advises that sediment and minerals processing discharges will be able to be adequately managed and it is noted that sediment discharges direct to water are avoided as part of the proposal.

6.47 Overall, with the mitigation measures proposed, it is concluded that any effects on water bodies and groundwater as a result of the proposed activities will be less than minor.

Assessment against matters of discretion as listed under Rule 5.3.2.4.3 Buller District Plan

6.48 Mining and incidental earthworks are restricted discretionary activities under the Buller District Plan. The effects of the proposed activity have largely been described above. Table 1 below specifically addresses the matters of discretion as outlined under rule 5.3.2.4.3 of the Buller District Plan.

Table 1: Assessment of Matters of Discretion as per Rule 5.3.2.4.3 Buller District Plan

Matter of Discretion	Assessment
5.3.2.4.3.1: Location of access points, tracks and mine roads	Access is via an existing entranceway which will be upgraded to the Council required standard. The transport assessment confirms the suitability of the access and outlines required upgrades to ensure that the site access is acceptable for the activity. Internal tracks will be utilised for site access and haul roads developed as part of the extraction activity. These activities will be managed to ensure any potential effects from stormwater runoff, earthworks or noise associated with traffic movements are less than minor.
5.3.2.4.3.2: Distance and gradient of mined land to boundaries	Current land gradients and formations will be retained to at least 10 metres from all property boundaries due to the mining location within the applicant’s larger property and proposed setbacks from waterways, wetlands and other property features. In most



	cases the setback from property boundaries will be significantly further. Setbacks will ensure there are no adverse effects in terms of gradient on adjacent properties. Further detailed mine plans will be provided as part of Annual Work Programmes which will outline specific excavation plans and methodologies.
5.3.2.4.3.3: Effects on waterbodies, wetlands and riparian margins	Setbacks have been proposed in relation to all waterways, wetlands and significant drains. Site water management and discharge is planned to include a series of settling ponds and discharge to ground to minimise any potential effects on waterbodies. A hydrological assessment has been undertaken to ensure there are no impacts on the two wetlands within the site.
5.3.2.4.3.4: Total area of disturbance and effects of bulk and location of stockpiling and buildings.	The total disturbed area including the excavation area, stripping and rehabilitation, haul roads and any disturbed area at the processing site is expected to be in the vicinity of 5 hectares. A maximum of 2 hectares of disturbed area from the extraction activity is expected. The site will be progressively rehabilitated with the aim of establishing vegetative ground cover as soon as practicable. The plant site which will include stockpiling and buildings is located on the valley floor and not readily visible to the public or private residences other than the occasional distant view. Further permitted activity rules are met in regard to building height and size. A landscape assessment has been undertaken which assesses the effects of the proposal as less than minor.
5.3.2.4.3.5: Hours of operation	The hours of operation have been carefully considered to allow for efficient operation of the activity and the minimisation of potential effects on nearby residents. Trucking to and from the site will be primarily Monday to Friday with occasional weekends, 24 hours per day. Minerals sand extraction and processing is proposed to be able to occur 24 hours per day, 7 days per week. A noise assessment has been undertaken which assesses the overall noise of the proposal as acceptable. Mitigation has also been proposed in relation to traffic effects resulting in the overall effects from traffic being considered to be minor.
5.3.2.4.3.6: Protection of areas of significant indigenous vegetation or significant habitats of indigenous fauna identified using the criteria in Policy 4.8.7.4 as a guideline	The proposed activity does not take place within any areas of significant indigenous vegetation or significant habitats of indigenous fauna and the area has not been assessed as a Significant Natural Area. As no disturbance of wetlands or native vegetation (other than incidental vegetation clearance of fringe native plants within permitted activity levels) is proposed, a full assessment as per Policy 4.8.7.4 is not necessary. An assessment of effects on native flora and fauna has been provided as part of this AEE and has assessed potential effects as less than minor.
5.3.2.4.3.7: Effects on indigenous flora and fauna and the life supporting capacity and functioning of indigenous ecosystems	As above. Further a hydrological assessment has concluded there are no impacts on the hydrology of the wetlands as a result of the proposal.
5.3.2.4.3.8: Effects on outstanding natural features and landscapes	A landscape assessment has been undertaken and has concluded there are no outstanding natural features or landscapes within the application area or nearby the proposal.

5.3.2.4.3.9: Effects on cultural, archaeological and historic sites	All known historic and archaeological sites are avoided by the proposal, and a comprehensive set of conditions to avoid any effects has been proposed as part of an archaeological assessment of the site. Consultation with iwi is ongoing in relation to the proposal.
5.3.2.4.3.10: Site restoration, rehabilitation or revegetation	Site rehabilitation is planned to occur progressively as excavation progresses. The site will be rehabilitated to pasture, equal or improved from what exists currently. The final landforms will be similar to what currently exists.
5.3.2.4.3.11: Noise control, including vibrations	An acoustic assessment has been undertaken which overall assesses the effects from noise as acceptable. A number of mitigation measures are proposed as part of the proposal to reduce the impacts from noise.
5.3.2.4.3.12: Use, storage and transportation of hazardous substances	Hazardous substances are not proposed to be stored on site. Fuel will be provided by way of a mobile 3000L diesel tank which will meet all HSNO and health and safety requirements and will have spill kits available.
5.3.2.4.3.13: Financial contributions relating to landscaping, land restoration and roading	The applicant proposes to undertake substantial land restoration which will return the site to the current or improved state. The applicant will be responsible for proposed entranceway upgrades and will have input into roading and cycleway matters (subject to ongoing negotiations). Due to the financial contribution being made already by the applicant through input to the relevant roading matters, further financial contributions are not considered necessary.
5.3.2.4.3.14: Impacts on public access, including recreation	The proposed activity is wholly on privately owned land. Truck movements outside of private land are confined to public roads. Transport impacts have been assessed as less than minor and there is no restriction to public access of any public areas as a result of the proposal.

Positive Effects

- 6.49 The proposed Nine Mile operation is stage one of potentially West Coast wide minerals sands operations that may be developed in the future. The wider potential Westland Minerals Sands Co. operation will bring significant social benefits to the West Coast community. According to an independent economic report by BERL in 2019 (Sanderson, K., 2019, Impacts on the West Coast of mineral Sand export industry options) minerals mining, processing, and exporting will create up to 180 FTE direct and indirect jobs and annual expenditure in the region of \$60 - \$70 million dollars. Under these assumptions, the resource would last for more than fifty years.
- 6.50 The currently proposed activity at Nine Mile will bring significant economic benefits to the Buller region. The operation will employ up to 40 staff members, as well as contractors and other services in association with the activity. The flow on economic effects of such a large-scale project will be substantial and make a noticeable difference in the community. There will also be associated indirect employment and economic benefits for the Cape Foulwind and Westport areas in particular resulting from the direct employment of staff at this site.

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- 6.51 The proposed activity will also create social and community benefits as a flow on effect of job creation and economic activity. Flow on effects will benefit things like schools, sports and other clubs and activities.
- 6.52 Further the project will support the recommissioning of the Buller Port at Westport, which is being undertaken separately, but will provide for the shipping of heavy mineral concentrate extracted at the minerals sands operation. The reactivation of activity at the Buller Port will also provide for increased economic activities and associated benefits for the district.

Assessment of Alternatives

- 6.53 During the minerals sands processing activity there will be discharges of wash water and stormwater onto or into land. Schedule 4 of the RMA (and Section 105 of the RMA) state that if an activity involves the discharge of any contaminant, the AEE is required to include a description of:
*“(i) the nature of the discharge and the sensitivity of the receiving environment to adverse effects; and
(ii) any possible alternative methods of discharge, including discharge into any other receiving environment”*
- 6.54 The nature of the discharge and the sensitivity of the receiving environment are discussed earlier.
- 6.55 The applicant has assessed whether there are any alternative methods of discharge, including discharge directly to water. It would be possible to discharge water containing sediment and stormwater directly or via settling ponds to Blind River and its tributaries. However, it is considered that discharge via settling ponds to ground is preferred as it gives greater opportunity to treat the water and for sediments to be removed. High infiltration rates mean that the water is returned to the groundwater system quickly, however sediments have been removed and filtered by the discharge moving through the treatment system then through the ground. Overall, the potential effects of the proposed operation in terms of discharges to land are less than minor in nature and not likely to have any tangible effects on surrounding properties or water bodies.
- 6.56 The applicant has also considered a variety of other alternatives in regard to the wider proposal, particularly in relation to truck movements and hours of operation which have been discussed earlier. The current proposal is considered to provide for efficient operation of the mineral sands operation while taking into account any potential effects for nearby residents. It is considered that the effects overall are no more than minor and that the activity will be managed to minimise and mitigate effects.

Conclusion

- 6.57 On the basis of the above assessment, it is considered that the proposal overall will have no more than minor adverse effects on the environment, while having substantial positive effects in terms of economic growth and prosperity for the Buller area.



7. Statutory Assessment

Objectives and Policies

- 7.1 Section 104 of the RMA requires that the relevant provisions of the relevant operative and/or proposed plan(s), or any other matter the consent authority considers relevant and reasonably necessary, to be considered when assessing an application. In this instance, the most relevant planning documents that require consideration are:
- The West Coast Regional Policy Statement
 - The West Coast Land and Water Plan
 - The Buller District Plan
 - The National Policy Statement for Freshwater Management 2020
 - The New Zealand Coastal Policy Statement
- 7.2 The relevant specific objectives and policies in the key planning documents have been identified and evaluated and the proposal is considered be entirely consistent with the relevant plans. The assessment of the planning documents is attached as **Attachment K**.

Non-Complying Activities

- 7.3 Section 104D of the RMA sets out particular restrictions for non-complying activities and states that resource consent can be granted for a non-complying activity if the consent authority is satisfied that the adverse effect of the activity on the environment will be no more than minor, or the activity will not be contrary to any relevant plan or proposed plan.
- 7.4 Consent is required under the National Environmental Standards for Freshwater for non-complying activities in relation to wetlands (within 100 metres) and under the Buller District Plan for non-complying noise at residential property boundaries.
- 7.5 The assessment of environmental effects outlined in section 6 of this AEE demonstrates that any adverse effects of the proposed activity will be less than minor in relation to wetlands and no more than minor in relation to noise. The assessment against the objectives and policies of relevant plans undertaken above in section 7 (**Attachment K**) assesses the proposal as consistent with all relevant objectives and policies and therefore not contrary to any plan. As such consent is able to be granted for a non-complying activity under Section 104D.

Section 95, RMA

- 7.6 Section 95A of the RMA states that a consent authority must publicly notify an application if:
- The council decides under section 95D that the activity will have or is likely to have adverse effects on the environment that are more than minor; or
 - If the applicant requests it; or
 - If a rule or national environmental standard requires it; or
 - If special circumstances exist in relation to the application.

- 7.7 Section 95D of the RMA goes on to require:
- “A consent authority that is deciding, for the purpose of Section 95A(2)(a), whether an activity’s adverse effects on the environment may be more than minor –*
- (a) must disregard any effects on persons who own or occupy –*
 - (i) the land in, on, or over which the activity will occur; or*
 - (ii) any land adjacent to that land...*
 - (b) may disregard an adverse effect of the activity if a rule or national environmental standard permits an activity with that effect; and*
 - (c) in the case of a controlled or restricted discretionary activity, must disregard an adverse effect of the activity that does not relate to a matter for which a rule or national environmental standard reserves control or restricts discretion*
 - (d) must disregard trade competition and the effects of trade competition; and*
 - (e) must disregard any effect on a person who has given written approval to the relevant application”*
- 7.8 Section 95E of the RMA requires a consent authority to decide if any persons are affected by a proposal.
- 7.9 The proposal has been assessed in this AEE as having no more than minor adverse effects, no rule or national environmental standard requires public notification, nor do special circumstances exist, therefore public notification of the application is not required.
- 7.10 There are a number of persons who are potentially affected by the proposal. This is discussed further below.

Affected Parties

- 7.11 It is considered that a number of properties in the vicinity of the application site are potentially adversely affected by the proposal, largely in relation to traffic, and in some cases visual effects, noise and earthworks at the mine site. Several further agencies have been identified as potentially adversely affected. The parties considered potentially adversely affected by the proposal are listed in **Attachment L**, including whether they are affected in relation to regional or district council and the reasons they are considered affected.
- 7.12 The primary effect on nearby residents and landowners (who have been identified by property) is in relation to traffic and particularly truck use of Okari Road and Tauranga Bay Road within Tauranga Bay. Although road noise is specifically exempt from noise compliance limits in the District Plan, and road route is not a matter of discretion listed in relation to mining activities, it is accepted that resident road users and adjacent properties may be affected by the proposal, although it is noted effects have been assessed as no more than minor.
- 7.13 In considering potentially affected parties, and with regard to 7.12 above, it is considered that owners and residents of properties along Tauranga Bay Road from where it climbs out of Tauranga

Bay towards Westport, and further afield are not considered potentially adversely affected as the impacts of truck use of these roads is negligible in the context of existing traffic use (including visitor traffic such as buses and campervans to the Tauranga Bay Seal Colony) and the purpose and classification of the roads.

Consultation

7.14 WMSC has undertaken consultation with a number of neighbours and other parties in relation to the proposal. To date this has included a letter mailed to immediate neighbours, a meeting held with residents and interested parties on site, and consultation and engagement with Te Rūnanga o Ngāti Waewae, Department of Conservation and the Charleston Westport Coastal Trail Trust. Consultation and engagement is ongoing.

Notification

7.15 As assessed above, the proposal does not meet the tests for public notification, but there are a number of parties potentially adversely affected by the application. The applicant requests that the proposal be **limited notified** to affected parties.

Purpose and Principles of the Resource Management Act

7.16 The purpose of the RMA, as set out under section 5 (2) is to promote the sustainable management of natural and physical resources. The relevant matters in Sections 6, 7 and 8 of the RMA also require consideration.

7.17 Section 5 provides the purpose of the Act, which is sustainable management of natural and physical resources. Sustainable management is then defined as the following:

“sustainable management means managing the use, development, and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic, and cultural well-being and for their health and safety while—

- *sustaining the potential of natural and physical resources (excluding minerals) to meet the reasonably foreseeable needs of future generations; and*
- *safeguarding the life-supporting capacity of air, water, soil, and ecosystems; and*
- *avoiding, remedying, or mitigating any adverse effects of activities on the environment.”*

7.18 Minerals are not required to be sustainably managed, however the natural and physical resources associated with the mining of minerals are.

7.19 This application demonstrates, through the assessment of environmental effects, that it is consistent with the purpose of the RMA (1991) as outlined in Section 5 above. This application proposes measures to avoid, remedy or mitigate any actual or potential adverse effects that may arise as a result of the proposed activity.

7.20 The proposed mineral sands activity will have positive effects in the Buller District, including employment and associated flow on benefits.

- 7.21 Section 6 of the RMA (1991) outlines matters of national importance that all persons shall recognise and provide for when exercising functions and powers under the Act in relation to managing the use, development and protection of natural and physical resources.
- 7.22 The following matters are considered relevant to this application:
- (a) *the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use and development.*
 - (b) *the protection of historic heritage from inappropriate subdivision, use and development.*
- 7.23 The proposed mineral sands activity has been assessed as having less than minor effects on the coastal environment and imposes adequate setbacks from wetlands, rivers and drains. As such the natural character of the area is considered protected from inappropriate use and development.
- 7.24 The proposed mineral sands activity has been designed to avoid all known historic and archaeological sites, and a number of conditions are proposed to ensure protection of any unknown sites. As such historic heritage is adequately protected from inappropriate use and development.
- 7.25 Section 7 outlines other matters that all persons exercising powers and functions under the RMA (1991) shall have particular regard to. The following matters have been identified as relevant to this application:
- (b) *the efficient use and development of natural and physical resources:*
 - (c) *the maintenance and enhancement of amenity values:*
 - (d) *intrinsic value of ecosystems*
 - (f) *maintenance and enhancement of the quality of the environment:*
- 7.26 On the whole, the proposal is considered to efficiently use the natural (land) resource of the site. The site is already developed to a highly modified state through farming activity, the mining activity will be of limited duration and the site will be returned to improved pasture allowing for ongoing productive farming. The extraction of mineral sands will provide significant economic benefits derived from the use of the land for this purpose. The assessment of effects outlines how the operation will avoid, remedy and mitigate adverse effects on the surrounding and receiving environments having minor or less than minor effects on amenity values with less than minor effects on the landscape, while ensuring the maintenance of the quality of the environment including the two schedule 2 wetlands and Blind River. The proposal is therefore considered to be consistent with section 7 of the RMA (1991).

- 7.27 Section 8 outlines the requirements for the principles of the Treaty of Waitangi to be taken into account when exercising functions under the act. Broadly the principles of the Treaty of Waitangi can be defined as:
- Partnership
 - Protection
 - Participation
- 7.28 The relevant statutory planning documents that govern this proposed activity have been compiled through a robust public notification process with input from relevant iwi in each of the plans, and agencies representing iwi have provided their written approval to this proposal. Therefore, it is considered that the application is consistent with section 8 of the RMA (1991).
- 7.29 In summary, this application demonstrates that Part 2 of the RMA (1991) has been given effect to when considering the proposed application. Specific reference is provided throughout the application to the relevant sections and subsections where necessary. The proposal is therefore consistent with the purpose and principles of the Act and accords with the definition of sustainable management.

8. Conclusion

- 8.1 WMSC are seeking resource consent from both WCRC and BDC for a mineral sands operation at Okari Road, Nine Mile. The proposed activity includes the excavation of a dune system, onsite processing of materials and rehabilitation of the dunes to a similar landform to what currently exists. Extracted heavy mineral concentrate will be transported by truck to the port in Westport for shipping. Consent is sought for a term of 10 years.
- 8.2 WMSC has consulted with a number of parties who are potentially affected by or have an interest in the proposal. WMSC requests the application be limited notified to those parties identified in this application as potentially adversely affected.
- 8.3 We consider with the mitigation proposed for the activity as outlined in this application and the imposition of appropriate conditions of consent the effects of the proposed activity will be adequately addressed, such that they are no more than minor in nature. Accordingly, consent is able to be granted for the proposal.

Attachment A: Site Plan



Attachment B: Hydrological Assessment



Attachment C: Archaeological Assessment



Attachment D: Radioactivity Testing Assessment



Attachment E: Process, Layout & Plan Diagrams



Attachment F: BDC Compliance Assessment



Attachment G: WCRC Compliance Assessment



Attachment H: Landscape Assessment



Attachment I: Acoustic Assessment



Attachment J: Transport Assessment



Attachment K: Planning Documents Assessment



Attachment L: Potentially Affected Parties List

