

Before the Independent Hearing  
Commissioners

Under the Resource Management Act 1991

In the matter of A hearing on submissions on the proposed Te Tai o Poutini  
Plan

Hearing Topic 13: Mineral Extraction – part A and part B

**Submitter:**

**WMS Group (HQ) Limited and WMS Land Co. Limited (S599  
and FS231)**

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**Statement of Evidence of Katherine McKenzie**

29 April 2024

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## **Introduction**

- 1 My full name is Katherine McKenzie.
- 2 I have a Bachelor of Arts majoring in Geography. I am an Associate Member of the New Zealand Planning Institute.
- 3 I am currently Director and Principal Planner of WePlan Limited. I have worked as a resource management professional for 16 years and I have held a variety of planning roles in private, local and central government sectors.
- 4 This evidence is provided in support of the submission by WMS Group (HQ) Limited and WMS Land Co. Limited (**WMS Group**) on Topic 13 of the Te Tai o Poutini Plan (**TTPP**). My role has been to provide planning advice on the TTPP, including the mineral extraction provisions. I assisted in the preparation of submissions on the TTPP for WMS Group. I have previously provided planning advice to WMS Group in relation to their activities, including for resource consent applications. I am familiar with the location and surrounding environments of the WMS Group's sites as well as the West Coast region.
- 5 In preparing this statement of evidence I have considered the following documents:
  - (a) The resource consent decision for RC210051/RC-2021-0095;
  - (b) The recently granted resource consent decision RC230093 which replaces RC210051 and RC-2023-0149 which replaces RC2021-0095;
  - (c) Planning provisions relevant to this hearing topic, including the West Coast Regional Policy Statement, the New Zealand Coastal Policy Statement, the National Policy Statement for Indigenous Biodiversity;
  - (d) Section 42A report on Topic 13: Mineral Extraction prepared by David Badham;
  - (e) Strategic Directions Review – S42A Author Response to Minute 16 by Lois Easton.

## **Code of Conduct for Expert Witnesses**

- 6 While this is not a hearing before the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing my evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

## **Scope of evidence**

- 7 I have prepared evidence in relation to:
- (a) The Mineral Extraction Zone WMS Group sought over their current operations at Cape Foulwind;
  - (b) The Mineral Extraction Zone WMS Group sought over their proposed mining operation at Mananui;
  - (c) Definitions relevant to mineral extraction;
  - (d) Provisions within the Mineral Extraction Zone;
  - (e) Provisions within the Open Space Zone; and
  - (f) Provisions within the General Rural Zone.
- 8 When drafting my evidence, I have had regard to higher level provisions, including the West Coast Regional Policy Statement, and the Strategic Directions chapter in the TTPP in particular.
- 9 My evidence is focused on matters in contention, where I disagree with the recommendations in the S42A Report. WMS has made extensive submissions on other provisions relevant to this hearing, and where relief sought by WMS on provisions has been accepted by the S42A Report I have not addressed this within this evidence.

## **Background**

- 10 WMS Group have a range of interests in land across a variety of zones within the West Coast Region. Company evidence was provided at the Strategic Directions Hearing by Mike Stewart<sup>1</sup>, Ray Mudgway<sup>2</sup>, Duncan Hardie<sup>3</sup>. Together, these briefs of evidence set out the company history, current operations, their interest in local ports and the future direction of the company. These briefs should be referred to for further background.

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<sup>1</sup> Statement of Evidence of Mike Stewart, dated 2 October 2023

<sup>2</sup> Statement of Evidence of Raymond Mudgway, dated 2 October 2023

<sup>3</sup> Statement of Evidence of Duncan Hardie, dated 2 October 2023

## WMS Group's Cape Foulwind Operation

- 11 WMS Group sought in their submission that the Mineral Extraction Zone be established over their current operation at Cape Foulwind, specifically over Lot 4 DP 13269, Lot 5 DP 13269, Lot 12 DP 354487 and Lot 4 DP 534034 (S599.124). No further submissions were recorded specifically in opposition to this request, unlike many other submissions seeking amendments or rezone requests of this nature.
- 12 Mr Badham suggests that there may be scope to accept this relief if a copy of the existing resource consent for the operation is provided.<sup>4</sup>
- 13 Since the original submission was made, and Mr Badham's report was released, RC210051 has been replaced with RC230093. This resource consent is the Buller District Council consent issued for the operation under the Buller District Plan, and is enclosed as **Attachment A** of my evidence. This demonstrates that the current operation is lawfully established by way of resource consent. This area, while discrete, is the nucleus of an operation which employs over 40 full time equivalent staff members<sup>5</sup>. Mining is a significant part of the West Coast economy<sup>6</sup>.
- 14 WMS Group has also sought a replacement consent from the West Coast Regional Council, and the decision on that was granted on Tuesday 23 April 2024. The consent decision is enclosed as **Attachment B** of my evidence.
- 15 Replacement consents were required, because WMS Group sought to undertake filling within the same land parcel, adjacent but outside of the originally consented area. Because this was not within scope of the original consent, a new resource consent was required. This resulted in a lengthy consent process for a relatively minor change to operations. Under the proposed GRUZ framework, this same issue would arise for future amendments to operations. In my view, the Mineral Extraction Zone is more appropriate, and would avoid unnecessarily complex consent processes, while still enabling consideration of the effects of any changes.
- 16 Mr Badham recommends that MINZ-P1 is amended to specifically address the criteria which should be met in order for a Mineral Extraction Zone to apply to an area.<sup>7</sup> In this instance, criterion a(iii) applies – *“Where all necessary resource consents required to authorise the activities have been issued under the Resource*

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<sup>4</sup> Te Tai o Poutini Plan – Section 42A Report Mining and Mineral Extraction, p.348

<sup>5</sup> Statement of Evidence of Raymond Mudgway, dated 2 October 2023, paragraph 12

<sup>6</sup> Statement of Evidence of John Ballingal dated 2 October 2023, p. 15 (presented at Strategic Directions hearing)

<sup>7</sup> Te Tai o Poutini Plan – Section 42A Report Mining and Mineral Extraction, p.70



*Management Act (1991)*”. WMS Group has all necessary resource consents in place to authorise its activities (regardless of the fact that variation applications are pending with the West Coast Regional Council), and therefore their Cape Foulwind site meets the criteria proposed for a discrete Minerals Extraction Zone. It is my view that the relief sought in S599.124 is accepted and the Minerals Extraction Zone is applied to Lot 4 DP 13269, Lot 5 DP 13269, Lot 12 DP 354487 and Lot 4 DP 534034. For completeness, I note that the consent area covers an area within these allotments, but it is common practice for zoning to be applied to property boundaries rather than consent areas specifically. In this instance, I am comfortable that a range of other overlays will provide sufficient discretion in considering any changes to the operational area of the mine (i.e. Coastal Environment overlay).

### **WMS Group’s Proposed Mananui Operation**

- 17 In its original submission, WMS Group sought the inclusion of a Mineral Extraction Zone over its proposed mineral extraction operation at Mananui<sup>8</sup>. The area sought to be zoned is set out in **Figure 1** below.
- 18 Unfortunately, this submission point was not allocated a submission reference, and has consequently been omitted for consideration in the S42A Report.
- 19 Westland Mineral Sands Co. Limited has applied for resource consents on Lot 1 DP 3854, for an extensive mineral sand operation, with a consent duration of 16 years.
- 20 I was involved in the preparation of the resource consent application. It is my view that this consent meets statutory requirements and is able to be granted. The outcome of the consent process will likely be known before the TTPP decisions are notified, and if the decision is favourable, the consent will meet the aforementioned criteria to be included in the Mineral Extraction Zone. This presents a timing issue, and I acknowledge that currently the site does not meet the Mineral Extraction Zone criteria.

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<sup>8</sup> WMS Group (HQ) Limited and WMS Land Co. Limited submission on the TTPP, dated 10 November 2022, Paragraph 27, and Appendix 1 Paragraph 1.2

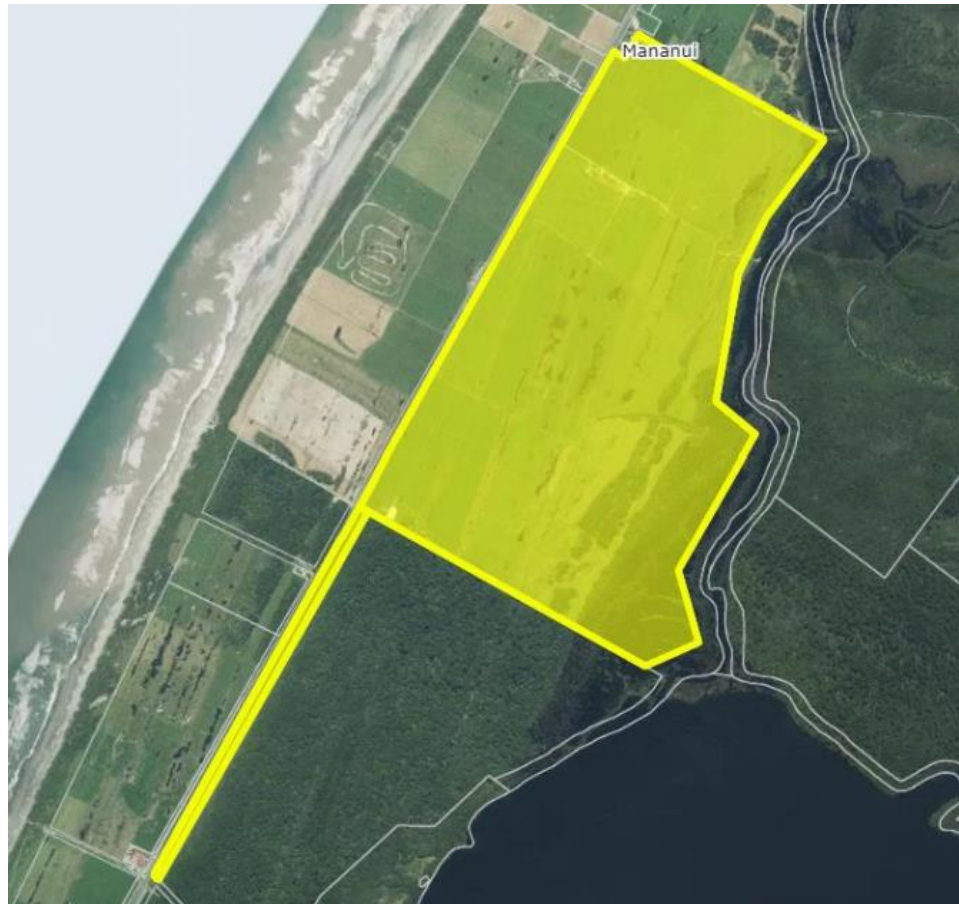


Figure 1: Mineral Extraction Zone sought at Mananui (Source: WMS Group Submission)

### Mineral Extraction Zone Provisions

- 21 Mr Badham acknowledges that the justification for the establishment of the Mineral Extraction Zone is contained within the s32 Report, and accepts that there is a basis for the formation of a Special Purpose Zone – Mineral Extraction Zone<sup>9</sup>. I agree. I consider the creation of a Mineral Extraction Zone is consistent with the West Coast Regional Policy Statement (WCRPS), which recognises the importance of resource use and development on the West Coast.<sup>10</sup> Objective 4.2 seeks to enable existing and new economic use, development and employment opportunities. Objective 5.1 seeks to recognise the role of resource use and development on the West Coast, and Policy 5.1 seeks to enable sustainable resource use and development, and Policy 5.2 specifically recognises mineral extraction as an industry which requires protection from reverse sensitivity effects.

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<sup>9</sup> Te Tai o Poutini Plan – Section 42A Report Mining and Mineral Extraction, p. 52

<sup>10</sup> West Coast Regional Policy Statement, page 7, Table 1 – Significant resource management issues for the West Coast

This is achieved through the creation of a Mineral Extraction Zone for existing activities.

- 22 The New Zealand Coastal Policy Statement is also relevant to a number of WMS Group's mineral resource interests which are within the coastal environment (and because of the nature of the sand deposits have a functional need to be within the coastal environment), and Policy 6 recognises that mineral extraction activities are important to the social, economic and cultural well-being of people and communities. The creation of a Mineral Extraction Zone over lawfully established activities in my view would not be inconsistent with the policy direction in the New Zealand Coastal Policy Statement, because these activities have already been assessed for their appropriateness within the coastal environment, and found to be acceptable in those locations. In addition, the rules of the Coastal Environment chapter will apply to all activities determined to be within the coastal environment on the TTPP planning maps.
- 23 Other higher level documents, such as the National Policy Statement for Indigenous Biodiversity and the National Policy Statement for Freshwater Management have also recognised the importance of mineral extraction through the provision of specific policy and consenting pathways, with the effects management hierarchy applying to these activities where effects on indigenous biodiversity and freshwater arise.
- 24 I consider the creation of a special purpose Mineral Extraction Zone to meet the criteria set out in the National Planning Standards 2019 (NPS)<sup>11</sup>, for the following reasons:
- (a) The NPS requires that the activities are significant to the district, region or country. The Strategic Direction set by the TTPP recognises the significance of the mineral extraction activities to the West Coast, and the Mineral Extraction Zone is an integral part of the framework to recognise and enable this industry in latter parts of the TTPP.
  - (b) Activities must be impractical to be managed through another zone. While an argument can be made that these activities could be managed through a rural zone, the special purpose zone created specifically recognises existing lawfully established activities. As I have noted above, applying the GRUZ framework to these existing activities would result in cumbersome processes

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<sup>11</sup> The criteria for special purpose zones are found on page 36 of the National Planning Standards 2019

for amendments to existing operations. In my view this makes application of rural zones to these existing activities impractical.

- (c) Activities must be impractical to be managed through a combination of spatial layers. Mineral extraction activities cover a wide range of environments, from highly modified farmland through to areas containing indigenous vegetation, flat land through to steeply sloping land. Where special features exist, i.e. Outstanding Natural Landscapes, the coastal environment, these are managed appropriately through overlays. However, this special purpose zone has been designed to recognise existing lawfully established activities, which is similar to the list of prescribed special purpose zones in the NPS – such as airports, ports, hospitals, universities. In my view a spatial layer would only be appropriate if this were identifying areas that contained known mineral resources, a feature that may need management. In my view, a spatial layer would not be a practical way to manage these discrete spot zones for lawfully established activities.

- 25 In my evaluation of the provisions below, I am cognisant of the fact that the Minerals Extraction Zone was only applied over lawfully established mineral extraction operations, and therefore the areas covered by these extraction zones and the activities within them have been the subject of extensive consent processes, and are already subject to a high degree of activity.
- 26 I note that Mr Badham proposes substantial changes to the activity status regime for the Mineral Extraction Zone, which I address in further detail in relation to the specific provisions below. In my view, this does not achieve the intent of the Strategic Directions for the TTPP, and the s32 evaluation of such substantial changes in Mr Badham's S42A Report is insufficient. Particularly in the case of the Mineral Extraction Zone, in my view his recommendations do not recognise the changes he proposes to MINZ-P1, or the existing environment which contains lawfully established mineral extraction activities where these zones are proposed.

#### *MINZ-R1*

- 27 Mr Badham recommends significant changes to MINZ-R1<sup>12</sup> which is aimed at enabling mineral exploration and prospecting in a Special Purpose zone specifically for mining. In my view the restrictions proposed do not appropriately enable exploration and prospecting activities which are a necessary ongoing part of mineral extraction operations. At its Cape Foulwind site for example, WMS Group continues to undertake drilling operations in advance of the extraction area,

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<sup>12</sup> Te Tai o Poutini Plan – Section 42A Report Mining and Mineral Extraction, p. 108

to better define the resource before it is extracted. It is my understanding that this is common practice and often required by mineral permits issued by New Zealand Petroleum and Minerals.

- 28 The proposed amendments to MINZ-R1 reflect Mr Badham's recommendations for GRUZ-R11, despite this being within a Mineral Extraction Zone where mineral extraction and related activities are fully anticipated and lawfully established. I do not support the changes as proposed, particularly the restrictive 5,000m<sup>3</sup> limit on exploration and prospecting per calendar year per site. Any volume restriction, if included, should appropriately recognise the enabling nature of the Mineral Extraction Zone and should be at least 20,000m<sup>3</sup>, which is the permitted threshold for mineral extraction in the GRUZ.
- 29 I accept that a boundary setback may be appropriate, where the land is in different ownership (because sometimes an activity may cross multiple sites with the same ownership as is the case at WMS Group's Cape Foulwind site), however no basis has been provided for the 20m setback suggested by Mr Badham, and lesser setbacks are often applied to mineral exploration and prospecting activities, or are not specified at all in my experience. For example, the Partially Operative Selwyn District Plan permits minerals prospecting with no conditions applying to this permitted status. In my view, given this only relates to mineral exploration and prospecting – activities which are limited in duration and must still adhere to noise limits, lighting requirements and other district wide rules, a setback in this rule is not necessary.
- 30 The proposal to include a list of overlays in which mineral prospecting and exploration may not occur as a permitted activity is, in my view unnecessary. All of these overlays have other restrictions in their respective chapters which would likely trigger the need for resource consent (for example the demolition or destruction of a heritage item under HH-R9 would result in a discretionary activity status being applied), and therefore restricting these activities through the MINZ provisions is unnecessary duplication and does not align with the way in which the plan is structured. For the same reasons I agree with Mr Badham's recommendation to delete the waterbodies condition of this provision which would be covered by riparian margin rules in the Natural Character chapter.
- 31 I recommend MINZ-R1 should be amended as follows (my changes to the notified version with deletions in strikethrough and additions in bold):

MINZ - R1 Mineral Prospecting and Exploration

Activity Status Permitted

Where:

1. Notice is provided to the relevant district council 5 working days ahead of work being undertaken;
2. ~~Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred~~
3. ~~All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat; and~~
4. The site ~~shall be~~ **is progressively** rehabilitated as far as practicable to its original condition, **with rehabilitation being completed no more than three months after Mineral Prospecting or Mineral Exploration ceases.**

Advice Note:

1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.
2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.
3. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.

Activity status where compliance not achieved: Controlled

*MINZ-R6*

- 32 Mr Badham recommends deleting MINZ-R6 entirely, and replacing the controlled activity status with a restricted discretionary status.
- 33 I do not support the deletion of MINZ-R6. As I have noted above, the Mineral Extraction Zone has been afforded to discrete areas of land where mineral extraction activities are already lawfully established and the zone framework should be appropriately enabling of these activities. Any consents required within these zones are by nature going to be related to an existing lawfully established activity, and in my view a controlled activity status is appropriate to provide the existing operation with sufficient operational certainty when changes to their operations are required.
- 34 It is important to keep in mind, that the overlay chapters of the TTPP contain provisions which will restrict mineral extraction in these areas, and the controlled

activity status will therefore only apply to unencumbered sites which do not have any special features or attributes which require a greater degree of protection (and which already have lawfully established mineral extraction activities within them). The utility of the controlled activity status will therefore be substantially limited, but appropriately applied to sites such as farmland well removed from any vegetation, waterbodies, heritage features etc.

- 35 MINZ-R6 contains a relatively extensive list of matters which the councils can reserve control over, and will still enable a thorough assessment of the potential effects, while being cognisant of the lawfully established activities already authorised in the area. In my view, the wording of the rule could be improved, and reference to the Mineral Extraction Management Plan is sensible. I recommend the wording of MINZ-R6 should be as follows:

MINZ - R6 Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. A Mineral Extraction Management Plan is prepared and provided to Council in accordance with the relevant matters outlined in Appendix Seven; and
2. There is no more than 5,000m<sup>2</sup> of indigenous vegetation clearance, unless the vegetation clearance already authorised as part of a lawfully established activity;
3. This includes all earthworks associated with the mineral extraction activity; and
4. This includes ancillary activities, buildings, structures and infrastructure required to enable the mineral extraction activity.

Matters of control are:

- a. The form and content of the Mineral Extraction Management Plan;
- b. Management of access, parking, traffic generation and transport of minerals from the site;
- c. Noise, glare, light, dust, blasting and vibration management;
- d. Hours of operation;
- e. Hazardous substances and waste management;

- f. Historic heritage and cultural heritage requirements;
- g. Extent and design of earthworks and indigenous vegetation clearance;
- h. Effects on ecological values including any threatened fauna or their habitats;
- i. Design and location of ancillary buildings, structures and infrastructure;
- j. Overburden management;
- k. Monitoring, reporting and community liaison requirements;
- l. Financial contributions and any requirement for bonds; and
- m. Site rehabilitation and mine closure requirements.

Advice Note:

1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.
2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.

*MINZ-R7*

- 36 As part of his revision of the Mineral Extraction provisions, Mr Badham has also recommended the deletion of MINZ-R7, and creation of a new activity status regime where there are no controlled activities, only restricted discretionary and fully discretionary activities. As noted above, I disagree with this position, and consider there is a place for a controlled activity status in the Mineral Extraction Zone because mineral extraction is a fully anticipated activity in these special purpose zones. For the same reasons, I consider that the activity status should default to restricted discretionary if the controlled activity conditions cannot be met.
- 37 With my proposed wording of MINZ-R6 above (which is not significantly different to that which was notified), the distinguishing factor between controlled and restricted discretionary activity status would be removal of more than 5,000m<sup>2</sup> of vegetation removal. While vegetation removal is already addressed in the ECO chapter of the TTPP, I consider this an appropriate distinguishing factor between controlled and restricted discretionary activity status in the Mineral Extraction Zone. In my view this ensures the TTPP gives effect to the National Policy Statement on Indigenous Biodiversity, by signalling that mineral extraction in areas of indigenous vegetation requires a greater degree of discretion by the consenting authority.
- 38 I recommend that MINZ-R7 is retained as notified, with mineral extraction activities that do not meet controlled activity status having a restricted discretionary activity



status. In my view this aligns more with the status quo of the existing District Plans, and appropriately recognises that mineral extraction activities within these special purpose zones are anticipated outcomes. It also reflects the reality that these zones are only established over lawfully established mineral extraction activities.

### **General Rural Zone Provisions**

- 39 WMS Group has significant interests in the General Rural Zone. As the Mineral Extraction Zone criteria specify that only lawfully established operations meet the criteria for a Mineral Extraction Zone, it follows that any new activities or expanded operations will fall within a different zone. In many cases this will be the General Rural Zone.
- 40 It is my view that some of the changes recommended by Mr Badham in the S42A Report are contrary to the Strategic Directions section of the TTPP, which seek in MIN-O2: *“To enable mineral extraction and ancillary activities which support it, including specifically within the Buller Coalfield Zone, Mineral Extraction Zone, Rural Zones and Open Space Zone”*. WMS supported the Strategic Directions as notified with some minor changes that was addressed in evidence in the Strategic Direction hearing. While changes to this objective have been recommended, and an alternative structure has been proposed by Ms Easton in response to questions by the Panel<sup>13</sup>, even when considering these changes, the requirement to enable mineral extraction in each of the listed zones has not changed. Therefore, it is my view that the provisions within the GRUZ must provide for mineral extraction, while managing adverse effects.

### *RURZ-P19*

- 41 Mr Badham recommends amendments to RURZ-P19. While I agree with the amendments to a. and b., I do not agree with adding “lawfully established” into the first part of the policy. My view is that the intent of RURZ-P19 is to set standards for mineral extraction activities during the consent process (a.), and to protect lawfully established mineral extraction activities from other activities (b.). Adding “lawfully established” into the first part of the policy changes the intent of the policy to focus only on existing mineral extraction activities and not on managing effects during the consent process which is in my view incorrect.
- 42 I recommend RURZ-P19 should be worded as follows (my changes to the notified version with deletions in strikethrough and additions in bold):

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<sup>13</sup> Te Tai o Poutini Plan Hearings – Strategic Directions Review – S42A Author Response to Minute 16 by Lois Easton, p.4

RURZ - P19 Manage conflicts between mineral extraction activities and other land uses by ensuring that:

- a. Standards to **manage adverse effects** ~~minimise impacts~~ on the amenity, rural character and natural values of rural areas are met; and
- b. Activities that are incompatible with the effects of mineral extraction activities are not established close to existing **lawfully established** mineral extraction activities.

*GRUZ-R11 – Mineral Prospecting and Exploration*

43 Mr Badham recommends that GRUZ-R11 is amended to include additional requirements, which restrict the application of this permitted activity rule, including a 5,000m<sup>3</sup> volume limit, and a rule limiting application in specific overlays.

44 I do not agree with all of the amendments to this provision. In my view, the amendments make the application of the rule unnecessarily restrictive, particularly the volume limit. If Mr Badham accepts the 20,000m<sup>3</sup> volume limit for GRUZ-R12, it is unclear why there should be a lower limit imposed on mineral prospecting activities. While I accept that a limit is appropriate to provide certainty around effects, I consider the 20,000m<sup>3</sup> limit applied to other mineral activities in GRUZ-R12 is more appropriate and consistent if a limit is to be applied. As noted under MINZ-R1 above I accept that a boundary setback is appropriate, where the land is in different ownership, but I am unclear of the rationale behind the 20m setback and suggest a setback for these short term activities is not required. I have also noted my reasons for not including a list of overlays in these provisions in MINZ-R1 above.

45 I recommend GRUZ-R11 should be worded as follows (my changes to the notified version with deletions in strikethrough and additions in bold):

GRUZ - R11 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a prospecting or exploration permit from **New Zealand Petroleum and Minerals NZPAM**;
2. Notice is provided to the relevant District Council Consent Authority 10 working days prior to the works commencing;

- ~~3. Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred~~
4. The site shall be rehabilitated as far as is practicable to its original condition **with rehabilitation being completed no more than three months after Mineral Prospecting or Mineral Exploration ceases**; and
- 5. No more than 20,000m<sup>3</sup> is excavated in a calendar year.**
- ~~6. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

Advice Note:

1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.
2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.
3. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.

#### *GRUZ-R12*

- 46 Mr Badham recommends that GRUZ-R12 is amended in a way which makes the permitted activity provisions for mineral extraction only applicable to farm quarries.<sup>14</sup> In my view, this fundamentally changes the intent of the provision, and there does not appear to be any scope to make this change based on my review of relevant submissions.
- 47 Mr Badham considers this change to be consistent with RURZ-P20, but he does not take into account the enabling framework of the Strategic Directions within the TPPP for example MINZ-O2 as noted above.
- 48 There is no effects basis for distinguishing between a farm quarry or any other form of mineral extraction when the list of parameters which apply are the same, i.e. earthworks volume, setbacks etc. In my view, RURZ-P20 is already met with the

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<sup>14</sup> Te Tai o Poutini Plan – Section 42A Report Mining and Mineral Extraction, p. 249

notified version of GRUZ-R12, without frustrating the higher order objectives which seek to enable mineral extraction in the GRUZ (MIN-O2).

49 I also consider that the notified activity status regime in the TTPP gives effect to the WCRPS, Objective 5.2 and Policy 5.2 which seek to enable and provide for resource use and development.

50 I recommend GRUZ-R12 is retained as notified.

#### *GRUZ – R25*

51 Mr Badham recommends that GRUZ-R25 is amended to become a fully discretionary activity, and the list of discretion matters are deleted<sup>15</sup>. WMS Group submitted on GRUZ – R25 because it inappropriately included water quality as a discretion matter. I agree that this matter does not belong in a district plan.

52 I do not support Mr Badham's view that an exhaustive list of discretion matters is a reason not to apply this activity status. In both the Westland District Plan and the Buller District Plan, mining is currently a restricted discretionary activity. In the Westland District Plan there are 13 matters of discretion. In the Buller District Plan there are 14 matters of discretion. In the Grey District, earthworks and mining are generally permitted and controlled only by the West Coast Regional Council regional plans. I believe that the effects of mineral extraction activities are able to be well managed with a restricted discretionary regime, and there is no strong case for change.

53 In my view, a restricted discretionary status indicates that mining activities are anticipated within the zone, provided that certain effects (matters of discretion) are managed – this is what the Strategic Directions seeks to achieve in the Rural Zones in the TTPP through MIN-O2. Consistent with the Strategic Directions, the RURZ chapter seeks to enable mineral extraction activities in rural zones (RURZ-P18), and requires standards for these activities to be set (RURZ-P19). This lends weight to applying a restricted discretionary activity status to these activities.

54 I consider the changes proposed to the activity status structure within the GRUZ to be contrary to the WCRPS, because it would not appropriately recognise and enable resource use and development within the GRUZ as required by Objective 5.2 and Policy 5.2.

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<sup>15</sup> Te Tai o Poutini Plan – Section 42A Report Mining and Mineral Extraction, p. 260

55 I recommend that GRUZ-R25 should be as follows (my changes to the notified version with deletions in strikethrough and additions in bold):

GRUZ - R25 Mineral Extraction, **Prospecting and Exploration** Activities not meeting Permitted or Controlled Activity Standards

Activity Status Restricted Discretionary

Where:

The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance to Māori, or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas]

Discretion is restricted to:

- a. Management of access, parking and traffic generation;
- b. Noise, glare, light, dust, blasting and vibration management;
- c. Hours of operation;
- d. Hazardous substances and waste management;
- e. Historic and Poutini Ngāi Tahu cultural heritage requirements;
- f. Extent and management of earthworks and indigenous vegetation clearance;
- g. Effects on any threatened fauna or flora or their habitats;
- h. Design and location of buildings, structures and infrastructure;
- i. Landscape measures;
- j. Maintaining public access;
- k. Effects on riparian margins ~~and water quality~~;
- l. Monitoring, reporting and community liaison requirements;
- m. Financial contributions and any requirement for bonds; and
- n. Site rehabilitation and mine closure requirements.

Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.

## **Open Space Zone Provisions**

### *OSZ-R19 - Mineral Prospecting and Mineral Exploration*

- 56 Mr Badham recommends that OSZ-R19 is amended from a restricted discretionary activity status to fully discretionary. The rationale for this appears solely the length of discretion matters, similar to his recommendations in the GRUZ. As previously noted I disagree with this reasoning.
- 57 Currently, all three district plans on the West Coast have largely one rural zone, which covers all areas not within townships (there are some minor exceptions like the Rural Character Zone in Buller). The TTPP introduces a range of different zones across the current rural zones, including the Open Space Zone. The composition of the Open Space Zone is varied, and includes spaces within townships. However, the Open Space Zone where it traverses the current rural zones is largely defined by public ownership of the land (Department of Conservation primarily), rather than the land use activities occurring there. This includes for example, areas of pasture under Department of Conservation ownership. There are existing operational mineral extraction activities within the proposed Open Space Zone.
- 58 In my view, it is necessary to provide for mineral extraction activities within the Open Space Zone. The WCRPS supports enabling resource use and development as noted previously. The Strategic Directions require mineral extraction activities to be enabled (MIN-O2), and the policies for the Open Space and Recreation Zones (OSRZ-P9 and OSRZ-P14) provide for these activities to occur in the Open Space Zone. The s32 evaluation of this substantial change in the S42A Report is, in my view, insufficient.
- 59 As noted previously, the current rule framework in the Buller, Westland and Grey District Plans is that mining is a restricted discretionary activity in the rural zone (or permitted in the case of Grey). With the introduction of the Open Space Zone over vast areas of land previously zoned rural, it is my view that the same activity status should apply to these areas, which will appropriately provide for mineral extraction activities as directed by the objectives and policies in the TTPP. The variances in the objective and policy framework of the Open Space and Recreation Zones will allow for a nuanced approach to considering applications for mineral extraction within Open Space Zones, and a consideration of any specific conservation or recreation values that require protection.
- 60 I recommend that OSZ-R19 is retained as notified.

*OSZ-R22 - Mineral Prospecting and Mineral Exploration*

- 61 As a consequence of his recommendations on OSZ-R19, Mr Badham recommends that OSZ-R22 is deleted. Because I disagree with his recommendations on OSZ-R19, I consider that OSZ-R22 should be retained as notified, so that mineral extraction activities which do not meet the conditions of OSZ-R19 have a corresponding discretionary rule.

**Conclusion**

- 62 WMS Group have interests across the West Coast region that are affected by the provisions being considered as part of the Mineral Extraction hearing topic, and are located in a variety of zones.
- 63 It is my view that WMS Group's operation at Cape Foulwind meets the criteria for being included in the Mineral Extraction Zone because it has all necessary resource consents in place for the operation.
- 64 I consider that WMS Group's Mananui site may meet the criteria for being included in the Mineral Extraction Zone if the consent applications in progress now are granted prior to decisions being made on the TTPP.
- 65 I have suggested modifications to MINZ-R1 and MINZ-R6 in the Mineral Extraction Zone, GRUZ-R11 in the General Rural Zone and prefer the notified activity status regime in both of these zones and the Open Space Zone over that proposed by the S42A Report. In the Mineral Extraction Zone I consider Mr Badham's proposed changes to activity status unduly restricts activities in a special purpose zone which anticipates those activities occurring. Similarly, the General Rural Zone and Open Space should provide for mining activities which accords with the Strategic Direction of the TTPP, and it is my view that altering the activity status in these zones is not warranted.

**Katherine McKenzie**

Dated this 29<sup>th</sup> day of April 2024

Attachment A: RC230093 Buller District Council Consent (Cape Foulwind)

Attachment B: RC2023-0149 West Coast Regional Council Consent (Cape Foulwind)

18 April 2024

Westland Mineral Sands Co. Ltd  
c/Jorja Hunt  
Tai Poutini Resources Ltd  
100 Mackay Street  
Greymouth 7805 7805

By email: [jorja.hunt@tpri.co.nz](mailto:jorja.hunt@tpri.co.nz)

Dear Jorja

### **APPLICATION FOR RESOURCE CONSENT RC230093**

The Buller District Council's decision on the abovementioned resource consent is enclosed.

If you are happy with the decision made by Council, the consent may be acted upon subject to any conditions included in the decision. Council staff will monitor the site to check that conditions have been complied with.

If not acted upon, the consent will lapse after five years from the date of the decision, unless otherwise specified in this decision or unless extended upon application to Council. Please refer to section 125 of the Resource Management Act 1991 (RMA) for further details.

If you do not agree with the whole or any part of the decision, you may appeal the whole or any part of the decision to the Environment Court. An appeal may be lodged with the Environment Court within 15 working days of the date of this notification. The address of the Environment Court is PO Box 2069, Christchurch 8140. A copy of any appeal should also be sent to the Buller District Council, PO Box 21, Westport 7866.

Please refer to sections 120-121 of the RMA and also the Resource Management (Forms, Fees and Procedure) Regulations 2003 for further details on appealing resource consent decisions.

If you are in doubt about your rights to appeal, or require an extension of time, you should discuss this with your solicitor/agent.

If you have any further queries please do not hesitate to contact the duty planner on [planning@bdc.govt.nz](mailto:planning@bdc.govt.nz).

Yours faithfully

**Nathan Riley**  
**GROUP MANAGER REGULATORY SERVICES**



## RESOURCE CONSENT DECISION – RC230093

Pursuant to Sections 104, 104B, 104D and 108 of the Resource Management Act 1991 (RMA), Buller District Council **GRANTS** the application by Westland Mineral Sands Co. Ltd, **subject to the Conditions below.**

### **The Approved Activity:**

Land use consent for the mining of mineral sands, onsite processing of extracted material and transport off-site of resulting heavy mineral concentrate. This consent replaces RC210051 for the same activity as previously authorised, except as outlined below and under the same conditions as previously imposed, except as outlined below.

The original decision and associated consent conditions (as amended by consent order and two variations) are relied upon in terms of authorising and defining the existing site activities and RC210051 should be referred to for full details of the authorised activities.

The approved changes consist of the permanent disposal of tailings and temporary storage of topsoil to a 2.83ha area adjacent to the processing plant, increasing the mine pit and total site disturbance areas, removal of the ring drain and changing the pit geometry. These approved activities result in changes to the original conditions notably: General Condition 1.1 (in 'general accordance' condition), General Condition 7.1 (drain setback requirements) and General Condition 7.2 (maximum disturbance limits) and WCRC Condition 23.5 (pit geometry requirements).

In addition to the approved activities, a number of consequential changes are required to the original conditions owing to the fact that the mining activity has now commenced and conditions referring to 'prior to operations commencing' or similar or actions within certain timeframes no longer apply. Conditions around the carry-over of certified management plans and the annual work programme and a timetable for re-certification where needed have also been imposed along with a limited term of consent, consistent with the original decision being 10 years from the date of that decision.

The application triggers consent under the operative Buller District Plan relating to Rule 5.3.2.4.3 (mining and incidental earthworks), Rule 5.3.2.3.1 (processing activities), Rule 6.4.2.7 (hazardous substances) and Rule 7.9.1.2 (noise exceeding the permitted noise limits at the boundary of land used for residential activities).

### **Location**

Address: Nine Mile Mine, Okari Road, Tauranga Bay  
Legal Descriptions: Lot 4 DP 13269, Lot 5 DP 13269, Lot 12 DP 354487 and Lot 4 DP 534034  
Record of Titles: NL8A/1261, NL8A/1262, 222460 and 880653

### **Approved Plans:**

*"Updated Site Plan Nine Mile"*, dated 12/3/2024 (Schedule 1)

*"Final Landform WMSL Nine Mile"*, dated 7/3/2024 (Schedule 2)

*"Plant Site Plan – Nine Mile Project"*, dated 18 March 2022 (Schedule 3)

Waka Kotahi NZTA Diagram D for a 100km/hr speed environment (Schedule 4)

Plantings Site Plan dated 5/4/2022 (Schedule 5)

**Please note that the plans which are approved are stamped Approved Plan and attached to this consent.**

## CONDITIONS:

Pursuant to Section 108 of the Resource Management Act 1991 this consent is granted subject to the following conditions:

### General Conditions for BDC and WCRC

#### 1.0 General

- 1.1 On written notice from the Consent Holder to the Buller District Council and the West Coast Regional Council, this resource consent replaces RC210051 and any subsequent version, and RC-2021-0095 and any subsequent version.

*Advice Note: Condition 1.1 constitutes surrender of RC210051 and RC-2021-0095 under Section 138 of the Resource Management Act.*

- 1.2 Notwithstanding condition 1.1, from the first exercise of this resource consent, the Consent Holder must carry out the mineral sand mining activities in general accordance with:

- a) application RC210051 made to the Buller District Council except as modified by:
- applications RC210051A and RC210051B made to the Buller District Council, including further information supplied during processing; and
  - application RC230093 made to the Buller District Council, including further information supplied during processing;
- b) application RC-2021-0095 made to the West Coast Regional Council except as modified by:
- application RC-2021-0095V1 made to the West Coast Regional Council, including further information supplied during processing; and
  - application RC-2023-0149 made to the West Coast Regional Council, including further information supplied during processing
- c) for no more than 2 calendar months after the first exercise of this resource consent, any Annual Work Programme and any Management Plan certified under RC210051B and RC-2021-0095V1;
- d) from 2 calendar months after the first exercise of this resource consent onwards, any Annual Work Programme and any Management Plan certified under this resource consent;
- e) the following plans and diagrams attached to this resource consent:
- “Updated Site Plan Nine Mile” dated 12/3/2024 (Schedule 1)
  - “Final Landform WMSL Nine Mile” dated 7/3/2024 (Schedule 2)
  - “Plant Site Plan – Nine Mile Project” dated 18 March 2022 (Schedule 3)
  - Waka Kotahi NZTA Diagram D for a 100km/hr speed environment (Schedule 4)
  - Plantings Site Plan dated 5/4/2022 (Schedule 5)
  - Water Monitoring Locations Plan (Schedule 6)

*Advice note: Should an application be made for a change or cancellation of condition to RC230093 or RC-2023-0149 under s127 in the future, the Buller District Council and West Coast Regional Council may consider submitters on the original resource consent applications RC 210051 and RC-2021-0095 when determining who is adversely affected by the proposed change or cancellation.’*

- 1.3 The total area of mineral extraction must not exceed 20.2 ha.
- 1.4 The total area of tailings disposal, outside of the area of mineral extraction, must not exceed 2.83ha.

- 1.5 The Consent Holder must ensure all key staff and contractors are made aware of, and have access to, the resource consent conditions prior to the commencement of mining. A copy of these documents must also be readily available on-site.
- 1.6 All actual and reasonable costs incurred by the Consent Authorities in monitoring, enforcement and administration of this resource consent must be met by the Consent Holder.
- 1.7 At all times an Accountable Person employed by the Consent Holder must be responsible for compliance with all conditions of these consents. The Accountable Person must be based on-site for a minimum of 4 hours per day, for three days per week. The Accountable Person must:
  - a) Review, submit and ensure compliance with all management plans listed in the conditions of these consents;
  - b) Ensure there is another person who can provide cover in the event they are sick or unavailable, and to provide for succession ('Nominated Cover Person');
  - c) Be the point of contact between the Consent Holder, the Consent Authorities, the Community Liaison Group (required by Condition 10.0) and the community generally, and pro-actively engage with these parties as required under these consents;
  - d) Deliver on reporting requirements required by the conditions of these consents.
- 1.8 The Consent Authorities must be advised of the name and contact details of the Accountable Person and the Nominated Cover Person. In the event that the Accountable Person or Nominated Cover Person change, the Consent Authorities must be notified.
- 1.9 A sign must be erected at the property boundary adjacent to the access road, which provides the name and contact details of the Accountable Person and Nominated Cover Person required to be appointed under Condition 1.7.

## **2.0 Notification**

- 2.1 The Consent Holder must, at least 5 working days prior to works ceasing on-site, notify the Consent Authorities of the intended completion of final mine closure rehabilitation activities.

## **3.0 Review of Conditions**

- 3.1 Pursuant to Section 128(1) of the Act, the Consent Authorities may review any of the conditions of these consents by serving notice on the Consent Holder within a period of 60 working days, commencing on each anniversary of the date of commencement of these consents for any of the following purposes:
  - a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, including any material elevation of noise levels associated with the mining or processing operation, including for extended periods of time, which was not anticipated by noise modelling informing the resource consent conditions.
  - b) To assess the appropriateness of imposed compliance standards, monitoring parameters, monitoring regimes and monitoring frequencies and to alter these accordingly.
  - c) To ensure that any management plan required by these conditions gives effect to conditions of these consents.

## 4.0 Bond Conditions

- 4.1 The Consent Holder must provide and maintain in favour of the Consent Authority a bond to secure compliance by the Consent Holder with all the conditions of these consents, including the completion of all final mine closure activities required by these consents and to avoid, remedy or mitigate any adverse effects on the environment arising as a result of the exercise of these consents.
- 4.2 The payment of the bond quantum by the Consent Holder, as required by Condition 4.4 must either be:
  - a) A bond in favour of the Consent Authority for the guarantee sum in a form and executed by a surety acceptable to the Consent Authority; or
  - b) A cash bond deposited with and held in a bank account by the Consent Authority
- 4.3 Where a bond is guaranteed in accordance with Condition 4.2 a), the guarantor must bind itself to pay up to the bond quantum for the carrying out and completion of all obligations of the Consent Holder under the bond.
- 4.4 The bond (as set at any time under Condition 4.1) must be held or remain in full force and effect throughout the term of these consents and until all conditions under these consents have been performed unless otherwise agreed by the Consent Authority.
- 4.5 The amount of the bond must be \$100,000.00 (one hundred thousand dollars).
- 4.6 The amount of the bond may be inflation adjusted annually, if requested by the Consent Authority, by the movement of the CPI relative to the CPI at the date when the bond is first provided.
- 4.7 The Consent Holder will not exercise or must cease exercising these consents:
  - a) Until the bond required by Condition 4.1 has been fully executed by the Consent Holder and guarantor, or has been deposited with the Consent Authority, or
  - b) In respect of any inflation adjusted bond referred to in Condition 4.6, after 30 working days have expired from the date the Consent Holder was notified of the terms of the inflation adjusted bond by the Consent Authority unless the inflation adjusted bond has been executed with the Consent Authority by the Consent Holder and guarantor, or has been deposited with the Consent Authority; or
  - c) In respect of any bond sum changed or reviewed pursuant to Sections 127 or 128 of the Act, after thirty 30 working days have expired from the date the Consent Holder was notified of the decision of the changed or reviewed bond by the Consent Authority unless the changed or reviewed bond has been executed with the Consent Authority by the Consent Holder and guarantor, or has been deposited with the Consent Authority, or
  - d) If, during the term of these consents, the whole or any part of the bond is required to be used for the carrying out and completion of all obligations of the Consent Holder under the bond, unless the full bond has been executed with the Consent Authority by the Consent Holder and guarantor, or has been deposited with the Consent Authority.
- 4.8 The Consent Holder must complete such work requested in respect of which any bond or deposit is held, within the time period nominated by the Consent Authority's written request.
- 4.9 If the consents are transferred in part or whole to another party or person, the bond must continue until any outstanding work at the date of transfer is completed to ensure compliance with the conditions of these consents, unless the Consent Authority are satisfied adequate provisions have been made to transfer the liability to the new Consent Holder.

4.10 In the event of any such transfer of the consents, the Consent Holder must ensure that the transfer provides a replacement bond to the Consent Authority on the terms required by the Bond Conditions.

## 5.0 Annual Work Programme

5.1 Before exercising these consents, the Consent Holder must submit a programme of work ("Annual Work Plan") to the Consent Authorities for certification and thereafter submit an Annual Work Plan prior to each anniversary of the date of commencement of these consents, which details:

- The proposed works to be carried out over the next 12 months including:
  - Equipment to be used;
  - Areas of topsoil and overburden stripping and stockpile locations;
  - New areas of land disturbance that will be mined;
  - Access tracks;
  - Drill/prospecting sites and other tracks to be constructed;
  - Any works within the tailings disposal area; and
  - Any other site works within the consent area.
- The approximate open volume of the working pit at the start of the year including depth of excavations and the area of the working pit.
- The progressive rehabilitation works to be carried out over the next 12 months including:
  - Areas of unrestored land (i.e. all land not finally topsoiled and revegetated) at the beginning of the new year;
  - The area that will be fully rehabilitated during the forthcoming year;
  - Maximum slope angles, bench heights and widths of recontoured ground, if applicable; and
  - Rehabilitation method and technique including replacement of topsoil and vegetation cover.
- Description of measures to prevent adverse effects on natural waters, including drainage works within the consent area, and the collection and treatment of site run-off before discharge to land.
- Measures that must be adopted to ensure soil conservation and slope stability are controlled;
- A description and analysis of any unexpected adverse effects that have arisen as a result of activities within the last 12 months, and the steps taken to address the adverse effect.

5.2 The following plans, reports and results of monitoring must also be submitted as part of the Annual Work Programme:

- A detailed plan or aerial photograph showing:
  - The open working area at the start of the year;
  - Proposed mine path for the forthcoming year including haul and access roads;
  - Rehabilitated ground behind the open pit area;
  - Location of existing and intended topsoil or overburden dumps and their dimensions;
  - Location of natural waterbodies;
  - Location of present and intended drainage works and settling ponds; and
  - Any other site works within the consent area.
- An updated Erosion and Sediment Control Plan in accordance with condition 25.0.
- Results of surface water quality and water level monitoring from the previous 12 months in the form of an Annual Hydrological and Water Quality Report required by condition 29.10.

- Any proposed updates to Management Plans submitted in accordance with the respective conditions of consent.
  - Results of dust monitoring from the previous 12 months required by Condition 24.2 for the previous 12 months.
  - A geotechnical report which confirms the proposed pit slope geometry to ensure a stable landform.
- 5.3 The Consent Holder must provide the Consent Authorities with any further information, which the Consent Authorities may reasonably request after considering any Annual Work Programme. This information must be provided in a timely manner as required by the Consent Authorities.

## 6.0 Management Plans

- 6.1 Activities authorised by this resource consent must be undertaken in accordance with certified management plans.
- 6.2 No more than 20 working days following the first exercise of this resource consent the Consent Holder must provide to the Consent Authorities the following management plans for certification in accordance with conditions of these consents:
- Lighting Management Plan
  - Transport Management Plan
  - Avian Management Plan
  - Lizard Management Plan
  - Dust Management Plan
  - Rehabilitation Management Plan
  - Water Management Plan
  - Monitoring and Mitigation Plan
  - Erosion & Sediment Control Plan (collectively Management Plans)

Any management plan will be deemed to have been provided to the Consent Authorities under this condition if:

- It was provided to the Consent Authorities and certified under RC-2021-0095-01 to RCF-2021-0095-03 and RC210051, and
- Remains unchanged since that certification.

*Advice Note: the Water Management Plan, Monitoring and Mitigation Plan, Erosion & Sediment Control Plan, Dust Management Plan and Rehabilitation Management Plan will require updating to incorporate the changes at the site and require re-certification under this condition.*

- 6.3 All Management Plans must include (where relevant):
- a) The purpose of the plan;
  - b) Reference to the relevant conditions;
  - c) How each of the relevant conditions have been given effect to;
  - d) Identification of procedures for implementing the relevant plan;
  - e) Audit check lists;
  - f) Monitoring programmes and/or protocols;
  - g) Feedback mechanisms for adaptive management, including circumstances in which a material change to the management plan would be required;
  - h) An organisational chart showing staff and contractor positions and responsibilities for plan implementation;

- i) Relevant training and induction procedures and schedules;
  - j) Reporting procedures and format for providing the results of any monitoring or surveying required by the Management Plans.
- 6.4 If the Consent Holder has not received a response from the Consent Authorities within 20 working days of the date of submission of the management plans under Condition 6.2, the management plans will be deemed certified. If the response from the Consent Authorities is that they are not able to certify the management plans, the Consent Holder must consider any reasons and recommendations provided by the Consent Authorities, amend the management plans accordingly, and resubmit the management plans to the Consent Authorities.
- 6.5 The Consent Holder may amend the management plans at any time to take into account:
- a) Any positive measure/s to ensure the stated objectives of the management plans are achieved;
  - b) Any required actions identified as a result of monitoring under these consents; and
  - c) Any changes required to further reduce the potential for adverse effects as a result of actions identified in the Annual Work Programme.

Where management plans require the input of an appropriately qualified person, any amendments to those management plans must also be undertaken by the appropriately qualified person.

*Advice Note: Some management plans have ongoing annual review requirements which are required in order to avoid, remedy or mitigate effects. These specific review requirements are stipulated in the relevant conditions of this consent.*

- 6.6 Any amended Plans must be provided to the Consent Authorities within 20 working days of their review, for certification in accordance with Condition 6.1.
- 6.7 The Plans must not be amended in a way that contravenes the matters set out in the conditions for the respective Plans.
- 6.8 A copy of the latest version of the Plans must be kept on site at all times and all key personnel must be made aware of the contents of each Plan and their responsibilities under each Plan.
- 6.9 Subject to any other conditions of these consents, all activities must be undertaken in accordance with the latest version of the Plans.

## **7.0 Method of Operations**

- 7.1 Setbacks between mining activities and nearby features must be maintained at all times as follows:
- a) 5m setback from major drains,
  - b) 10m setback from the eastern boundary vegetation,
  - c) 20m setback from Blind River, and
  - d) 40m setback from Okari Road wetland and Silverstream wetland.

*Advice note: Boundaries are to be defined across the ground surface of the site from the nearest edge of the relevant feature.*

- 7.2 The maximum disturbed area of the mine pit must not exceed 4 hectares and total site disturbance must not exceed 8 hectares at any one time.

*Advice note: the 4 hectare mine pit disturbance area relates to the open pit perimeter and does not include the disturbance associated with topsoil removal, waste/tails backfilling*

*activity or rehabilitation activity. The Tailings Disposal Area and the 1.36 hectare plant site are excluded from the 8 hectare total site disturbance limit.*

- 7.3 The mine boundaries must be clearly marked on the ground before any earthworks take place.
- 7.4 The Consent Holder must strip soil material ahead of operations and stockpile it for progressive and final mine closure rehabilitation purposes. Stockpiled soil must be protected from erosion caused by water and wind as far as practicable.
- 7.5 The Consent Holder must not bury any topsoil or soil material suitable as a growing medium or remove it from the site.
- 7.6 The Consent Holder must erect a minimum two-wire stock fence around the perimeter of the native vegetation on the site, in the general location shown on the Site Plan attached in Schedule 1. The stock fence must be maintained for the duration of the consent.

## **8.0 Rehabilitation**

- 8.1 The Consent Holder must carry out progressive rehabilitation, to achieve the following requirements:
  - a) Reinstatement of the dune landform;
  - b) Reinstatement of existing drainage patterns to reflect pre-mining catchment areas which discharge to the major drains;
  - c) Ensure short and long term stability of the reinstated landform; and
  - d) Protect Okari Road and Silverstream wetlands, Blind River and the coastal forest along the eastern Site boundary from the effects of erosion and sediment generation.

*Advice Note: Progressive rehabilitation is defined as rehabilitation occurring behind the active mine pit area. Progressive rehabilitation involves the placement of mine tailings and slimes in the mining void, followed by the replacement of overburden, spreading of topsoil and returning the land to pasture to maintain a maximum mine pit area of 4ha.*

- 8.2 At the completion of mining (final mine closure), the dune landform must be fully rehabilitated, by reinstating the dune landform to a similar contour and profile as that which existed prior to mining, with no mining voids left.

*Advice Note: Final mine closure is the completion of all mining and progressive rehabilitation works, end of mine landscaping on the northern boundary, and includes the replacement of the temporary tailings stockpile back to the mine area, and where the previous dune landform and pre-mining land drainage patterns are reinstated acknowledging a changed profile associated with the removal of HMC material and the use of 80,000m<sup>3</sup> of tailings for filling the Tailings Disposal Area.*

- 8.3 The Consent Holder must provide a Rehabilitation Management Plan to the Consent Authorities, which is in general accordance with the draft Rehabilitation Management Plan labelled "WMS-NM-REHAB-V13 -Rehabilitation Management Plan" prepared by Westland Mineral Sands Co. Ltd, detailing progressive and final mine closure rehabilitation strategies for all facilities and operational areas of the mine to achieve the following rehabilitation objectives:
  - a) To create a stable dune landform with a similar contour and profile at final mine closure as that which existed prior to mining;
  - b) To establish vegetation cover on all areas disturbed by mining activity; and
  - c) To protect freshwater values associated with Blind River and Okari and Silverstream



Wetlands.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

- 8.4 The Rehabilitation Management Plan must, as a minimum, detail measures which address the following:
- a) A programme of progressive rehabilitation of the pre-mining landform;
  - b) The original and anticipated final mine closure topography;
  - c) Contour and stability of all post-mining landforms;
  - d) Establishment of pasture cover over all disturbed land;
  - e) Restoration of drainage discharge channels;
  - f) Protection of water and soils from the effects of erosion;
  - g) The achievement of water quality standards for water interacting with previously disturbed sites/areas for the duration of mining and in the long term to protect aquatic values;
  - h) Removal of buildings, equipment and structures;
  - i) Post-mining weed and pest control requirements; and
  - j) Any post-mining monitoring requirements.
- 8.5 If for any reason active mining ceases for more than 3 months, operational stockpiles must be removed and material returned to the mining area, and all disturbed areas must be rehabilitated as required by the conditions of these consents within 6 months from the date of the last mining activity.

## **9.0 Complaints and Non-Compliance**

- 9.1 Upon receipt of any complaint, the Consent Holder must promptly investigate the complaint, take action to remedy or mitigate the cause of the complaint and inform the Consent Authorities within 48 hours of the report, of the details of the complaint and the action taken.
- 9.2 The Consent Holder must maintain a complaints register for all aspects of operations in relation to these consents. The register must be available to the Consent Authorities at all times and must:
- a) detail the date, time and type of complaint;
  - b) cause of the complaint; and
  - c) the action taken in response to the complaint.
- 9.3 Complaints which may infer non-compliance with the conditions of these consents, must be referred to the Consent Authorities within 48 hours of the report.
- 9.4 In the event of any breach of compliance of the conditions of these consents the Consent Holder must notify the Consent Authorities within 48 hours of the breach being detected. Within 5 working days of any breach the Consent Holder must provide written notification to the relevant Consent Authorities which explains the cause of the breach, and if the cause was within the control of the Consent Holder, steps which were taken to remedy the breach and steps which must be taken to prevent any further occurrence of the breach.

*Advice Note: This consent condition does not replace the compliance and enforcement responsibilities of the Consent Authorities.*

## 10.0 Community Liaison Group

10.1 The Consent Holder must maintain the Community Liaison Group (CLG) established under resource consents RC-2021-0095-01 to RCF-2021-0095-03 and RC210051. Following the first 12 months of mining operations under these resource consents, the Consent Holder must ensure that members of the CLG are provided with the opportunity and facilities to meet as agreed with the CLG.

*Advice Note: The CLG is not a decision making body, but an important forum for the dissemination of information from the Consent Holder to interested parties. It also provides the opportunity for meaningful engagement between the parties, and for the CLG to comment on consent compliance and provide recommended changes to operations, monitoring and adaptive management. Comments and recommendations from the CLG are to be given due consideration. In the event that it is not possible to establish or maintain a CLG through lack of interest or participation from the local community, then such failure to do so shall not be deemed a breach of these conditions.*

10.2 The purpose of the CLG is to provide an ongoing means of communication between the Consent Holder and the local community, both through regular meetings and informal communication between the members and the Accountable Person (required by Condition 1.4). Matters to be discussed may include, but are not limited to:

- a) Any complaints recorded and actions taken in response to the complaints as required by Condition 9.2;
- b) Road safety and/or maintenance concerns;
- c) Weekend trucking occurrences and reasons for such operations;
- d) Upcoming weekend and/or surf events at Tauranga Bay which the Consent Holder should be aware of;
- e) Any proposed amendments to Management Plans;
- f) The results of any surveys or monitoring undertaken in accordance with conditions of this consent (including in relation to ecology, dust and radiation).

## Buller District Council Conditions

### 11.0 Hours of Operation

11.1 The mining and processing activities must comply with the following hours of operation:

- Mining Activities – 0800-2200
- Processing Plant Activities - 24 hours a day / 7 days a week

*Advice Note: In addition to condition 11.1, further restrictions on transport operations are contained in Condition 17.0 Transport.*

11.2 When mining reaches a point 80m from the northern property boundary (the point at which Condition 16.9 also requires the temporary noise bund to be constructed) and Lot 3 DP 13269 BLK III Steeples SD is “Consented and Occupied” as defined in Condition 22.8 then:

- Mining activities must only occur between the hours of 0800-2200 Monday to Friday and 0800-1800 Saturday.
- Mining is not permitted to occur on Sundays and public holidays for the period when mining is occurring within 80m of the northern property boundary.

### 12.0 Buildings

12.1 Buildings associated with the mining activity must be constructed and located generally in accordance with the site plan titled “Plant Site Plan – Nine Mile Project” dated 18/3/2022 (Schedule 3).

- 12.2 The colours to be used for all buildings and structures must be grey and have a light reflectance value (LRV) of less than 15% for roof material and less than 25% for cladding.
- 12.3 The Consent Holder must remove all buildings and reinstate the processing plant area to pasture before the completion of the term of consent.

### **13.0 Site Access**

- 13.1 Site access must be maintained to provide a left turn deceleration lane that is in accordance with Waka Kotahi NZTA Diagram D for a 100km/hr speed environment, attached as Schedule 4.
- 13.2 Vegetation at the accessway to the plant must be maintained to achieve a 160m visibility splay consistent with a 100km/hr design speed in the Waka Kotahi NZTA 'Road Traffic Standard 6 – Guidelines for Visibility at Driveways'.

### **14.0 Road Safety and Maintenance Measures**

- 14.1 For the duration of mining, Okari Road (between the site access and Tauranga Bay Road) must comprise a minimum 5.5m sealed carriageway width and must be free from potholes, rutting and slumping as reasonably assessed by the Council's Infrastructure Manager.

*Advice Note: All construction work on road reserve is to be undertaken by a Council approved contractor.*

### **15.0 Lighting**

- 15.1 Lighting must not exceed 10 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property.
- 15.2 Lighting must be designed in a manner which adheres to the Australian Government's National Light Pollution Guidelines for Wildlife January 2020 (or subsequent revision); including but not limited to:
- All fixed lighting must be directed downward, shielded to avoid light spill outside of permitted activity limits, operate in the yellow orange spectrum, and be filtered to remove blue and violet wavelengths;
  - Lights must only illuminate the object or area intended;
  - Fixed lights must be mounted as close to the ground as practicable while still achieving site lighting requirements;
    - External lighting must be minimised on the seaward side of buildings to minimise light spill toward the coast;
    - external lighting must use the lowest intensity lighting possible, while ensuring compliance with workplace health and safety requirements.
- 15.3 A Lighting Management Plan, which is in general accordance with the draft 'Lighting Management Plan' prepared for application RC210051 (dated 4 March 2022), must be maintained at all times provided to Council's Planning Department. The objective of the LMP is to ensure that lighting remains within the limits specified in Conditions 15.1 and 15.2 and to avoid or mitigate adverse effects on residents and wildlife.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

- 15.4 The Consent Holder must conduct a lighting audit of the site annually, to confirm compliance with conditions 15.1 and 15.2. The audit must be carried out by a qualified lighting technician, and reviewed by a suitably qualified ecologist. The results and confirmation of compliance

with conditions 15.1 and 15.2 must be submitted to the Council's Planning Department within 10 working days of receipt of the audit.

- 15.5 If the lighting audit establishes compliance with conditions 15.1 and 15.2 is not achieved, the Consent Holder must investigate and implement additional mitigation required to achieve compliance. The Consent Holder must submit a report to Council's Planning Department within 10 working days of the audit detailing the mitigation measures that will be implemented and must undertake a further compliance monitoring report within 10 working days of any mitigation measure being implemented to demonstrate the effectiveness of that mitigation.

## 16.0 Noise

16.1 Night operations must not exceed the following noise levels:

- Cumulative noise from all static processing plant: 60 dBL<sub>aeq</sub> (15 min) at 50 metres from the north and west side of the enclosures, measured at a height of 1.5m above the existing ground level.

16.2 Cumulative noise from the processing plant including mobile equipment may only be permitted to exceed the noise level in Condition 16.1 if it can be demonstrated that noise levels received at the property boundaries will not exceed the limits provided in Condition 16.5.

16.3 The Consent Holder must undertake noise monitoring to demonstrate compliance with the noise limits in Condition 16.5:

- a) at least once every 12 months for the duration of mining and processing operations; and
- b) when mining operations first occur within 100 metres of Lot 3 DP 13269 BLK III Steeples SD, provided the lot is "Consented and Occupied", as defined in Condition 22.8; and
- c) when mining operations first occur within 50 metres of Lot 3 DP 13269 BLK III Steeples SD, provided the lot is "Consented and Occupied", as defined in Condition 22.8.

If compliance is not achieved, the Consent Holder must investigate and implement temporary additional mitigation required to achieve the noise limits as soon as practicable. The Consent Holder must submit a report to Council as soon as practicable and within 60 days of the relevant monitoring report detailing the permanent mitigation measures that have been implemented and must undertake a further compliance monitoring report within 10 working days of any permanent mitigation measure being implemented to demonstrate the effectiveness of that mitigation.

*Advice Note: The Consent Holder's attention is drawn to the obligations in Condition 9.4.*

16.4 All noise monitoring results undertaken in accordance with Condition 16.3 must be provided to Council and the Community Liaison Group within 5 working days of completion of each monitoring visit.

16.5 Mining and processing activities must comply with the following noise limits at the property boundary of any dwelling existing at the date consent is granted (excluding any dwelling on the site), and at the property boundary of Lot 3 DP 13269 BLK III Steeples SD provided the lot is "Consented and Occupied" as defined in Condition 22.8:

- Daytime (0800-2200): 55 dB Laeq(15 min)
- Night-time (2200-0800): 45 dB Laeq(15 min) and 75 dB LAF<sub>max</sub>

Noise must be measured and assessed in accordance with New Zealand noise standards: NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and NZS 6802:2008 "Acoustics -Environmental Noise", respectively.

*Advice Note:-This consent condition ensures that if a Building Consent for a dwelling on Lot 3 is issued and the site is occupied (regardless of whether the dwelling is built), the noise limits apply at the property boundary.*

- 16.6 Construction activities must be conducted in accordance with NZS 6803: 1999 “Acoustics – Construction Noise” and must comply with the “typical duration” noise limits contained within Table 2 of that Standard.

*Advice Note: Construction activities include the formation of access roads, any required boundary bunds and planting, and the construction of the processing plant and load out area. For the avoidance of doubt, overburden stripping at the mine site must not be considered construction except where this is required for the formation of noise control bunds.*

- 16.7 The Consent Holder must adopt the Best Practicable Option (BPO) to minimise noise and vibration at all times. This includes regular replacement of worn parts, maintenance of mufflers, lubrication of all moving parts to avoid squeaks and squeals, appropriate operation of all equipment, and maintenance of access roads.
- 16.8 Vehicles or equipment must not be fitted with tonal or beeper reversing alarms.
- 16.9 Prior to mining operations commencing within 80m of the northern site boundary, a 3m high earth bund must be constructed adjacent to the northern boundary of the mining area. The bund must be constructed within the planting area shown on the Site Plan attached as Schedule 1, and must not encroach on the Phase 1 Northern Boundary Planting required by Condition 22.1. The bund must be immediately stabilised by hydroseeding or similar. The bund must be removed at the completion of mining and rehabilitation works, to allow the planting required by Condition 22.2 to be completed.

## **17.0 Transport**

- 17.1 Truck movements associated with removal of heavy mineral concentrate must be limited to 30 per day and 3 per hour between the hours of 0800-2000 Monday to Friday, and limited to exceptional circumstances on weekends.

*Advice Note: For the purposes of the Transport conditions, a movement is defined as being a movement either to or from the site. A truck and trailer unit entering and leaving the site is therefore 2 movements.*

- 17.2 The Consent Holder must manage operations to limit weekend heavy vehicle movements to exceptional circumstances where trucking has been disrupted during the week for reasons that are out of the Consent Holder’s control i.e. weather. A record must be kept of heavy vehicle movements, including an explanation of the exceptional circumstances which result in the need for any weekend heavy vehicle movements, and this must be supplied to the Council and CLG if requested.
- 17.3 In addition to the restrictions in condition 17.1, there must be no heavy vehicle movements:
- 30 minutes either side of nautical dusk and nautical dawn between McKay Road and the site boundary;
  - During school bus pick up and drop off times between McKay Road and the site boundary, which will be confirmed with the school bus operator prior to mining commencing;
  - On public holidays;
  - During the Cape Classic annual surf event.

*Advice Note: Nautical dusk and nautical dawn for the mine area can be viewed at <https://sunsetsunrisetime.com/sun/westport> (New Zealand)*

17.4 All mine related traffic must adhere to the following maximum speed restrictions:

**Heavy Vehicles**

- The Esplanade – 40km/hr
- Star Tavern Corner (Cape Foulwind/Lighthouse/Tauranga Bay Road's intersection) – 30km/hr
- Carters Beach area – Brunnings Road to Bradshaws Road – 80km/hr
- Northbound at the Okari Road/Tauranga Bay Road Intersection (including past the access to 4 Okari Road) – 25km/hr

**All Vehicles**

- Tee intersection of Tauranga Bay/Seal Colony Road via Okari Road to Mine Site entrance – 40km/hr
- Mine Site entrance to processing plant area – 30km/hr

17.5 The Consent Holder must install a Speed Management System on its trucks to monitor truck speeds to ensure compliance with Condition 17.4. Records must be supplied to the Council on request.

17.6 A Transport Management Plan (TMP), that is in general accordance with the draft 'Transport Management Plan' prepared under application RC210051 (18 March 2022), must be maintained at all times and must detail the measures and procedures to be adopted for all mine related traffic. The objectives of the TMP are to:

- Ensure the safe and efficient operation of the road transport network around the Cape Foulwind area;
- Avoid, remedy or mitigate potential transport related effects on residents and visitors to the Cape Foulwind area;
- Avoid effects on the Little Blue Penguin and other threatened species.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

17.7 As a minimum the TMP must address the following:

- Speed restrictions and route;
- Details of protocols to manage vehicle interactions;
- Noise mitigation measures;
- Little blue penguin mitigation measures;
- Dust mitigation measures;
- Light pollution mitigation measures;
- A procedure for identifying and reporting road maintenance and safety issues to Council in consultation with the CLG;
- Exploring alternative trucking routes; and
- Implementation of the independent Road Safety Audit of the Nine Mile Surf Car Park undertaken under RC210051.

17.8 The TMP must be updated in the instance a *trend* in road safety incidents arises that demonstrates that the existing measures are insufficient to adequately address road safety issues, and if any changes are required as a result of the Road Safety Audit required by condition 14.4. The update will include practicable measures to mitigate the identified issues, to the satisfaction of Council.

*Advice Note: a 'trend' may be determined by three or more instances of the same type of incident. Incidents due to non-compliance with the TMP, or related to the Consent Holders' drivers' conduct are not applicable to this condition.*

## 18.0 Avian Management

18.1 Annually between June-July, the Consent Holder must conduct a survey of the section of Okari Road being used by mine traffic using a trained conservation dog to confirm the location of burrows of Korora (Little Blue Penguin) which may be affected by mine traffic. If the survey has not been conducted using a trained conservation dog by the date the survey is due, the Consent Holder must implement a reduced heavy vehicle speed limit of 15km/hr between nautical dusk and nautical dawn (night time) and 30km/hr at other times (daytime) between the mine entrance and Tauranga Bay Road. This shall remain in place until the survey has been completed and any burrows identified must have management and mitigation measures implemented in accordance with the Avian Management Plan required by Condition 18.3, and in consultation with the West Coast Penguin Trust.

18.2 The Consent Holder must at all times maintain the services of a qualified and experienced ecologist to undertake four baseline seasonal surveys to confirm the presence and location of threatened or at-risk indigenous bird species within or adjacent to the mining footprint, including kororā (Little Blue Penguin), rōroa (great spotted kiwi), pūweto (spotless crane), koekoeā (long-tailed Cuckoo), tōrea (South Island Pied Oyster Catcher), tītī (sooty shearwater), tōrea tai (variable oystercatcher), fairy prion (*Pachyptila turtu*), matuku (Australasian bittern), Tāiko (Westland Petrel) māātā (South Island fernbird). The quarterly seasonal surveys must be conducted for the duration of mining, and for one calendar year post mining.

If the surveys confirm the presence and habitat of any threatened or at-risk indigenous bird species then management and mitigation measures must be implemented in accordance with the Avian Management Plan required by Condition 18.3.

*Advice Note: Baseline surveys are able to be undertaken during the first year of mining, as stipulated in the Avian Management Plan.*

18.3 An Avian Management Plan (AMP), in general accordance with the draft 'Avian Management Plan – Westland Mineral Sands Limited Proposed Nine Mile/Okari Road Mine' (31 March 2022) prepared under RC210051, must be maintained by a suitably qualified and experienced ecologist/ornithologist. The objective of the AMP is to avoid adverse effects on any threatened or at-risk indigenous bird species found to be within or adjacent to the mining footprint.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

*Advice Note: Threatened or at-risk bird species refers to the Conservation Status according to the Department of Conservation's Threatened Classification System.*

18.4 The AMP must detail measures to protect the identified bird species in Condition 18.2 which must include:

- Measures to avoid harm to kororā including but not limited to excluding penguins from burrows, construction of fencing (with underpasses as required), provision of artificial nest boxes at sites away from roads and traffic controls.
- Survey methods for the surveys required by Condition 18.1 and 18.2;
- Monitoring of lighting and controls consistent with the Commonwealth of Australia (2020) guidelines in order to minimise light spill from the site and reduce effects on nocturnal birds including seabirds and rōroa;
- Monitoring to confirm the presence and specific location of māātā, matuku and pūweto;
- Methods to avoid effects on birds using Okari Road Wetland and Silverstream Wetland, including but not limited to;

- Provision of physical separation of the active mine areas from key habitats for birds, particularly during the breeding;
- Required training of project staff and/or contractors to identify and report the presence of identified at risk and threatened bird species;
- Mitigation and management measures to avoid adverse effects on resident avifauna to be incorporated into, and consistent with, the LMP and TMP, including but not limited to:
  - Controls on lighting;
  - No heavy vehicle movements 30 minutes either side of nautical dawn and nautical dusk to avoid Little Blue Penguins;
  - Limiting the speed of vehicles along Okari Road to 40km/hr;
  - Limiting the speed of vehicles to 30km/hr while on site; and.
  - Management options which further restrict operations if an unforeseen effect arises.
- Pest control to be undertaken across the site and the adjoining wetland habitat where access can be obtained.

18.5 The Consent Holder must report the results of the surveys and monitoring by producing an Annual Avifauna Management Report, which must be provided to Council's Planning Department and the Buller/Kawatiri office of the Department of Conservation no later than June each year.

18.6 The AMP must be reviewed annually and may be amended at any time by the Consent Holder. Any amendments to the AMP must be submitted to Council and must:

- achieve the AMP purpose of avoiding effects on any threatened or at-risk indigenous bird species;
- comply with the conditions of this resource consent; and
- have been reviewed by an appropriately qualified and experienced ecologist/ornithologist;
- follow the certification process set out in Condition 6.0.

*Advice note: any disturbance or relocation of avifauna may require a permit from the Department of Conservation under the Wildlife Act (1953).*

## 19.0 Lizard Management

19.1 A 5 m buffer zone around all identified lizard habitat must be established by a qualified and experienced herpetologist and maintained for the duration of this resource consent. The buffer zone(s) edges must be maintained by a high (>1 m) silt fence (made from UV stabilised woven polypropylene silt control fabric), to prevent lizards entering the mining area and prevent sediment flowing into intact vegetation.

19.2 At least once annually the Consent Holder must spray and remove gorse and blackberry along the fringes of native vegetation adjoining the mining area using knapsack sprayer and handheld tools.

19.3 A Lizard Management Plan (LiMP), in general accordance with the draft 'Lizard Management Plan For a Proposed Sand Mine at Okari Road, Tauranga Bay' prepared by Wildlands Consultants (February 2022) under RC210051, must be maintained and provided to Council's Planning Department. The objective of the LiMP is to avoid adverse effects on lizards within or adjacent to the mining area, including the West Coast Green Gecko.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*



- 19.4 The LiMP must detail measures to protect lizard species present within the vicinity of the mine site, which must include details of:
- Survey methods of suitable lizard habitat prior to any vegetation clearance;
  - Management of identified lizard buffer zones;
  - Salvage and relocation methods, if required;
  - Ongoing monitoring measures;
  - Dust suppression measures;
  - Predator control and monitoring measures; and
  - Reporting mechanisms.
- 19.5 The Consent Holder must report the results of the surveys and monitoring by producing an Annual Lizard Management Report, which must be provided to Council’s Planning Department and the Buller/Kawatiri office of the Department of Conservation in Westport no later than June each year.
- 19.6 The LiMP must be reviewed annually and may be amended at any time by the Consent Holder. Any amendments to the LiMP must be submitted to the Council and must:
- achieve the LiMP purpose of avoiding effects on any threatened or at-risk indigenous lizard species;
  - be consistent with the conditions of this resource consent;
  - have been reviewed by an appropriately qualified and experienced ecologist/herpetologist; and
  - follow the certification process set out in Condition 6.0.

*Advice note: any disturbance or relocation of lizards may require a permit from the Department of Conservation under the Wildlife Act (1953).*

## **20.0 Cultural and Heritage Sites**

- 20.1 Prior to activities commencing within the Tailings Disposal area, the Consent Holder must provide the written approval of Te Runanga o Ngati Waewae to Council for the development of this area.

*Advice Note: This is to achieve general compliance with permitted activity SASM-R6 of the proposed Te Tai o Poutini Plan.*

- 20.2 The Consent Holder must undertake all activities in accordance with the Archaeological Management Plan prepared by NZ Heritage Properties Ltd titled: “*Cape Foulwind, West Coast, An Archaeological Management Plan for K29/15, K29/16, K29/17, K29/18, K29/19, K29/20, K29/21, K29/23, K29/45 and Unrecorded Sites*”, dated October 2021, prepared under application RC210051.

*Advice Note: The activities include the earthworks associated with the mining activity and the disturbance and deposition of fill in the Tailings Disposal Area.*

- 20.3 As outlined in the Archaeological Management Plan, the Consent Holder must erect a visible barrier between the mining area and archaeological site K29/16 identified on the site plan titled “Updated Site Plan Nine Mile” dated 7 March 2024.

- 20.4 Archaeological monitoring must be undertaken in accordance with the Archaeological Management Plan. If the Consent Holder identifies any archaeological discoveries or potential areas or sites of historic value, the Consent Holder must adhere to the On-call Protocols set out in the Archaeological Management Plan.

*Advice Note: The Consent Holder has obtained an archaeological authority from Heritage New Zealand Pouhere Taonga (Ref: 2022/366) which contains conditions which must be*

*complied with regarding earthworks that may affect archaeological sites, including discovery protocol for koiwi tangata, taonga and Māori artefacts.*

## **21.0 Financial Contribution**

21.1 Should the value of the proposed mine development amount to a total of \$500,000.00 or above, a financial contribution of cash must be paid to Council for the provision of reserves and facilities. The calculation for assessing the financial contribution must be 0.5% of the total value of the development. The Consent Holder must advise Council of the value of the proposed development, and must pay the cash amount to the Council prior to the commencement of any works covered by this consent. The calculation of the financial contribution must be based on the estimated costs of the following components of the activity:

- a) Construction of buildings (i.e. total cost of all buildings);
- b) Costs of drainage works and road formation; and
- c) Cost associated with removal of vegetation (excluding costs of rehabilitation planting etc).

## **22.0 Visual screening and planting**

22.1 All plantings must be in general accordance with the 'Mitigation Strategy' document dated 5/4/2022 prepared under RC210051 and the Plantings Site Plan dated 5/3/2022 (attached as Schedule 5).

22.2 The Consent Holder must maintain a 5m strip of natives plantings including mahoe, ngaio, coprosma, manuka, NZ flax and kōhūhū along the northern boundary of the mine.

22.3 Within 90 working days of mining and rehabilitation being completed at the northern extent of the mine area, the Consent Holder must remove the temporary noise bund on the northern boundary, and plant and stock fence a 7m wide planting strip directly adjacent to the planting required in Condition 22.2.

22.4 If requested by the owner of Lot 5 DP 354487 Blk III Steeples SD, within 60 working days of request, the Consent Holder must plant a native vegetation strip of 3 rows of plants at 2.0m intervals along the boundary of Lot 5 DP 354487 Blk III Steeples SD, comprising kōhūhū, ngaio, mahoe, coprosma, manuka and NZ flax.

22.5 If requested by the owner of Lot 10 DP 354487 Blk III Steeples SD, within 60 working days of request, the Consent Holder must plant a native vegetation strip of 3 rows of plants at 2.0m intervals along the boundary of Lot 10 DP 354487 Blk III Steeples SD, comprising kōhūhū, ngaio, mahoe, coprosma, manuka and NZ flax.

22.6 If requested by the owner of Lot 4 Deposited Plan 447107, within 60 working days of the request, the Consent Holder must construct a 2.0m high planted bund along the northern side of the mine entrance.

22.7 The Consent Holder must maintain a 2.5m high bund along the southern side of the mine entrance, planted with mahoe, ngaio, coprosma, manuka, NZ flax and kōhūhū.

22.8 The Consent Holder must maintain the vegetation required in conditions 22.2-22.7 for the duration of the consent, applying fertiliser and water, and undertaking weed control and replacing any dead or diseased plants as necessary.

22.9 "Consented and Occupied" means:

In relation to *Lot 3 DP 13269 BLK III Steeples SD*:

- (a) A building consent has been issued for a dwelling on the lot, east of the Okari Road wetland; and
- (b) An area east of the Okari Road wetland is occupied whether or not the dwelling in (a) above has been built.

### **23.0 Term**

23.1 This resource consent expires on 10 May 2032.

#### **NOTES:**

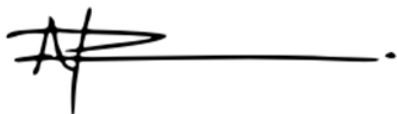
1. A monitoring administration fee of \$100.00 has been included on your consent invoice. Please note that further fees are likely in accordance with Condition 1.6.
2. If you do not understand any or all conditions of this consent, please contact Council's Planning Department of the Buller District Council for clarification before starting work.
3. Pursuant to Section 127(1) of the Resource Management Act 1991, the consent holder may apply to the consent authority for a change or cancellation of any condition of this consent.

#### **REASONS FOR DECISION**

Section 113(4) of the Resource Management Act 1991 requires that every decision on a resource consent that has not been notified shall be in writing and state reasons for the decision.

1. No parties are considered potentially affected by the proposal.
2. RC210051 forms part of the 'existing environment' therefore the effects requiring consideration are only those related to the changes sought. The original decision and associated consent conditions (as amended by consent order and two variations) is relied upon in terms of authorising and defining the site activities.
3. The adverse effects of the proposed new tailings disposal area have been assessed as no more than minor. The area to be infilled is gorse and rough pasture and is not considered to have any ecological value.
4. Neither the proposed tailings infill area or the increased mining footprint is expected to be obvious from off-site locations or public viewing perspectives. The proposed infill area is located on the valley floor between the two dune systems where the coastal dune will provide screening for the closest residential dwellings to the west, Okari Road and the coastline. Similarly, the proposed increase to the working mine footprint is not expected to be readily discernible from off-site locations.
5. The reduced volume of tailings available for reinstatement activities is not expected to affect the ability to reinstate the parabolic dune in accordance with existing General Condition 8.2. which requires reinstatement to a 'similar contour and profile'.
6. WMS have complied with SASM-R6 and obtained written approval from Ngati Waewae for the earthworks associated with development of the Tailings Disposal Area.
7. Other than the specific changes sought, and the consequential amendments, mining and processing activities will continue to remain subject to the existing controls in the form of consent conditions that were imposed through the original consent process to ensure the environmental effects are appropriately managed.
8. The proposal is considered to achieve the sustainable management purpose of the Resource Management Act 1991 and is considered consistent with the objectives and policies of the Buller District Plan and the proposed Te Tai o Poutini Plan.

Please note that a copy of the Planning Officer's Report, which explains further the reasons given above, can be forwarded to you on request and is also available at the Council office to view.

A handwritten signature in black ink, consisting of a stylized initial 'N' followed by a long horizontal line that ends in a small dot.

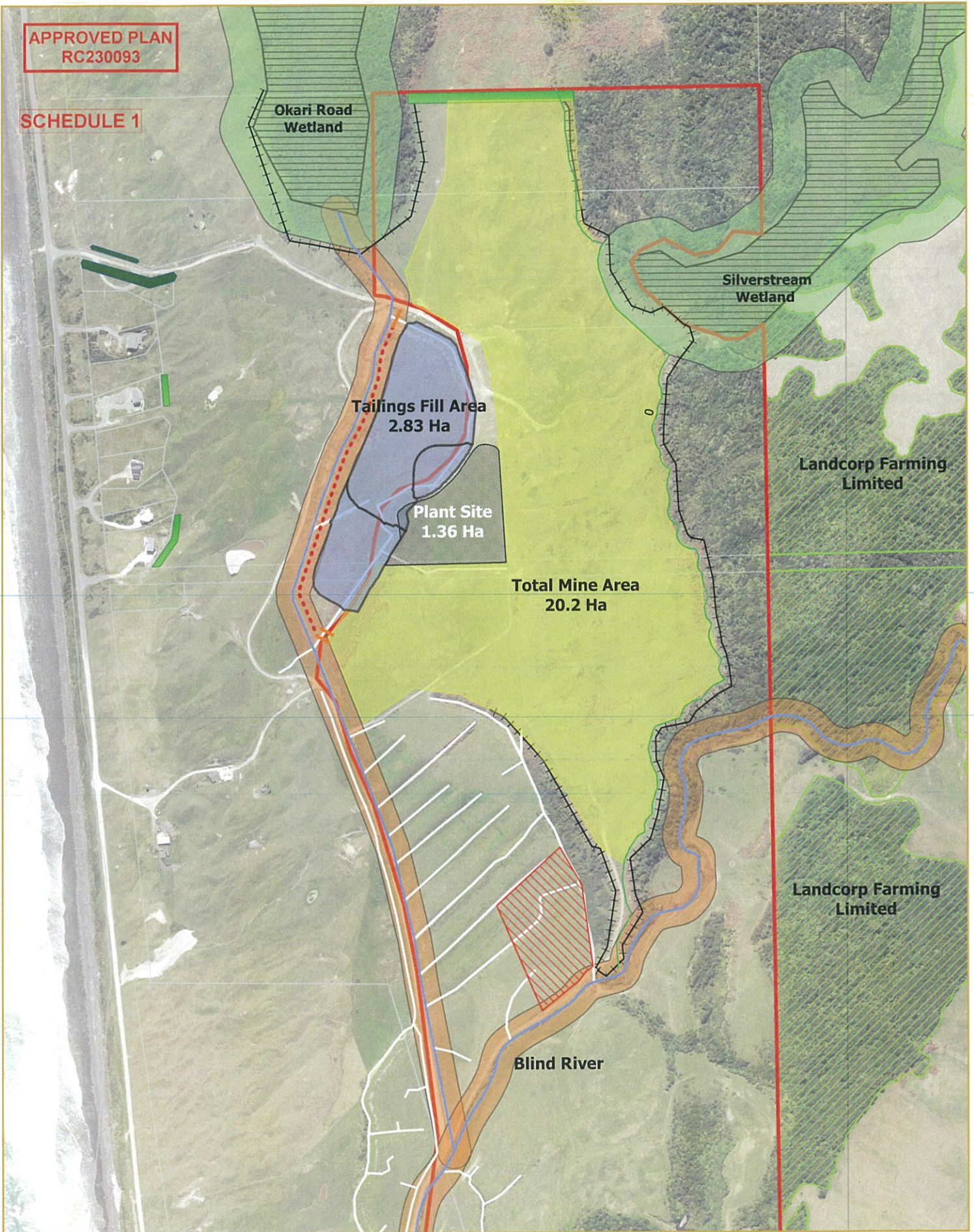
Nathan Riley  
GROUP MANAGER REGULATORY SERVICES  
BULLER DISTRICT COUNCIL

Dated at Westport this 19<sup>th</sup> day of April 2024



**APPROVED PLAN  
RC230093**

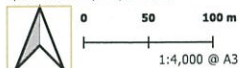
**SCHEDULE 1**



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Updated Site Plan  
Nine Mile

Produced for: WMSL  
by Luke McNeish (TPRL) on 12/03/2024



Projection: WSG84 / NZTM2000  
Background Imagery: ESRI Satellite  
Data Sources: LINZ, Client and/or TPRL Data

**Legend:**

- Plant Site
  - Tailings Fill Area
  - Silt Fence North and South
  - Okari Drain Silt Fence (5m set back)
  - Indigenous Veg - 10m buffer
- Mining Area
  - Archaeological Exclusion
  - Blind River-20m Buffer
  - Blind River
  - Planted Bunds
  - Modified Drains
- Planting
  - Stock Exclusion Fence
  - Wetland 40m Buffer
  - MP 60825
  - Wetlands - Sched 2
  - QEII Covenants
  - Property Boundaries



APPROVED PLAN  
RC230093

SCHEDULE 2

# Final Landform

WMSL Nine Mile



# Introduction

The Cross Sections that follow are from 5 points along the dune from South (Cross Section A) to North (Cross Section F).

They show the pre-mining landform (black line) and final landform (purple).

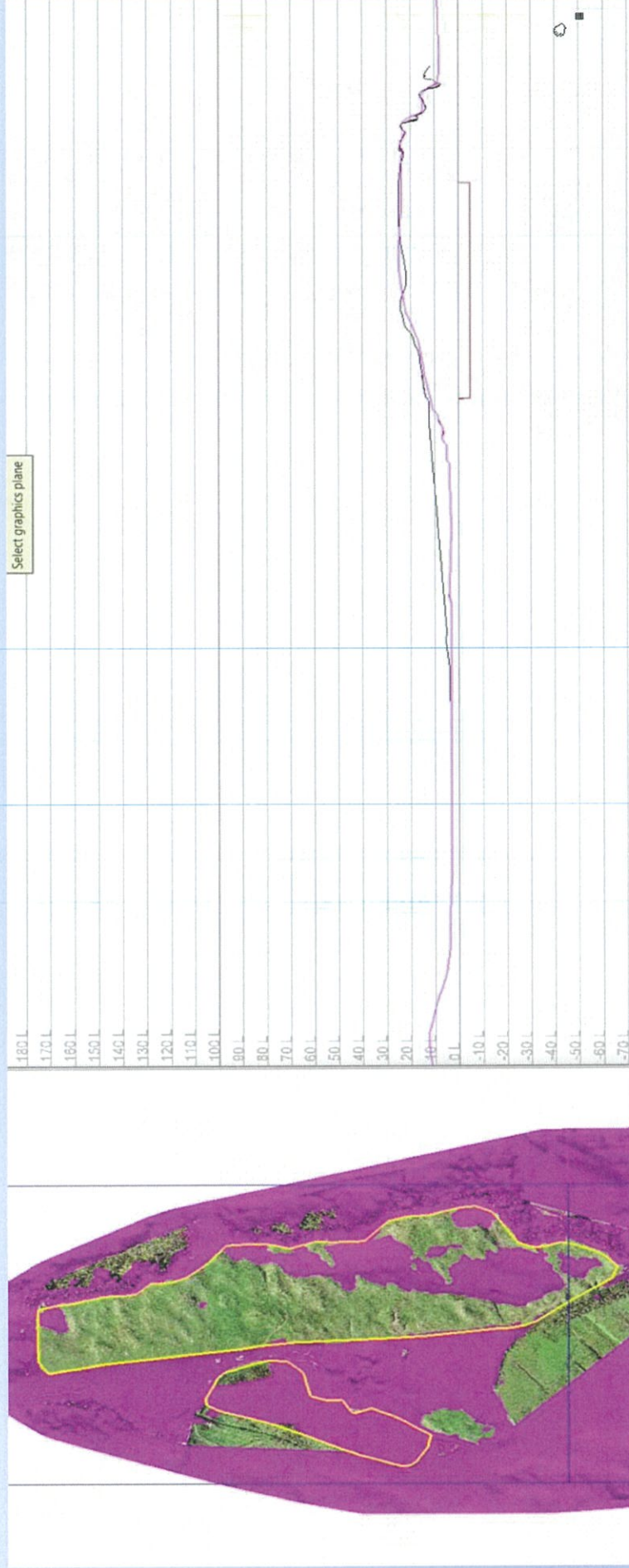
The Red boxes below the cross section show the current extraction area on the right and the gorse paddock on the left.



# Cross Section A

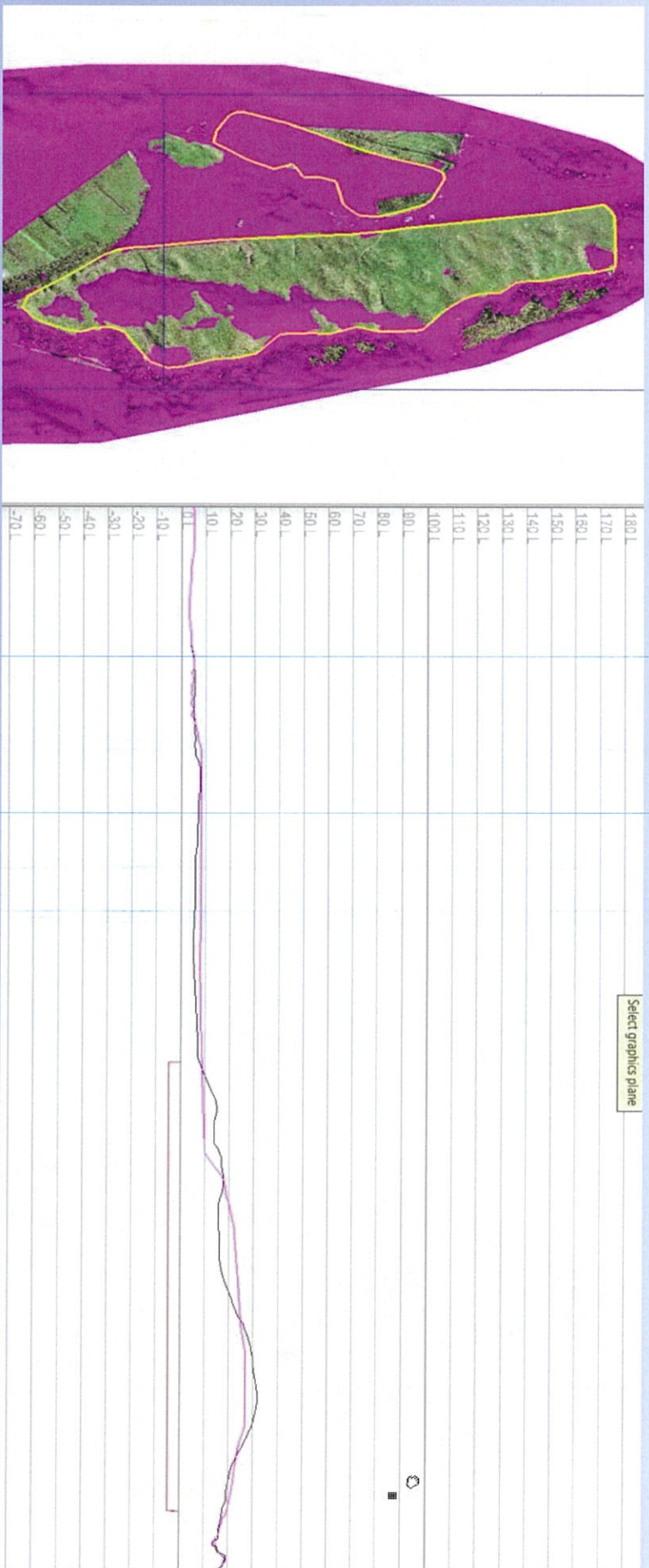
APPROVED PLAN  
RC230093

SCHEDULE 2





# Cross Section B



Select graphics plane

APPROVED PLAN  
RC230093

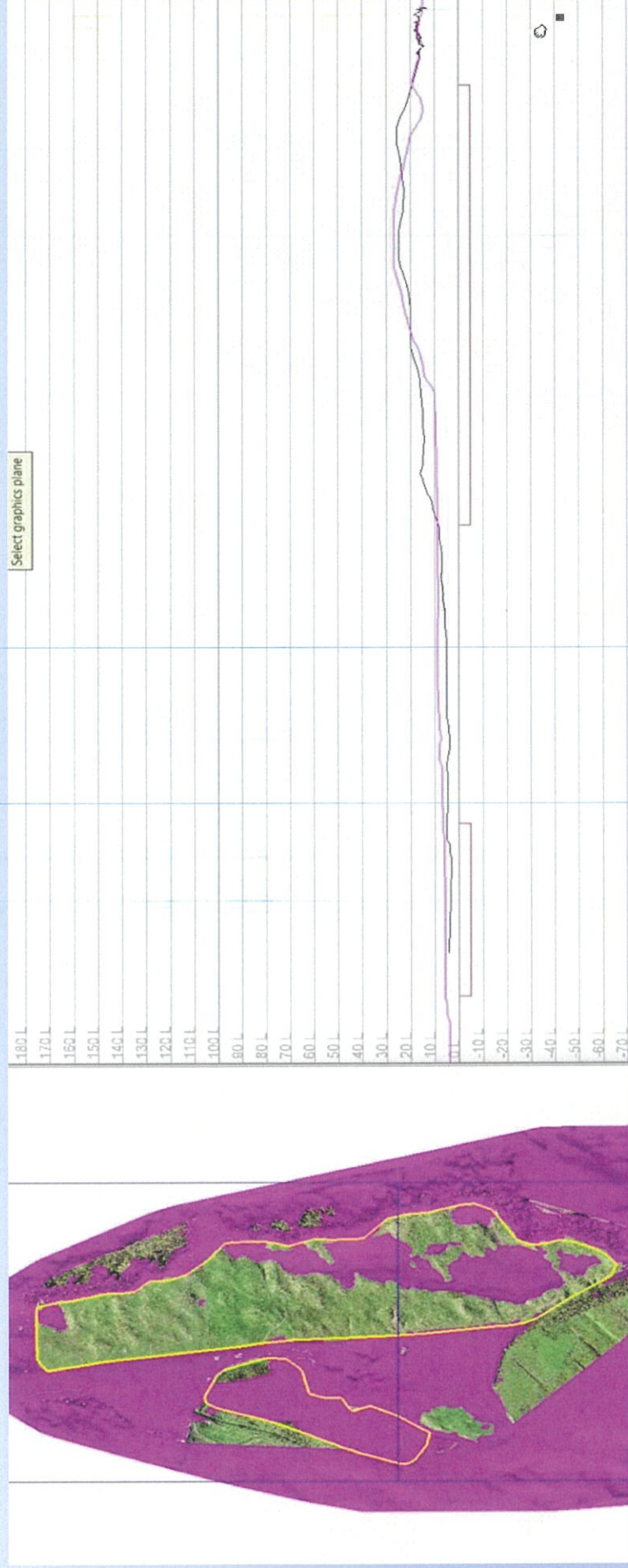
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# Cross Section C

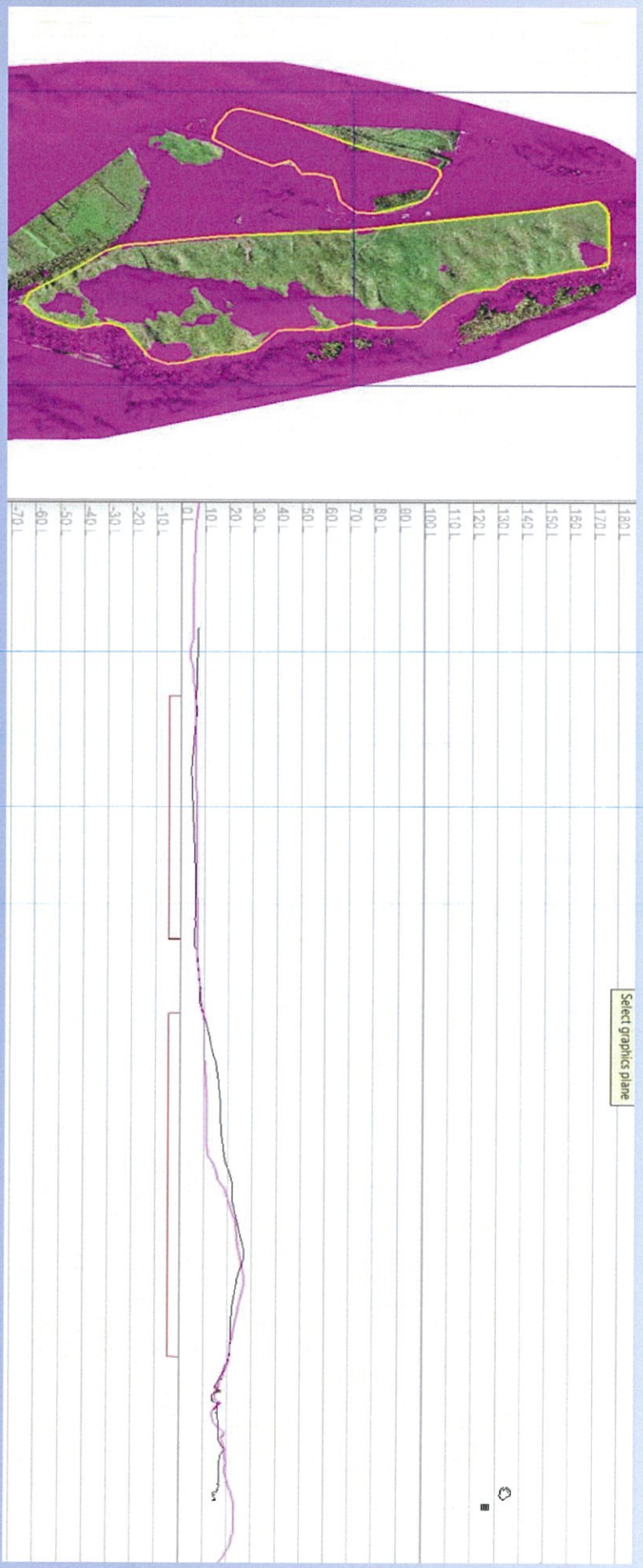
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SCHEDULE 2





# Cross Section D



APPROVED PLAN  
RC230093

SCHEDULE 2



# Cross Section E

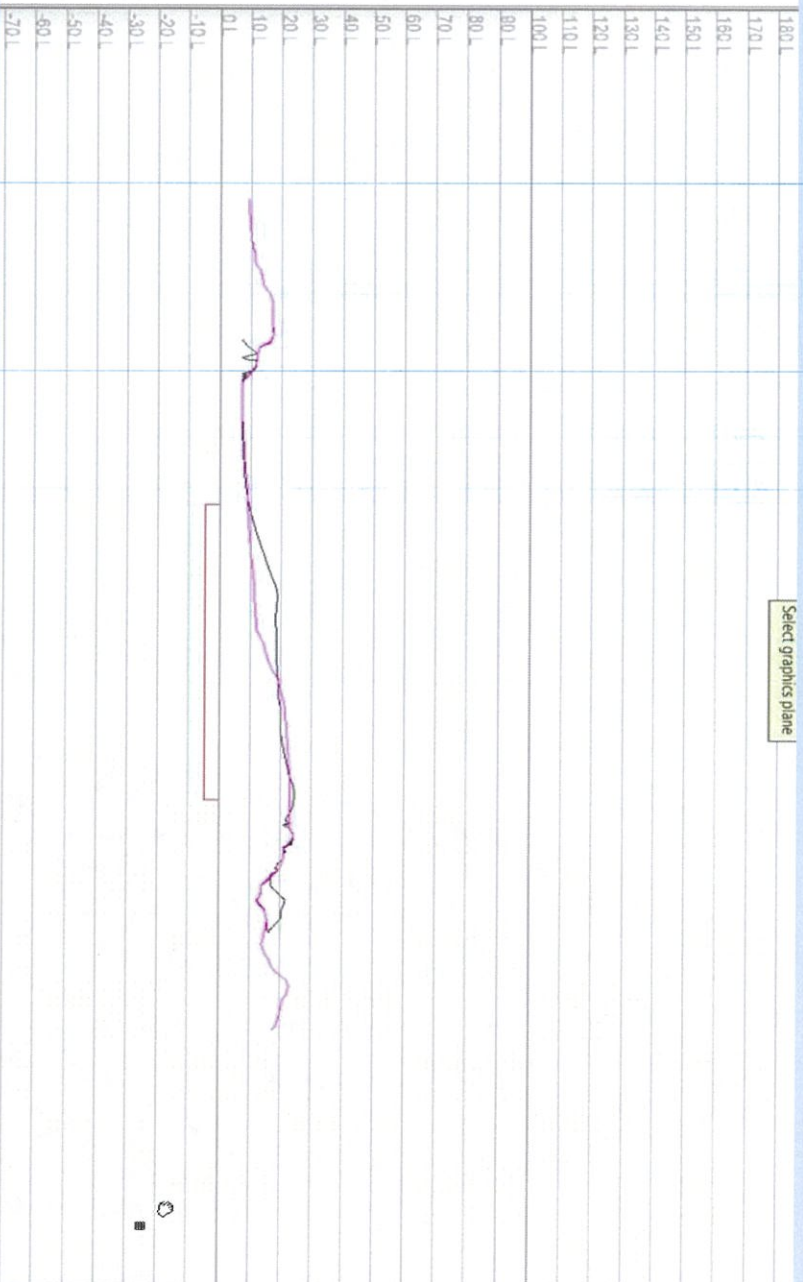
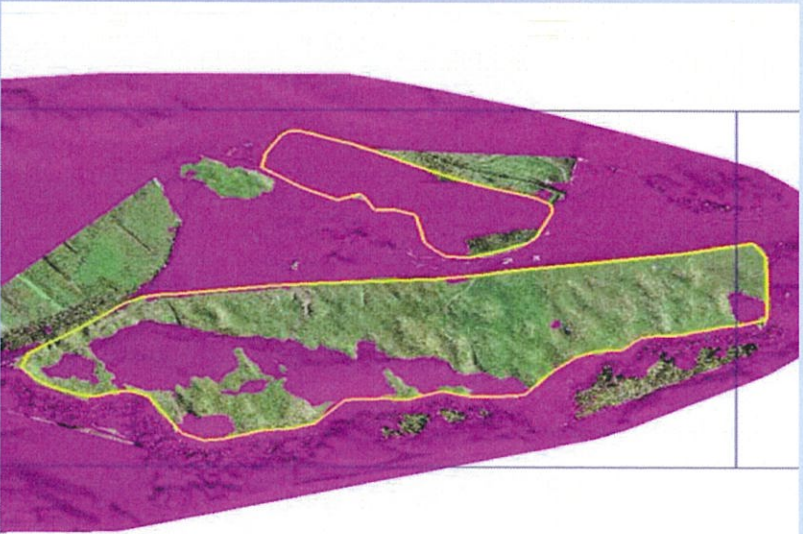
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SCHEDULE 2





# Cross Section F

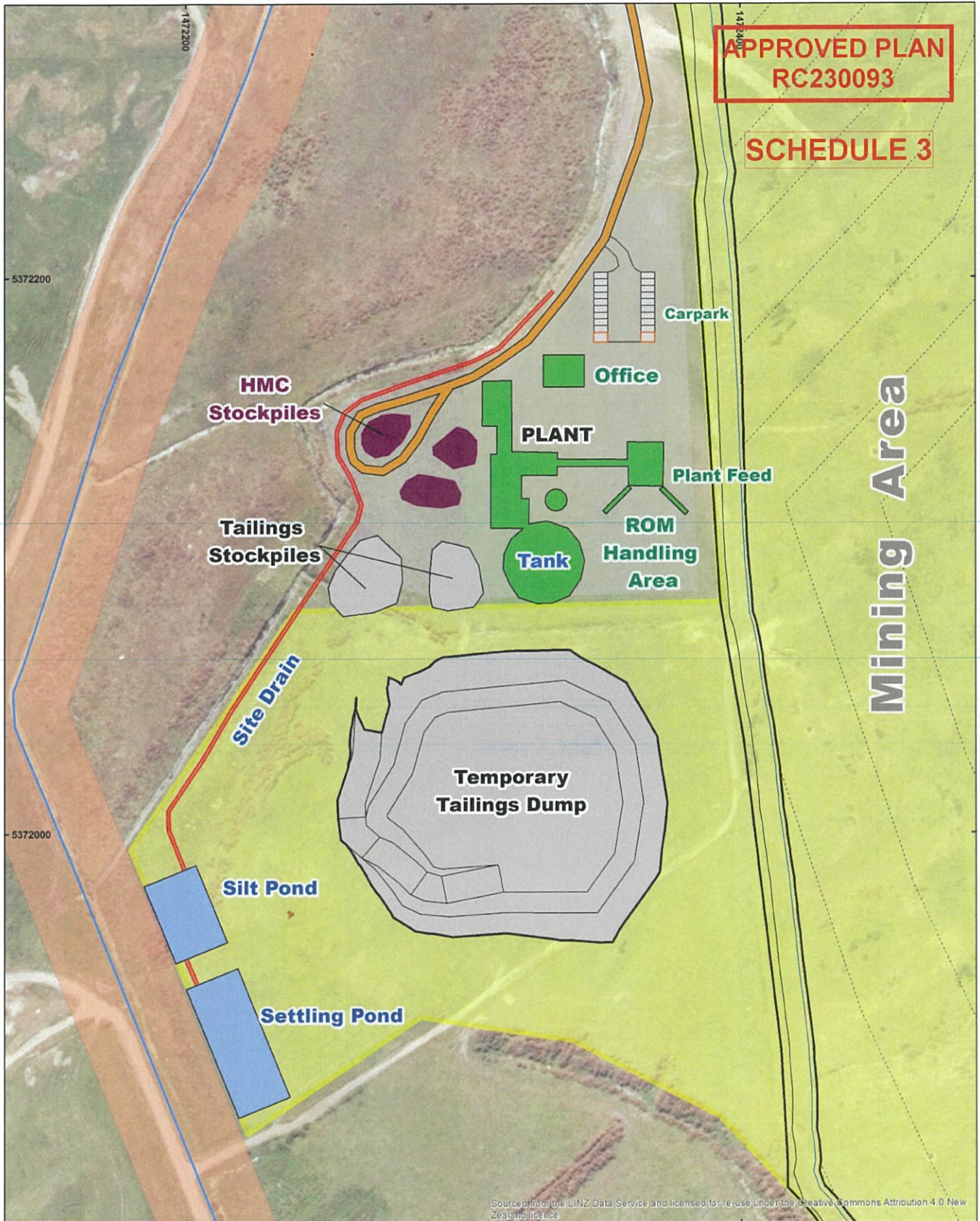


APPROVED PLAN  
RC230093

SCHEDULE 2



# PLANT SITE PLAN - NINE MILE PROJECT



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<p>N</p> <p>NZTM 2000</p>	HMC	Proposed Plant Site	Pit Shell Crest-Toe
	Fixed Plant	Total Mining Area	Bench Top
	Pond	20m Buffer	Bench Base
	Tailings	Site Access Road	Pit Floor

Meters



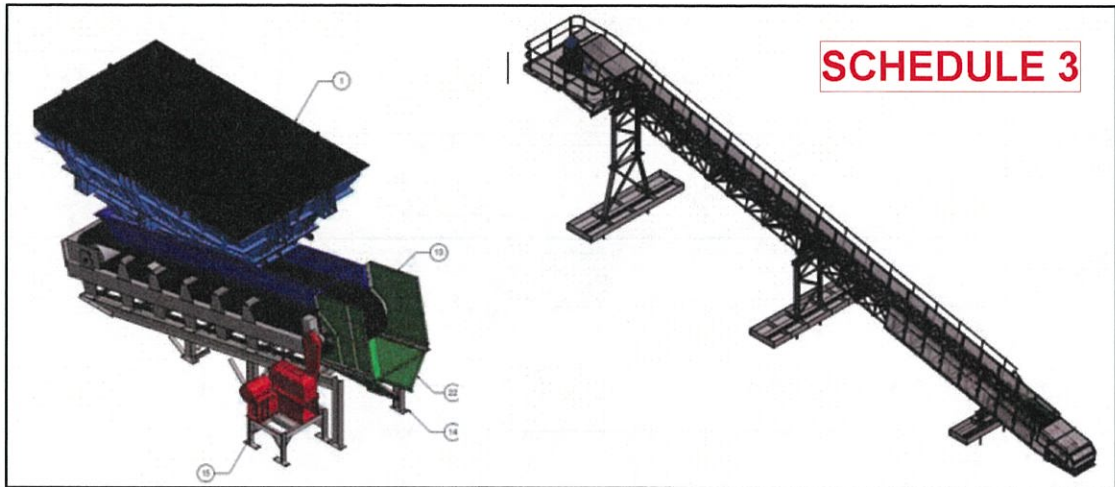


Figure 3: General Arrangement – Feed Hopper (left) & Conveyer to screen (right)

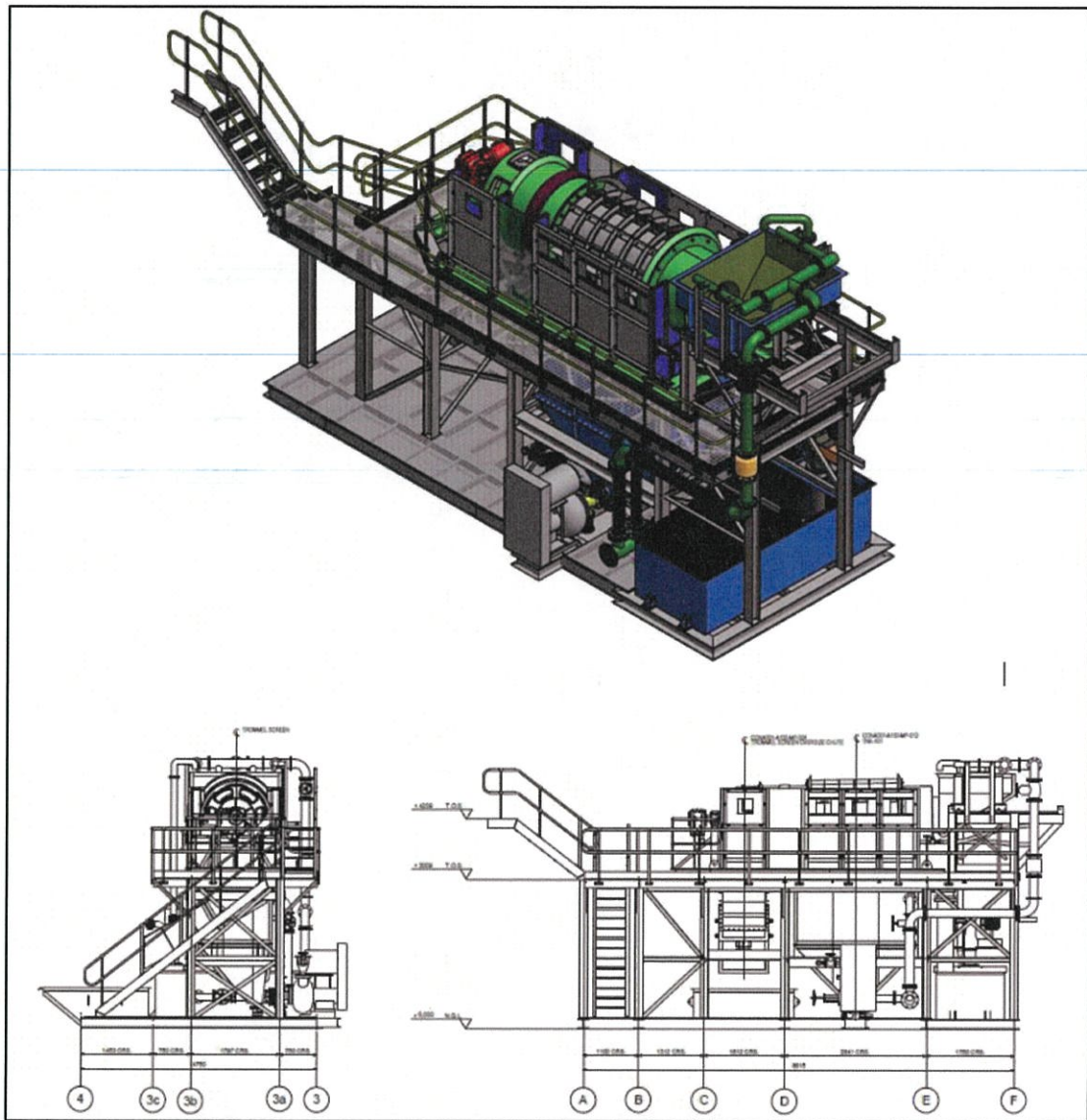


Figure 4: Trommel Screening Area - General Arrangement (Top) and Elevations (Bottom)

SCHEDULE 3

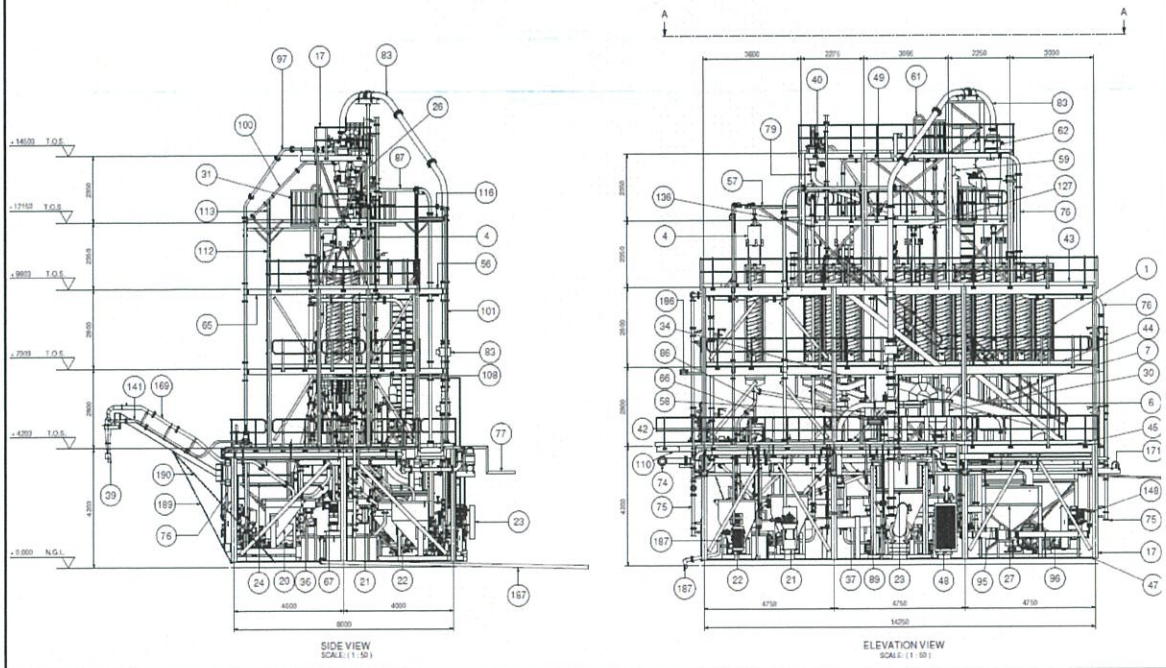
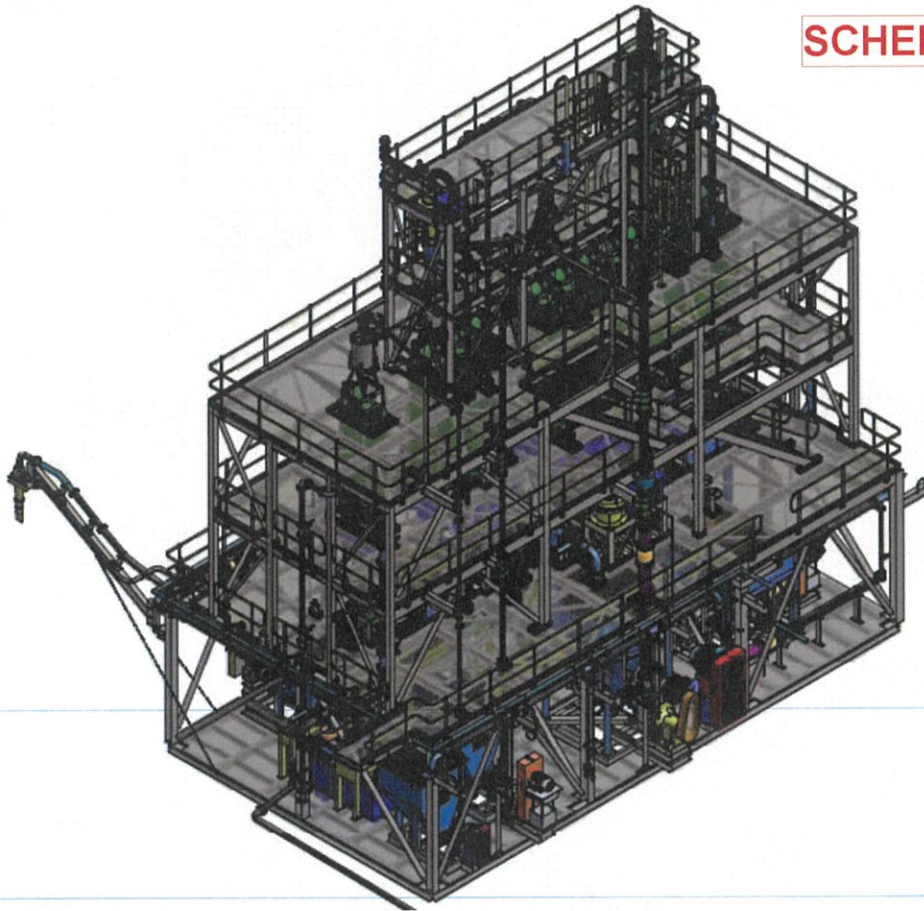


Figure 5: Spiral Unit General Arrangement (Top) and Elevations (Bottom)



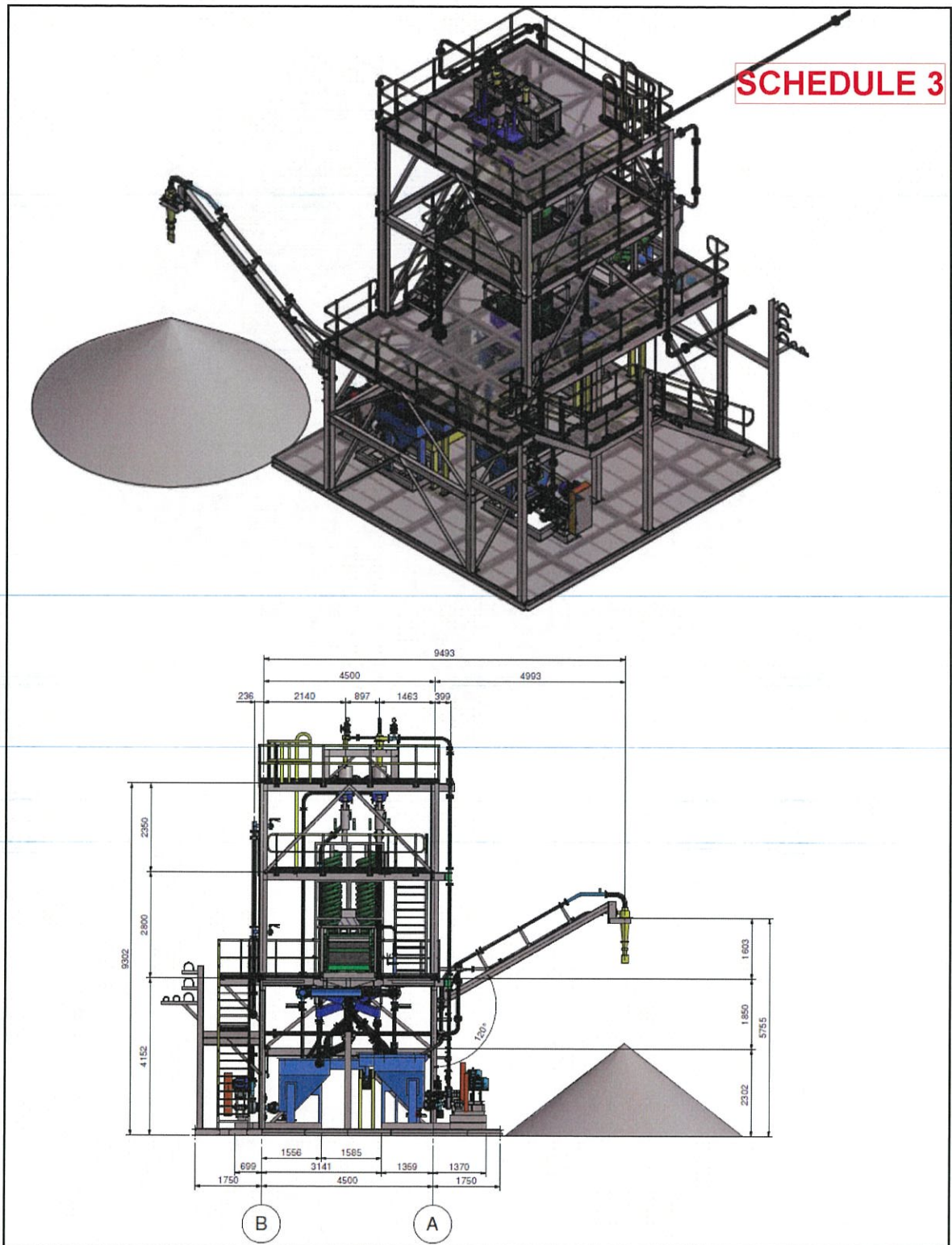


Figure 6: HMC Upgrade Unit General arrangement (Top) and Elevation (Bottom)

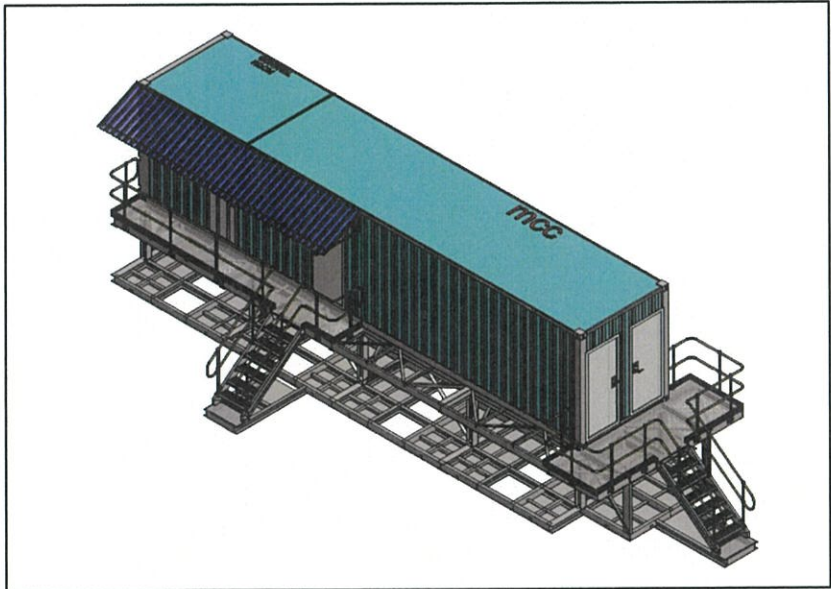
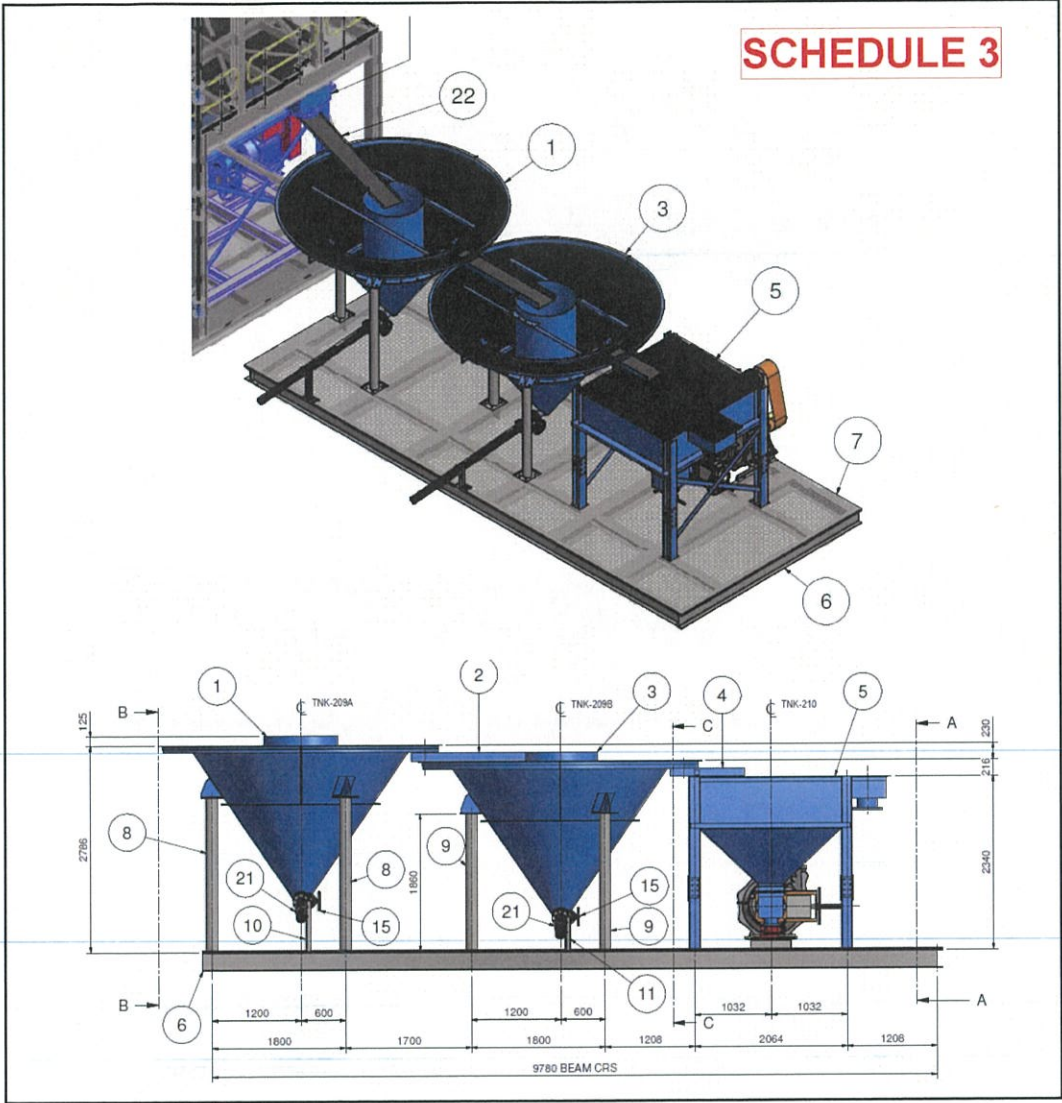
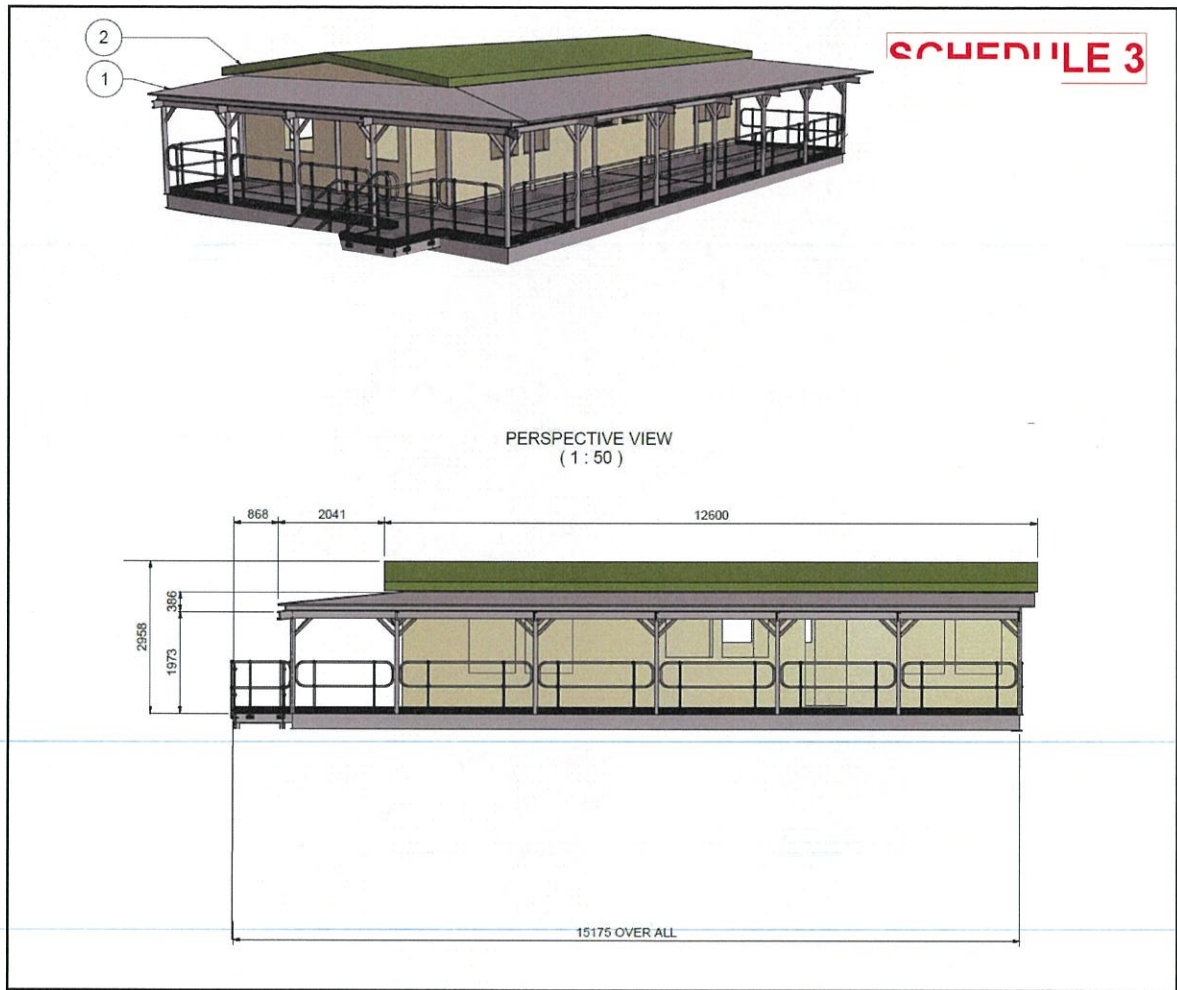


Figure 8: Control Room and MCC General Arrangement

**APPROVED PLAN  
RC230093**



*Figure 9: Site Office General Arrangement (Top) and Elevation (Bottom)*



APPROVED PLAN  
RC230093

SCHEDULE 4

160m Visibility Splay

90m Deceleration Lane

Scale: 1/1,000

160m Visibility Splay

Retain Existing Radius  
& Tie-in Location

3.0m Lane Width

R15m

Scale: 1/500

3.0m Lane Width

R15m

Scale: 1/500



Novo Group Limited  
PO Box 365  
Christchurch 8014  
NovoGroup.co.nz

# Westland Mineral Sands Ltd. Cape Foulwind

## Okari Road Access Arrangement

Draft for Comment

746-002 - Okari Road - Rev A

Drawing:

Sheet

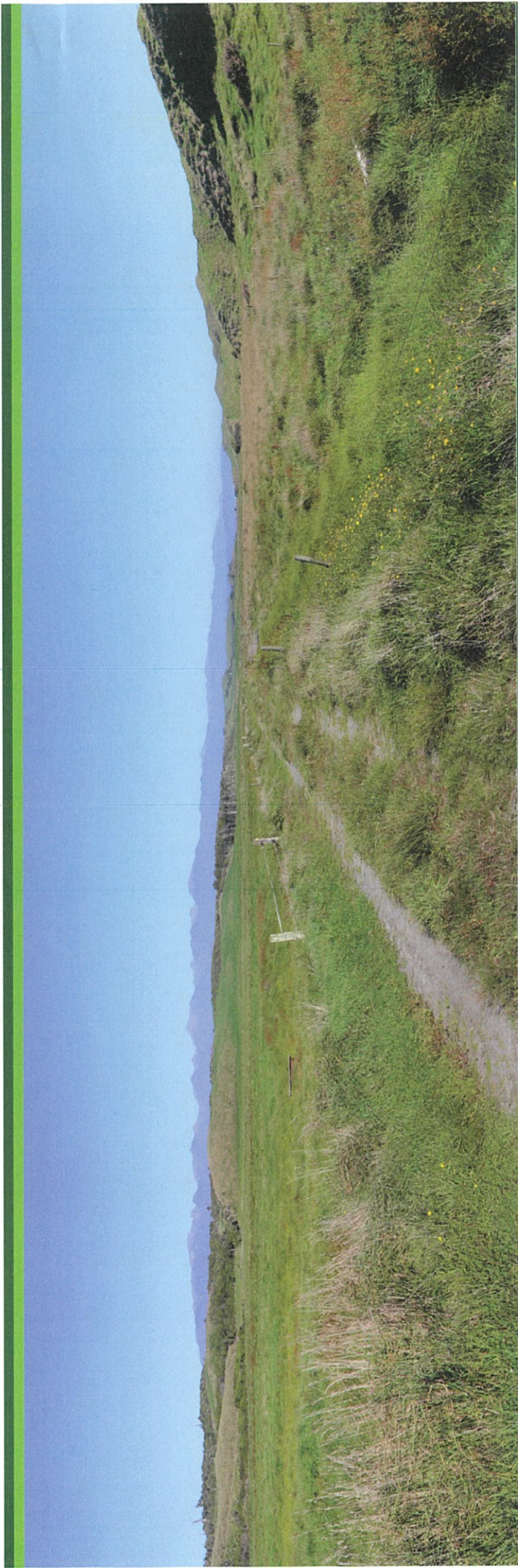
SK1001-A

Scale @A3 As Shown  
Date 25/06/2021  
By N Fuller  
Project #746-002





# NINE MILE BEACH MINERAL SANDS CAPE FOULWIND, BULLER



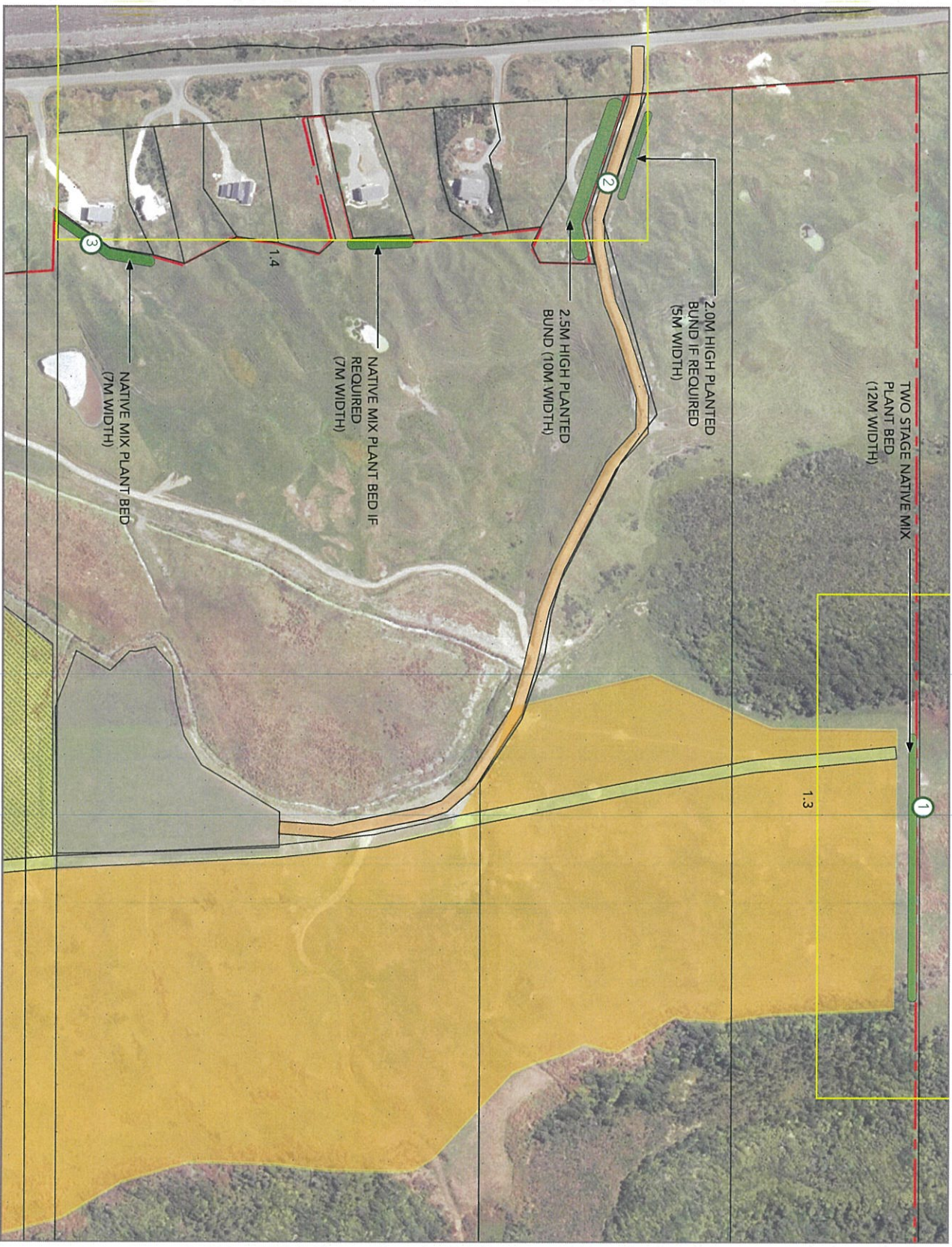
STATEMENT OF EVIDENCE BY CHRISTOPHER RAYMOND GLASSON  
MITIGATION STRATEGY, REV K

05 APRIL 2022



# 1.1 MITIGATION PLAN & CONTEXT

**APPROVED PLAN**  
RC230093



**KEY:**

- Planting
- 1:1500 Plans (See 1.3 and 1.4)
- Mine Site Boundary

**SCHEDULE 5**

**Planting Plans (1.2):**

- ① Northern Boundary planting
- ② Mine Entrance Road Bunds
- ③ Planting adjacent to Diskin House

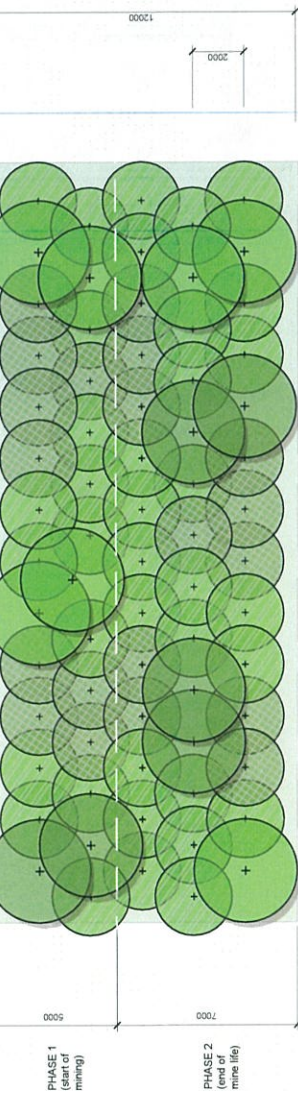




# 1.2 INDICATIVE PLANTING PLANS

## SCHEDULE 5

Key: Planted bed Bund

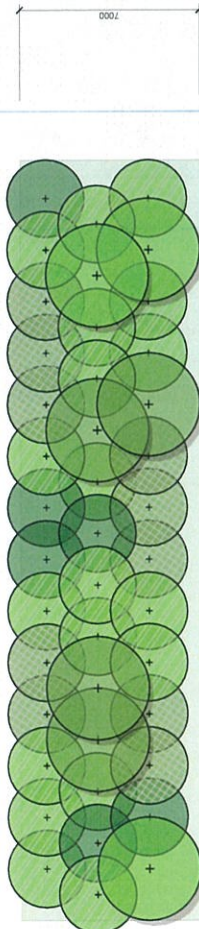


PHASE 1  
(start of mining)

PHASE 2  
(end of mine life)

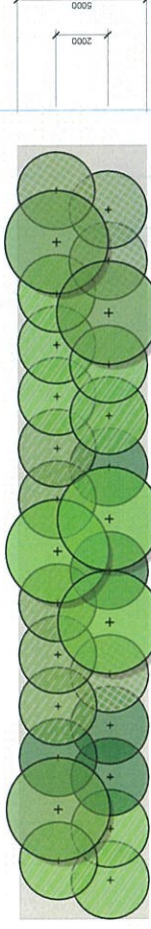
1 Northern boundary planting (Typical)

- M. laetum* Ngaio
- P. tenax* NZ Flax
- C. repens* Taupata



3 Resident boundary planting (Typical)

- L. scoparium* Manuka
- M. laetum* Ngaio
- P. tenax* NZ Flax
- C. repens* Taupata
- D. viscosa* Akeake
- M. ramiflorus* Mahoe



2 Northern entrance bund & planting (Typical)

- L. scoparium* Manuka
- M. laetum* Ngaio
- P. tenax* NZ Flax
- C. repens* Taupata
- D. viscosa* Akeake
- M. ramiflorus* Mahoe

### Plant Species:



NGAIO  
*Myoporum laetum*



MANUKA  
*Leptospermum scoparium*



TAUPATA  
*Coprosma repens*



MAHOE  
*Melicytus ramiflorus*



NZ FLAX  
*Phormium tenax*



AKEAKE  
*Dodonaea viscosa*

### Estimated Growth Rates:

Year	Native Plant Height (average)
July 2022	0.5m
July 2023	1.3m
July 2024	2.1m
July 2025	2.9m
February 2026	3.7m





# 1.3 NORTHERN BOUNDARY PLANTING

APPROVED PLAN  
RC2330093




**SCHEDULE 5**



**KEY:**

- Native mix planting
- ① Burgess Residence
- ② Wilson-Nicholson Build Site
- Section (see 1.5)
- - - Mine Site Boundary

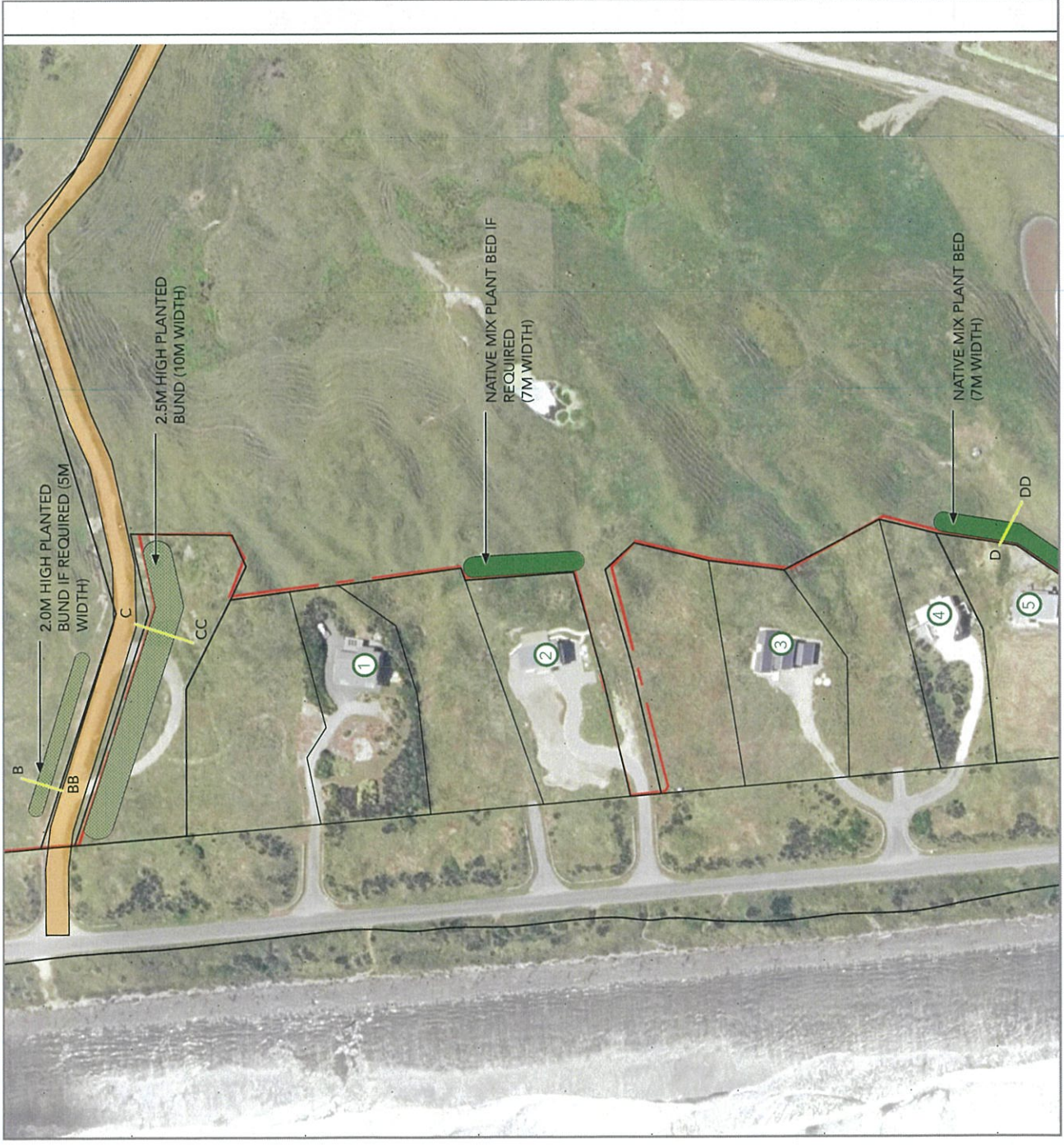
**Plant Species:**

 <p><b>MAHOE</b> <i>Meliccytus ramiflorus</i></p>	 <p><b>NGAILO</b> <i>Myoporum laetum</i></p>	 <p><b>COPROSMA</b> <i>Coprosma propinqua</i></p>	 <p><b>TAUPATA</b> <i>Coprosma repens</i></p>
 <p><b>NZ FLAX</b> <i>Phormium tenax</i></p>	 <p><b>AKEAKE</b> <i>Dodonaea viscosa</i></p>		





# 1.4 ENTRANCE ROAD BUND AND MITIGATION PLANTING









**KEY:**

- Planting
- ① **R. Higgins House**  
222451 (Lot 3 Deposited Plan 354487)  
0.2895 Ha
- ② **T. & C. Lang House**  
222453 (Lot 5 Deposited Plan 354487)  
0.2853 Ha
- ③ **T. Gane House**  
222455 (Lot 7 Deposited Plan 354487)  
0.2905 Ha
- ④ **K. & B. Gillard House**  
222457 (Lot 9 Deposited Plan 354487)  
0.1971 Ha
- ⑤ **T. Diskin House**  
222458 (Lot 10 Deposited Plan 354487)  
0.3272 Ha

— Bund Section (see 1.5 & 1.6)  
— Mine Site Boundary  
▭ Site Access Road

**Plant Species:**

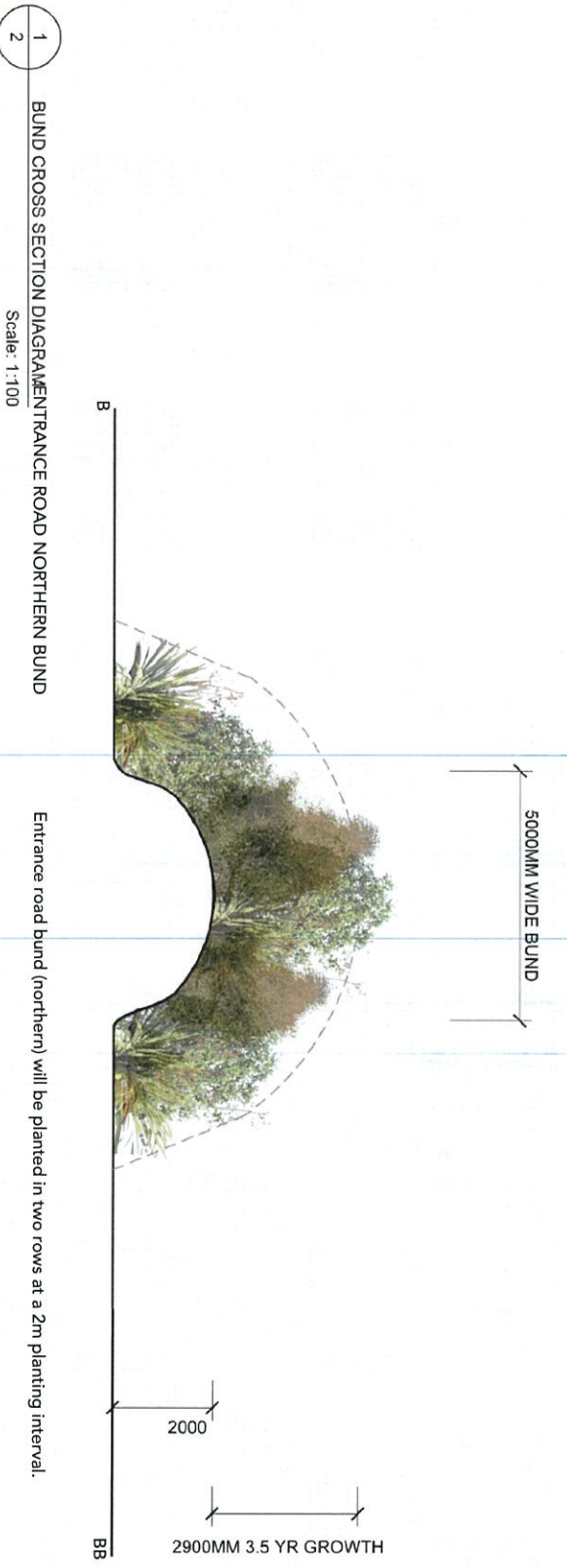
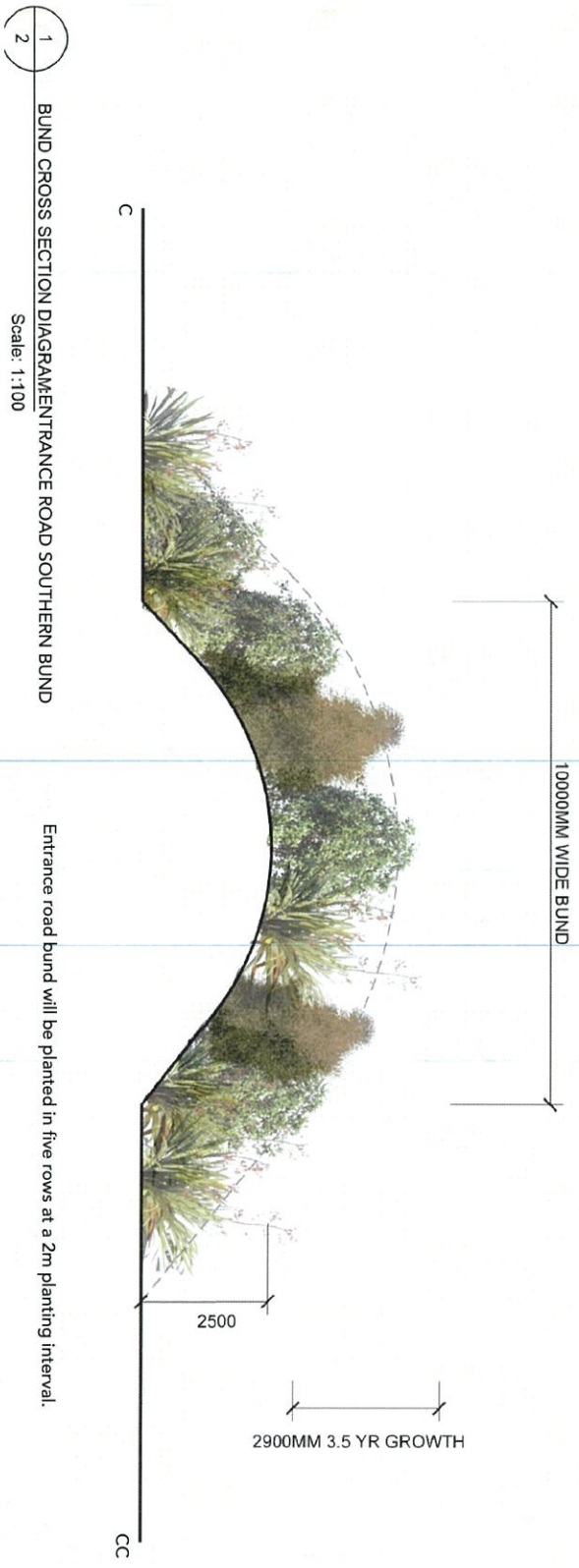
	<b>MAHOE</b> <i>Melicoccus ramiflorus</i>		<b>TAUPATA</b> <i>Coprosma repens</i>
	<b>NGAIO</b> <i>Myoporum laetum</i>		<b>COPROSMA</b> <i>Coprosma propinqua</i>
	<b>NZ FLAX</b> <i>Phormium tenax</i>		<b>AKEAKE</b> <i>Dodonaea viscosa</i>



# 1.5 PLANTING BUND SECTIONS

**APPROVED PLAN**  
RC230093

**SCHEDULE 5**



**SCHEDULE 5**

Plant Species:



**NGAIO**  
*Myoporum laetum*



**COPROSMA**  
*Coprosma propinqua*



**TAUPATA**  
*Coprosma repens*



**MAHOE**  
*Meliccytus ramiflorus*



**NZ FLAX**  
*Phormium tenax*

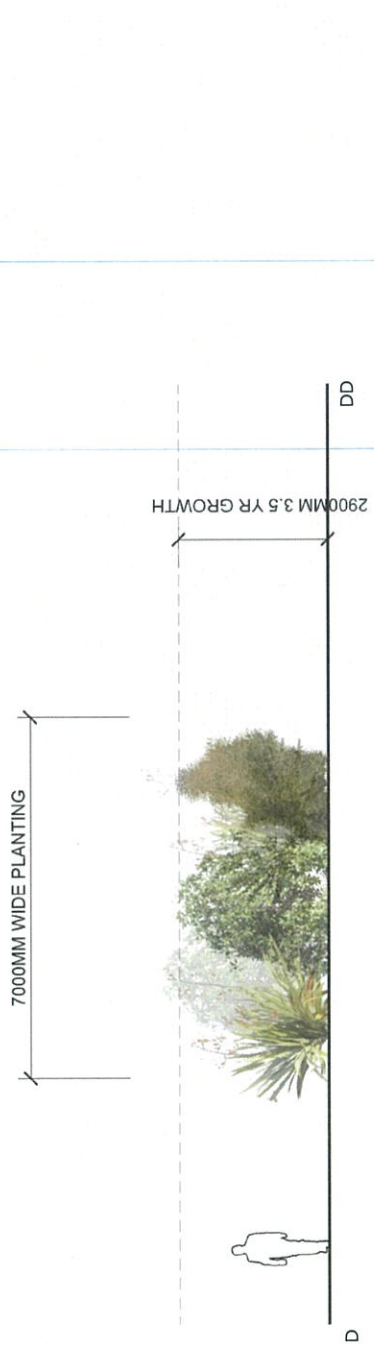


**AKEAKE**  
*Dodonaea viscosa*

**Estimated Growth Rates:**

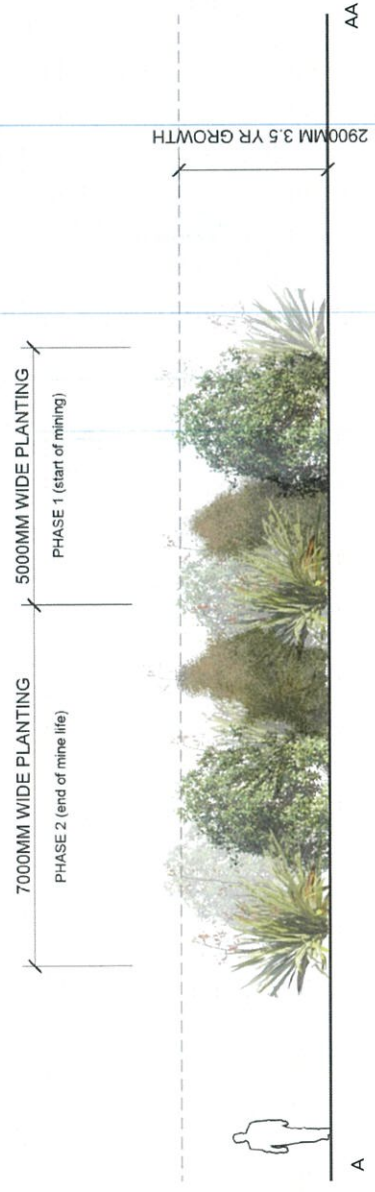
Year	Native Plant Height (average)
July 2022	0.5m
July 2023	1.3m
July 2024	2.1m
July 2025	2.9m
February 2026	3.7m

**1.6 DISKIN BORDER PLANTING SECTIONS**



Diskin border planting will be planted in three rows at a 2m planting interval.

**1**  
**1** PLANTING CROSS SECTION DIAGRAM 1: DISKIN ADJACENT PLANTING  
Scale: 1:100



Northern boundary planting will be made in two phases; first phase at the start of mining and phase two at the end of mine life when the acoustic bund (pending) is removed.

**2**  
**2** PLANTING CROSS SECTION DIAGRAM 2: NORTHERN BOUNDARY PLANTING  
Scale: 1:100



SCALE: 1: 100@ A3





388 Main South Rd, Paroa  
P.O. Box 66, Greymouth 7840  
The West Coast, New Zealand  
Telephone (03) 768 0466  
Toll free 0508 800 118  
Email [info@wcr.govt.nz](mailto:info@wcr.govt.nz)  
[www.wcr.govt.nz](http://www.wcr.govt.nz)

23 April 2024

Westland Mineral Sands Co.  
PO Box 89  
HANMER SPRINGS 7360

Enquiries to: Michael Durand  
Our Ref: RC-2023-0149

Dear Sir/Madam

**Westland Mineral Sands Co.**  
**RESOURCE CONSENT FILE NUMBER RC-2023-0149**  
**LAND USE CONSENT RC-2023-0149-01**  
**DISCHARGE PERMIT RC-2023-0149-02**  
**NESFW RCF-2023-0149-03**

---

By delegated authority of Council you are advised that the above application for resource consent has been granted.

Please note that this letter is not the actual resource consent document (refer to Objection and Costs Sections at end of the letter).

## **DECISION**

Pursuant to Sections 104, 104B and 105 of the Resource Management Act 1991, a Land Use Consent, Discharge Permit and consent under the NES Freshwater have been granted to Westland Minerals Sands Co. for the term and purposes described below and subject to the following conditions.

## **PURPOSE OF RESOURCE CONSENT**

<b>Consent No</b>	<b>Consent Type</b>	<b>Activity / Location</b>
RC-2023-0149-01	Land Use Consent	To undertake earthworks associated with mineral sands mining and associated activities, Okari/Nine Mile.
RC-2023-0149-02	Discharge Permit	To discharge contaminants (sediment) to land associated with mineral sand mining, Okari/Nine Mile.
RC-2023-0149-03	NESFW	The taking, use, damming, diversion or discharge of water within 100m of a natural wetland associated with mineral sand mining, Okari/ Nine Mile.

## **LOCATION**

Nine Mile, Cape Foulwind

## MAP REFERENCE

At or about NZTM E1472410 N5372103

## General Conditions for BDC and WCRC

### 1.0 General

- 1.1 On written notice from the Consent Holder to the Buller District Council and the West Coast Regional Council, this resource consent replaces RC210051 and any subsequent version, and RC-2021-0095 and any subsequent version.

*Advice Note: Condition 1.1 constitutes surrender of RC210051 and RC-2021-0095 under Section 138 of the Resource Management Act.*

- 1.2 Notwithstanding condition 1.1, from the first exercise of this resource consent, the Consent Holder must carry out the mineral sand mining activities in general accordance with:
- a) application RC210051 made to the Buller District Council except as modified by:
    - applications RC210051A and RC210051B made to the Buller District Council, including further information supplied during processing; and
    - application RC230093 made to the Buller District Council, including further information supplied during processing;
  - b) application RC-2021-0095 made to the West Coast Regional Council except as modified by:
    - application RC-2021-0095V1 made to the West Coast Regional Council, including further information supplied during processing; and
    - application RC-2023-0149 made to the West Coast Regional Council, including further information supplied during processing
  - c) for no more than 2 calendar months after the first exercise of this resource consent, any Annual Work Programme and any Management Plan certified under RC210051B and RC-2021-0095V1;
  - d) from 2 calendar months after the first exercise of this resource consent onwards, any Annual Work Programme and any Management Plan certified under this resource consent;
  - e) the following plans and diagrams attached to this resource consent:
    - "Updated Site Plan Nine Mile" dated 12/3/2024 (Schedule 1)
    - "Final Landform WMSL Nine Mile" dated 7/3/2024 (Schedule 2)
    - "Plant Site Plan – Nine Mile Project" dated 18 March 2022 (Schedule 3)
    - Waka Kotahi NZTA Diagram D for a 100km/hr speed environment (Schedule 4)
    - Plantings Site Plan dated 5/4/2022 (Schedule 5)
    - Water Monitoring Locations Plan (Schedule 6)

*Advice note: Should an application be made for a change or cancellation of condition to RC230093 or RC-2023-0149 under s127 in the future, the Buller District Council and West Coast Regional Council may consider submitters on the original resource consent applications RC210051 and RC-2021-0095 when determining who is adversely affected by the proposed change or cancellation.*

- 1.3 The total area of mineral extraction must not exceed 20.2 ha.
- 1.4 The total area of tailings disposal, outside of the area of mineral extraction, must not exceed 2.83ha.

- 1.5 The Consent Holder must ensure all key staff and contractors are made aware of, and have access to, the resource consent conditions prior to the commencement of mining. A copy of these documents must also be readily available on-site.
- 1.6 All actual and reasonable costs incurred by the Consent Authorities in monitoring, enforcement and administration of this resource consent must be met by the Consent Holder.
- 1.7 At all times an Accountable Person employed by the Consent Holder must be responsible for compliance with all conditions of these consents. The Accountable Person must be based on-site for a minimum of 4 hours per day, for three days per week. The Accountable Person must:
  - a) Review, submit and ensure compliance with all management plans listed in the conditions of these consents;
  - b) Ensure there is another person who can provide cover in the event they are sick or unavailable, and to provide for succession ('Nominated Cover Person');
  - c) Be the point of contact between the Consent Holder, the Consent Authorities, the Community Liaison Group (required by Condition 10.0) and the community generally, and pro-actively engage with these parties as required under these consents;
  - d) Deliver on reporting requirements required by the conditions of these consents.
- 1.8 The Consent Authorities must be advised of the name and contact details of the Accountable Person and the Nominated Cover Person. In the event that the Accountable Person or Nominated Cover Person change, the Consent Authorities must be notified.
- 1.9 A sign must be erected at the property boundary adjacent to the access road, which provides the name and contact details of the Accountable Person and Nominated Cover Person required to be appointed under Condition 1.7.

## **2.0 Notification**

- 2.1 The Consent Holder must, at least 5 working days prior to works ceasing on-site, notify the Consent Authorities of the intended completion of final mine closure rehabilitation activities.

## **3.0 Review of Conditions**

- 3.1 Pursuant to Section 128(1) of the Act, the Consent Authorities may review any of the conditions of these consents by serving notice on the Consent Holder within a period of 60 working days, commencing on each anniversary of the date of commencement of these consents for any of the following purposes:
  - a) To deal with any adverse effect on the environment which may arise from the exercise of the consent and which it is appropriate to deal with at a later stage, including any material elevation of noise levels associated with the mining or processing operation, including for extended periods of time, which was not anticipated by noise modelling informing the resource consent conditions.
  - b) To assess the appropriateness of imposed compliance standards, monitoring parameters, monitoring regimes and monitoring frequencies and to alter these accordingly.
  - c) To ensure that any management plan required by these conditions gives effect to conditions of these consents.

## **4.0 Bond Conditions**

- 4.1 The Consent Holder must provide and maintain in favour of the Consent Authority a bond to secure compliance by the Consent Holder with all the conditions of these consents, including the completion of all final mine closure activities required by these consents and to avoid,

remedy or mitigate any adverse effects on the environment arising as a result of the exercise of these consents.

- 4.2 The payment of the bond quantum by the Consent Holder, as required by Condition 4.4 must either be:
  - a) A bond in favour of the Consent Authority for the guarantee sum in a form and executed by a surety acceptable to the Consent Authority; or
  - b) A cash bond deposited with and held in a bank account by the Consent Authority
- 4.3 Where a bond is guaranteed in accordance with Condition 4.2 a), the guarantor must bind itself to pay up to the bond quantum for the carrying out and completion of all obligations of the Consent Holder under the bond.
- 4.4 The bond (as set at any time under Condition 4.1) must be held or remain in full force and effect throughout the term of these consents and until all conditions under these consents have been performed unless otherwise agreed by the Consent Authority.
- 4.5 The amount of the bond must be \$100,000.00 (one hundred thousand dollars).
- 4.6 The amount of the bond may be inflation adjusted annually, if requested by the Consent Authority, by the movement of the CPI relative to the CPI at the date when the bond is first provided.
- 4.7 The Consent Holder will not exercise or must cease exercising these consents:
  - a) Until the bond required by Condition 4.1 has been fully executed by the Consent Holder and guarantor, or has been deposited with the Consent Authority, or
  - b) In respect of any inflation adjusted bond referred to in Condition 4.6, after 30 working days have expired from the date the Consent Holder was notified of the terms of the inflation adjusted bond by the Consent Authority unless the inflation adjusted bond has been executed with the Consent Authority by the Consent Holder and guarantor, or has been deposited with the Consent Authority; or
  - c) In respect of any bond sum changed or reviewed pursuant to Sections 127 or 128 of the Act, after thirty 30 working days have expired from the date the Consent Holder was notified of the decision of the changed or reviewed bond by the Consent Authority unless the changed or reviewed bond has been executed with the Consent Authority by the Consent Holder and guarantor, or has been deposited with the Consent Authority, or
  - d) If, during the term of these consents, the whole or any part of the bond is required to be used for the carrying out and completion of all obligations of the Consent Holder under the bond, unless the full bond has been executed with the Consent Authority by the Consent Holder and guarantor, or has been deposited with the Consent Authority.
- 4.8 The Consent Holder must complete such work requested in respect of which any bond or deposit is held, within the time period nominated by the Consent Authority's written request.
- 4.9 If the consents are transferred in part or whole to another party or person, the bond must continue until any outstanding work at the date of transfer is completed to ensure compliance with the conditions of these consents, unless the Consent Authority are satisfied adequate provisions have been made to transfer the liability to the new Consent Holder.
- 4.10 In the event of any such transfer of the consents, the Consent Holder must ensure that the transfer provides a replacement bond to the Consent Authority on the terms required by the Bond Conditions.



## 5.0 Annual Work Programme

- 5.1 Before exercising these consents, the Consent Holder must submit a programme of work ("Annual Work Plan") to the Consent Authorities for certification and thereafter submit an Annual Work Plan prior to each anniversary of the date of commencement of these consents, which details:
- The proposed works to be carried out over the next 12 months including:
    - Equipment to be used;
    - Areas of topsoil and overburden stripping and stockpile locations;
    - New areas of land disturbance that will be mined;
    - Access tracks;
    - Drill/prospecting sites and other tracks to be constructed;
    - Any works within the tailings disposal area; and
    - Any other site works within the consent area.
  - The approximate open volume of the working pit at the start of the year including depth of excavations and the area of the working pit.
  - The progressive rehabilitation works to be carried out over the next 12 months including:
    - Areas of unrestored land (i.e. all land not finally topsoiled and revegetated) at the beginning of the new year;
    - The area that will be fully rehabilitated during the forthcoming year;
    - Maximum slope angles, bench heights and widths of recontoured ground, if applicable; and
    - Rehabilitation method and technique including replacement of topsoil and vegetation cover.
  - Description of measures to prevent adverse effects on natural waters, including drainage works within the consent area, and the collection and treatment of site run-off before discharge to land.
  - Measures that must be adopted to ensure soil conservation and slope stability are controlled;
  - A description and analysis of any unexpected adverse effects that have arisen as a result of activities within the last 12 months, and the steps taken to address the adverse effect.
- 5.2 The following plans, reports and results of monitoring must also be submitted as part of the Annual Work Programme:
- A detailed plan or aerial photograph showing:
    - The open working area at the start of the year;
    - Proposed mine path for the forthcoming year including haul and access roads;
    - Rehabilitated ground behind the open pit area;
    - Location of existing and intended topsoil or overburden dumps and their dimensions;
    - Location of natural waterbodies;
    - Location of present and intended drainage works and settling ponds; and
    - Any other site works within the consent area.
  - An updated Erosion and Sediment Control Plan in accordance with condition 25.0.
  - Results of surface water quality and water level monitoring from the previous 12 months in the form of an Annual Hydrological and Water Quality Report required by condition 29.7.
  - Any proposed updates to Management Plans submitted in accordance with the respective conditions of consent.
  - Results of dust monitoring from the previous 12 months required by Condition 24.3 for the previous 12 months.
  - A geotechnical report which confirms the proposed pit slope geometry to ensure a stable landform.
- 5.3 The Consent Holder must provide the Consent Authorities with any further information, which the Consent Authorities may reasonably request after considering any Annual Work



Programme. This information must be provided in a timely manner as required by the Consent Authorities.

## 6.0 Management Plans

6.1 Activities authorised by this resource consent must be undertaken in accordance with certified management plans.

6.2 No more than 20 working days following the first exercise of this resource consent the Consent Holder must provide to the Consent Authorities the following management plans for certification in accordance with conditions of these consents:

- Lighting Management Plan
- Transport Management Plan
- Avian Management Plan
- Lizard Management Plan
- Dust Management Plan
- Rehabilitation Management Plan
- Water Management Plan
- Monitoring and Mitigation Plan
- Erosion & Sediment Control Plan (collectively Management Plans)

Any management plan will be deemed to have been provided to the Consent Authorities under this condition if:

- It was provided to the Consent Authorities and certified under RC-2021-0095-01 to RCF-2021-0095-03 and RC210051, and
- Remains unchanged since that certification.

*Advice Note: the Water Management Plan, Monitoring and Mitigation Plan, Erosion & Sediment Control Plan, Dust Management Plan and Rehabilitation Management Plan will require updating to incorporate the changes at the site and require re-certification under this condition.*

6.3 All Management Plans must include (where relevant):

- a) The purpose of the plan;
- b) Reference to the relevant conditions;
- c) How each of the relevant conditions have been given effect to;
- d) Identification of procedures for implementing the relevant plan;
- e) Audit check lists;
- f) Monitoring programmes and/or protocols;
- g) Feedback mechanisms for adaptive management, including circumstances in which a material change to the management plan would be required;
- h) An organisational chart showing staff and contractor positions and responsibilities for plan implementation;
- i) Relevant training and induction procedures and schedules;
- j) Reporting procedures and format for providing the results of any monitoring or surveying required by the Management Plans.

6.4 If the Consent Holder has not received a response from the Consent Authorities within 20 working days of the date of submission of the management plans under Condition 6.2, the management plans will be deemed certified. If the response from the Consent Authorities is that they are not able to certify the management plans, the Consent Holder must consider any reasons and recommendations provided by the Consent Authorities, amend the management plans accordingly, and resubmit the management plans to the Consent Authorities.

6.5 The Consent Holder may amend the management plans at any time to take into account:

- a) Any positive measure/s to ensure the stated objectives of the

- management plans are achieved;
- b) Any required actions identified as a result of monitoring under these consents; and
- c) Any changes required to further reduce the potential for adverse effects as a result of actions identified in the Annual Work Programme.

Where management plans require the input of an appropriately qualified person, any amendments to those management plans must also be undertaken by the appropriately qualified person.

*Advice Note: Some management plans have ongoing annual review requirements which are required in order to avoid, remedy or mitigate effects. These specific review requirements are stipulated in the relevant conditions of this consent.*

- 6.6 Any amended Plans must be provided to the Consent Authorities within 20 working days of their review, for certification in accordance with Condition 6.1.
- 6.7 The Plans must not be amended in a way that contravenes the matters set out in the conditions for the respective Plans.
- 6.8 A copy of the latest version of the Plans must be kept on site at all times and all key personnel must be made aware of the contents of each Plan and their responsibilities under each Plan.
- 6.9 Subject to any other conditions of these consents, all activities must be undertaken in accordance with the latest version of the Plans.

## **7.0 Method of Operations**

- 7.1 Setbacks between mining activities and nearby features must be maintained at all times as follows:
  - a) 5m setback from major drains,
  - b) 10m setback from the eastern boundary vegetation,
  - c) 20m setback from Blind River, and
  - d) 40m setback from Okari Road wetland and Silverstream wetland.

*Advice note: Boundaries are to be defined across the ground surface of the site from the nearest edge of the relevant feature.*

- 7.2 The maximum disturbed area of the mine pit must not exceed 4 hectares and total site disturbance must not exceed 8 hectares at any one time.

*Advice note: the 4 hectare mine pit disturbance area relates to the open pit perimeter and does not include the disturbance associated with topsoil removal, waste/tails backfilling activity or rehabilitation activity. The Tailings Disposal Area and the 1.36 hectare plant site are excluded from the 8 hectare total site disturbance limit.*

- 7.3 The mine boundaries must be clearly marked on the ground before any earthworks take place.
- 7.4 The Consent Holder must strip soil material ahead of operations and stockpile it for progressive and final mine closure rehabilitation purposes. Stockpiled soil must be protected from erosion caused by water and wind as far as practicable.
- 7.5 The Consent Holder must not bury any topsoil or soil material suitable as a growing medium or remove it from the site.
- 7.6 The Consent Holder must erect a minimum two-wire stock fence around the perimeter of the native vegetation on the site, in the general location shown on the Site Plan attached in Schedule 1. The stock fence must be maintained for the duration of the consent.

## **8.0 Rehabilitation**

- 8.1 The Consent Holder must carry out progressive rehabilitation, to achieve the following requirements:

- a) Reinstatement of the dune landform;
- b) Reinstatement of existing drainage patterns to reflect pre-mining catchment areas which discharge to the major drains;
- c) Ensure short and long term stability of the reinstated landform; and
- d) Protect Okari Road and Silverstream wetlands, Blind River and the coastal forest along the eastern Site boundary from the effects of erosion and sediment generation.

*Advice Note: Progressive rehabilitation is defined as rehabilitation occurring behind the active mine pit area. Progressive rehabilitation involves the placement of mine tailings and slimes in the mining void, followed by the replacement of overburden, spreading of topsoil and returning the land to pasture to maintain a maximum mine pit area of 4ha.*

- 8.2 At the completion of mining (final mine closure), the dune landform must be fully rehabilitated, by reinstating the dune landform to a similar contour and profile as that which existed prior to mining, with no mining voids left.

*Advice Note: Final mine closure is the completion of all mining and progressive rehabilitation works, end of mine landscaping on the northern boundary, and includes the replacement of the temporary tailings stockpile back to the mine area, and where the previous dune landform and pre-mining land drainage patterns are reinstated acknowledging a changed profile associated with the removal of HMC material and the use of 80,000m<sup>3</sup> of tailings for filling the Tailings Disposal Area.*

- 8.3 The Consent Holder must provide a Rehabilitation Management Plan to the Consent Authorities, which is in general accordance with the draft Rehabilitation Management Plan labelled "WMS-NM-REHAB-V13 -Rehabilitation Management Plan" prepared by Westland Mineral Sands Co. Ltd, detailing progressive and final mine closure rehabilitation strategies for all facilities and operational areas of the mine to achieve the following rehabilitation objectives:

- a) To create a stable dune landform with a similar contour and profile at final mine closure as that which existed prior to mining;
- b) To establish vegetation cover on all areas disturbed by mining activity; and
- c) To protect freshwater values associated with Blind River and Okari and Silverstream Wetlands.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

- 8.4 The Rehabilitation Management Plan must, as a minimum, detail measures which address the following:

- a) A programme of progressive rehabilitation of the pre-mining landform;
- b) The original and anticipated final mine closure topography;
- c) Contour and stability of all post-mining landforms;
- d) Establishment of pasture cover over all disturbed land;
- e) Restoration of drainage discharge channels;
- f) Protection of water and soils from the effects of erosion;
- g) The achievement of water quality standards for water interacting with previously disturbed sites/areas for the duration of mining and in the long term to protect aquatic values;
- h) Removal of buildings, equipment and structures;
- i) Post-mining weed and pest control requirements; and
- j) Any post-mining monitoring requirements.

- 8.5 If for any reason active mining ceases for more than 3 months, operational stockpiles must be removed and material returned to the mining area, and all disturbed areas must be rehabilitated as required by the conditions of these consents within 6 months from the date of

the last mining activity.

## **9.0 Complaints and Non-Compliance**

- 9.1 Upon receipt of any complaint, the Consent Holder must promptly investigate the complaint, take action to remedy or mitigate the cause of the complaint and inform the Consent Authorities within 48 hours of the report, of the details of the complaint and the action taken.
- 9.2 The Consent Holder must maintain a complaints register for all aspects of operations in relation to these consents. The register must be available to the Consent Authorities at all times and must:
- a) detail the date, time and type of complaint;
  - b) cause of the complaint; and
  - c) the action taken in response to the complaint.
- 9.3 Complaints which may infer non-compliance with the conditions of these consents, must be referred to the Consent Authorities within 48 hours of the report.
- 9.4 In the event of any breach of compliance of the conditions of these consents the Consent Holder must notify the Consent Authorities within 48 hours of the breach being detected. Within 5 working days of any breach the Consent Holder must provide written notification to the relevant Consent Authorities which explains the cause of the breach, and if the cause was within the control of the Consent Holder, steps which were taken to remedy the breach and steps which must be taken to prevent any further occurrence of the breach.

*Advice Note: This consent condition does not replace the compliance and enforcement responsibilities of the Consent Authorities.*

## **10.0 Community Liaison Group**

- 10.1 The Consent Holder must maintain the Community Liaison Group (CLG) established under resource consents RC-2021-0095-01 to RCF-2021-0095-03 and RC210051. Following the first 12 months of mining operations under these resource consents, the Consent Holder must ensure that members of the CLG are provided with the opportunity and facilities to meet as agreed with the CLG.

*Advice Note: The CLG is not a decision-making body, but an important forum for the dissemination of information from the Consent Holder to interested parties. It also provides the opportunity for meaningful engagement between the parties, and for the CLG to comment on consent compliance and provide recommended changes to operations, monitoring and adaptive management. Comments and recommendations from the CLG are to be given due consideration. In the event that it is not possible to establish or maintain a CLG through lack of interest or participation from the local community, then such failure to do so shall not be deemed a breach of these conditions.*

- 10.2 The purpose of the CLG is to provide an ongoing means of communication between the Consent Holder and the local community, both through regular meetings and informal communication between the members and the Accountable Person (required by Condition 1.7). Matters to be discussed may include, but are not limited to:
- a) Any complaints recorded and actions taken in response to the complaints as required by Condition 9.2;
  - b) Road safety and/or maintenance concerns;
  - c) Weekend trucking occurrences and reasons for such operations;
  - d) Upcoming weekend and/or surf events at Tauranga Bay which the Consent Holder should be aware of;
  - e) Any proposed amendments to Management Plans;
  - f) The results of any surveys or monitoring undertaken in accordance with conditions of this consent (including in relation to ecology, dust



and radiation).

## **Buller District Council Conditions**

### **11.0 Hours of Operation**

11.1 The mining and processing activities must comply with the following hours of operation:

- Mining Activities – 0800-2200
- Processing Plant Activities - 24 hours a day / 7 days a week

*Advice Note: In addition to condition 11.1, further restrictions on transport operations are contained in Condition 17.0 Transport.*

11.2 When mining reaches a point 80m from the northern property boundary (the point at which Condition 16.9 also requires the temporary noise bund to be constructed) and Lot 3 DP 13269 BLK III Steeples SD is "Consented and Occupied" as defined in Condition 22.9 then:

- Mining activities must only occur between the hours of 0800-2200 Monday to Friday and 0800-1800 Saturday.
- Mining is not permitted to occur on Sundays and public holidays for the period when mining is occurring within 80m of the northern property boundary.

### **12.0 Buildings**

12.1 Buildings associated with the mining activity must be constructed and located generally in accordance with the site plan titled "Plant Site Plan – Nine Mile Project" dated 18/3/2022 (Schedule 3).

12.2 The colours to be used for all buildings and structures must be grey and have a light reflectance value (LRV) of less than 15% for roof material and less than 25% for cladding.

12.3 The Consent Holder must remove all buildings and reinstate the processing plant area to pasture before the completion of the term of consent.

### **13.0 Site Access**

13.1 Site access must be maintained to provide a left turn deceleration lane that is in accordance with Waka Kotahi NZTA Diagram D for a 100km/hr speed environment, attached as Schedule 4.

13.2 Vegetation at the accessway to the plant must be maintained to achieve a 160m visibility splay consistent with a 100km/hr design speed in the Waka Kotahi NZTA 'Road Traffic Standard 6 – Guidelines for Visibility at Driveways'.

### **14.0 Road Safety and Maintenance Measures**

14.1 For the duration of mining, Okari Road (between the site access and Tauranga Bay Road) must comprise a minimum 5.5m sealed carriageway width and must be free from potholes, rutting and slumping as reasonably assessed by the Council's Infrastructure Manager.

*Advice Note: All construction work on road reserve is to be undertaken by a Council approved contractor.*

### **15.0 Lighting**

15.1 Lighting must not exceed 10 lux spill (horizontal and vertical) of light onto any adjoining property, measured at any point more than 2m inside the boundary of the adjoining property.

15.2 Lighting must be designed in a manner which adheres to the Australian Government's National Light Pollution Guidelines for Wildlife January 2020 (or subsequent revision); including but not limited to:

- All fixed lighting must be directed downward, shielded to avoid light spill

outside of permitted activity limits, operate in the yellow orange spectrum, and be filtered to remove blue and violet wavelengths;

- Lights must only illuminate the object or area intended;
- Fixed lights must be mounted as close to the ground as practicable while still achieving site lighting requirements;
- External lighting must be minimised on the seaward side of buildings to minimise light spill toward the coast;
- external lighting must use the lowest intensity lighting possible, while ensuring compliance with workplace health and safety requirements.

15.3 A Lighting Management Plan, which is in general accordance with the draft 'Lighting Management Plan' prepared for application RC210051 (dated 4 March 2022), must be maintained at all times and provided to Council's Planning Department. The objective of the LMP is to ensure that lighting remains within the limits specified in Conditions 15.1 and 15.2 and to avoid or mitigate adverse effects on residents and wildlife.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

15.4 The Consent Holder must conduct a lighting audit of the site annually, to confirm compliance with conditions 15.1 and 15.2. The audit must be carried out by a qualified lighting technician, and reviewed by a suitably qualified ecologist. The results and confirmation of compliance with conditions 15.1 and 15.2 must be submitted to the Council's Planning Department within 10 working days of receipt of the audit.

15.5 If the lighting audit establishes compliance with conditions 15.1 and 15.2 is not achieved, the Consent Holder must investigate and implement additional mitigation required to achieve compliance. The Consent Holder must submit a report to Council's Planning Department within 10 working days of the audit detailing the mitigation measures that will be implemented and must undertake a further compliance monitoring report within 10 working days of any mitigation measure being implemented to demonstrate the effectiveness of that mitigation.

## 16.0 Noise

16.1 Night operations must not exceed the following noise levels:

- Cumulative noise from all static processing plant: 60 dBL<sub>aeq</sub> (15 min) at 50 metres from the north and west side of the enclosures, measured at a height of 1.5m above the existing ground level.

16.2 Cumulative noise from the processing plant including mobile equipment may only be permitted to exceed the noise level in Condition 16.1 if it can be demonstrated that noise levels received at the property boundaries will not exceed the limits provided in Condition 16.5.

16.3 The Consent Holder must undertake noise monitoring to demonstrate compliance with the noise limits in Condition 16.5:

- a) at least once every 12 months for the duration of mining and processing operations; and
- b) when mining operations first occur within 100 metres of Lot 3 DP 13269 BLK III Steeples SD, provided the lot is "Consented and Occupied", as defined in Condition 22.9; and
- c) when mining operations first occur within 50 metres of Lot 3 DP 13269 BLK III Steeples SD, provided the lot is "Consented and Occupied", as defined in Condition 22.9.

If compliance is not achieved, the Consent Holder must investigate and implement temporary additional mitigation required to achieve the noise limits as soon as practicable. The Consent Holder must submit a report to Council as soon as practicable and within 60 days of the relevant monitoring report detailing the permanent mitigation measures that have been implemented and must undertake a further compliance monitoring report within 10 working days of any permanent mitigation measure being implemented to demonstrate the

effectiveness of that mitigation.

*Advice Note: The Consent Holder's attention is drawn to the obligations in Condition 9.4.*

- 16.4 All noise monitoring results undertaken in accordance with Condition 16.3 must be provided to Council and the Community Liaison Group within 5 working days of completion of each monitoring visit.
- 16.5 Mining and processing activities must comply with the following noise limits at the property boundary of any dwelling existing at the date consent is granted (excluding any dwelling on the site), and at the property boundary of Lot 3 DP 13269 BLK III Steeples SD provided the lot is "Consented and Occupied" as defined in Condition 22.9:
- Daytime (0800-2200): 55 dB Laeq(15 min)
  - Night-time (2200-0800): 45 dB Laeq(15 min) and 75 dB LAFmax

Noise must be measured and assessed in accordance with New Zealand noise standards: NZS 6801:2008 "Acoustics – Measurement of Environmental Sound" and NZS 6802:2008 "Acoustics – Environmental Noise", respectively.

*Advice Note:- This consent condition ensures that if a Building Consent for a dwelling on Lot 3 is issued and the site is occupied (regardless of whether the dwelling is built), the noise limits apply at the property boundary.*

- 16.6 Construction activities must be conducted in accordance with NZS 6803: 1999 "Acoustics – Construction Noise" and must comply with the "typical duration" noise limits contained within Table 2 of that Standard.

*Advice Note: Construction activities include the formation of access roads, any required boundary bunds and planting, and the construction of the processing plant and load out area. For the avoidance of doubt, overburden stripping at the mine site must not be considered construction except where this is required for the formation of noise control bunds.*

- 16.7 The Consent Holder must adopt the Best Practicable Option (BPO) to minimise noise and vibration at all times. This includes regular replacement of worn parts, maintenance of mufflers, lubrication of all moving parts to avoid squeaks and squeals, appropriate operation of all equipment, and maintenance of access roads.
- 16.8 Vehicles or equipment must not be fitted with tonal or beeper reversing alarms.
- 16.9 Prior to mining operations commencing within 80m of the northern site boundary, a 3m high earth bund must be constructed adjacent to the northern boundary of the mining area. The bund must be constructed within the planting area shown on the Site Plan attached as Schedule 1 and must not encroach on the Phase 1 Northern Boundary Planting required by Condition 22.1. The bund must be immediately stabilised by hydroseeding or similar. The bund must be removed at the completion of mining and rehabilitation works, to allow the planting required by Condition 22.2 to be completed.

## 17.0 Transport

- 17.1 Truck movements associated with removal of heavy mineral concentrate must be limited to 30 per day and 3 per hour between the hours of 0800-2000 Monday to Friday, and limited to exceptional circumstances on weekends.

*Advice Note: For the purposes of the Transport conditions, a movement is defined as being a movement either to or from the site. A truck and trailer unit entering and leaving the site is therefore 2 movements.*

- 17.2 The Consent Holder must manage operations to limit weekend heavy vehicle movements to exceptional circumstances where trucking has been disrupted during the week for reasons that are out of the Consent Holder's control i.e. weather. A record must be kept of heavy vehicle movements, including an explanation of the exceptional circumstances which result in the need for any weekend heavy vehicle movements, and this must be supplied to the Council and CLG if requested.
- 17.3 In addition to the restrictions in condition 17.1, there must be no heavy vehicle movements:

- 30 minutes either side of nautical dusk and nautical dawn between McKay Road and the site boundary;
- During school bus pick up and drop off times between McKay Road and the site boundary, which will be confirmed with the school bus operator prior to mining commencing;
- On public holidays;
- During the Cape Classic annual surf event.

*Advice Note: Nautical dusk and nautical dawn for the mine area can be viewed at <https://sunsetsunrisetime.com/sun/westport> (New Zealand)*

17.4 All mine related traffic must adhere to the following maximum speed restrictions:

#### **Heavy Vehicles**

- The Esplanade – 40km/hr
- Star Tavern Corner (Cape Foulwind/Lighthouse/Tauranga Bay Road's intersection) – 30km/hr
- Carters Beach area – Brunnings Road to Bradshaws Road – 80km/hr
- Northbound at the Okari Road/Tauranga Bay Road Intersection (including past the access to 4 Okari Road) – 25km/hr

#### **All Vehicles**

- Tee intersection of Tauranga Bay/Seal Colony Road via Okari Road to Mine Site entrance – 40km/hr
- Mine Site entrance to processing plant area – 30km/hr

17.5 The Consent Holder must install a Speed Management System on its trucks to monitor truck speeds to ensure compliance with Condition 17.4. Records must be supplied to the Council on request.

17.6 A Transport Management Plan (TMP), that is in general accordance with the draft 'Transport Management Plan' prepared under application RC210051 (18 March 2022), must be maintained at all times and must detail the measures and procedures to be adopted for all mine related traffic. The objectives of the TMP are to:

- Ensure the safe and efficient operation of the road transport network around the Cape Foulwind area;
- Avoid, remedy or mitigate potential transport related effects on residents and visitors to the Cape Foulwind area;
- Avoid effects on the Little Blue Penguin and other threatened species.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

17.7 As a minimum the TMP must address the following:

- Speed restrictions and route;
- Details of protocols to manage vehicle interactions;
- Noise mitigation measures;
- Little blue penguin mitigation measures;
- Dust mitigation measures;
- Light pollution mitigation measures;
- A procedure for identifying and reporting road maintenance and safety issues to Council in consultation with the CLG;
- Exploring alternative trucking routes; and
- Implementation of the independent Road Safety Audit of the Nine Mile Surf Car Park undertaken under RC210051.

17.8 The TMP must be updated in the instance a *trend* in road safety incidents arises that



demonstrates that the existing measures are insufficient to adequately address road safety issues, and if any changes are required as a result of the Road Safety Audit required by condition 14.4. The update will include practicable measures to mitigate the identified issues, to the satisfaction of Council.

*Advice Note: a 'trend' may be determined by three or more instances of the same type of incident. Incidents due to non-compliance with the TMP, or related to the Consent Holders' drivers' conduct are not applicable to this condition.*

## 18.0 Avian Management

18.1 Annually between June-July, the Consent Holder must conduct a survey of the section of Okari Road being used by mine traffic using a trained conservation dog to confirm the location of burrows of Korora (Little Blue Penguin) which may be affected by mine traffic. If the survey has not been conducted using a trained conservation dog by the date the survey is due, the Consent Holder must implement a reduced heavy vehicle speed limit of 15km/hr between nautical dusk and nautical dawn (night time) and 30km/hr at other times (daytime) between the mine entrance and Tauranga Bay Road. This shall remain in place until the survey has been completed and any burrows identified must have management and mitigation measures implemented in accordance with the Avian Management Plan required by Condition 18.3, and in consultation with the West Coast Penguin Trust.

18.2 The Consent Holder must at all times maintain the services of a qualified and experienced ecologist to undertake four baseline seasonal surveys to confirm the presence and location of threatened or at-risk indigenous bird species within or adjacent to the mining footprint, including kororā (Little Blue Penguin), rōroa (great spotted kiwi), pūweto (spotless crane), koekoeā (long-tailed Cuckoo), tōrea (South Island Pied Oyster Catcher), tītī (sooty shearwater), tōrea tai (variable oystercatcher), fairy prion (*Pachyptila turtu*), matuku (Australasian bittern), Tāiko (Westland Petrel) mātātā (South Island fernbird). The quarterly seasonal surveys must be conducted for the duration of mining, and for one calendar year post mining.

If the surveys confirm the presence and habitat of any threatened or at-risk indigenous bird species then management and mitigation measures must be implemented in accordance with the Avian Management Plan required by Condition 18.3.

*Advice Note: Baseline surveys are able to be undertaken during the first year of mining, as stipulated in the Aviation Management Plan.*

18.3 An Avian Management Plan (AMP), in general accordance with the draft 'Avian Management Plan – Westland Mineral Sands Limited Proposed Nine Mile/Okari Road Mine' (31 March 2022) prepared under RC210051, must be maintained by a suitably qualified and experienced ecologist/ornithologist. The objective of the AMP is to avoid adverse effects on any threatened or at-risk indigenous bird species found to be within or adjacent to the mining footprint.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

*Advice Note: Threatened or at-risk bird species refers to the Conservation Status according to the Department of Conservation's Threatened Classification System.*

18.4 The AMP must detail measures to protect the identified bird species in Condition 18.2 which must include:

- Measures to avoid harm to kororā including but not limited to excluding penguins from burrows, construction of fencing (with underpasses a required), provision of artificial nest boxes at sites away from roads and traffic controls.
- Survey methods for the surveys required by Condition 18.1 and 18.2;
- Monitoring of lighting and controls consistent with the Commonwealth of Australia (2020) guidelines in order to minimise light spill from the site and reduce effects on nocturnal birds including seabirds and rōroa;
- Monitoring to confirm the presence and specific location of mātātā, matuku and pūweto;
- Methods to avoid effects on birds using Okari Road Wetland and Silverstream

Wetland, including but not limited to;

- Provision of physical separation of the active mine areas from key habitats for birds, particularly during the breeding;
- Required training of project staff and/or contractors to identify and report the presence of identified at risk and threatened bird species;
- Mitigation and management measures to avoid adverse effects on resident avifauna to be incorporated into, and consistent with, the LMP and TMP, including but not limited to:
  - Controls on lighting;
  - No heavy vehicle movements 30 minutes either side of nautical dawn and nautical dusk to avoid Little Blue Penguins;
  - Limiting the speed of vehicles along Okari Road to 40km/hr;
  - Limiting the speed of vehicles to 30km/hr while on site; and.
  - Management options which further restrict operations if an unforeseen effect arises.
- Pest control to be undertaken across the site and the adjoining wetland habitat where access can be obtained.

18.5 The Consent Holder must report the results of the surveys and monitoring by producing an Annual Avifauna Management Report, which must be provided to Council's Planning Department and the Buller/Kawatiri office of the Department of Conservation no later than June each year.

18.6 The AMP must be reviewed annually and may be amended at any time by the Consent Holder. Any amendments to the AMP must be submitted to Council and must:

- achieve the AMP purpose of avoiding effects on any threatened or at-risk indigenous bird species;
- comply with the conditions of this resource consent; and
- have been reviewed by an appropriately qualified and experienced ecologist/ornithologist;
- follow the certification process set out in Condition 6.0.

*Advice note: any disturbance or relocation of avifauna may require a permit from the Department of Conservation under the Wildlife Act (1953).*

## 19.0 Lizard Management

19.1 A 5 m buffer zone around all identified lizard habitat must be established by a qualified and experienced herpetologist and maintained for the duration of this resource consent. The buffer zone(s) edges must be maintained by a high (>1 m) silt fence (made from UV stabilised woven polypropylene silt control fabric), to prevent lizards entering the mining area and prevent sediment flowing into intact vegetation.

19.2 At least once annually the Consent Holder must spray and remove gorse and blackberry along the fringes of native vegetation adjoining the mining area using knapsack sprayer and handheld tools.

19.3 A Lizard Management Plan (LiMP), in general accordance with the draft 'Lizard Management Plan For a Proposed Sand Mine at Okari Road, Tauranga Bay' prepared by Wildlands Consultants (February 2022) under RC210051, must be maintained and provided to Council's Planning Department. The objective of the LiMP is to avoid adverse effects on lizards within or adjacent to the mining area, including the West Coast Green Gecko.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

19.4 The LiMP must detail measures to protect lizard species present within the vicinity of the mine site, which must include details of:

- Survey methods of suitable lizard habitat prior to any vegetation clearance;
  - Management of identified lizard buffer zones;
  - Salvage and relocation methods, if required;
  - Ongoing monitoring measures;
  - Dust suppression measures;
  - Predator control and monitoring measures; and
  - Reporting mechanisms.
- 19.5 The Consent Holder must report the results of the surveys and monitoring by producing an Annual Lizard Management Report, which must be provided to Council's Planning Department and the Buller/Kawatiri office of the Department of Conservation in Westport no later than June each year.
- 19.6 The LiMP must be reviewed annually and may be amended at any time by the Consent Holder. Any amendments to the LiMP must be submitted to the Council and must:
- achieve the LiMP purpose of avoiding effects on any threatened or at-risk indigenous lizard species;
  - be consistent with the conditions of this resource consent;
  - have been reviewed by an appropriately qualified and experienced ecologist/herpetologist; and
  - follow the certification process set out in Condition 6.0.

*Advice note: any disturbance or relocation of lizards may require a permit from the Department of Conservation under the Wildlife Act (1953).*

## 20.0 Cultural and Heritage Sites

- 20.1 Prior to activities commencing within the Tailings Disposal area, the Consent Holder must provide the written approval of Te Runanga o Ngati Waewae to Council for the development of this area.

*Advice Note: This is to achieve general compliance with permitted activity SASM-R6 of the proposed Te Tai o Poutini Plan.*

- 20.2 The Consent Holder must undertake all activities in accordance with the Archaeological Management Plan prepared by NZ Heritage Properties Ltd titled: "Cape Foulwind, West Coast, An Archaeological Management Plan for K29/15, K29/16, K29/17, K29/18, K29/19, K29/20, K29/21, K29/23, K29/45 and Unrecorded Sites", dated October 2021, prepared under application RC210051.

*Advice Note: The activities include the earthworks associated with the mining activity and the disturbance and deposition of fill in the Tailings Disposal Area.*

- 20.3 As outlined in the Archaeological Management Plan, the Consent Holder must erect a visible barrier between the mining area and archaeological site K29/16 identified on the site plan titled "Updated Site Plan Nine Mile" dated 7 March 2024.
- 20.4 Archaeological monitoring must be undertaken in accordance with the Archaeological Management Plan. If the Consent Holder identifies any archaeological discoveries or potential areas or sites of historic value, the Consent Holder must adhere to the On-call Protocols set out in the Archaeological Management Plan.

*Advice Note: The Consent Holder has obtained an archaeological authority from Heritage New Zealand Pouhere Taonga (Ref: 2022/366) which contains conditions which must be complied with regarding earthworks that may affect archaeological sites, including discovery protocol for koiwi tangata, taonga and Māori artefacts.*

## 21.0 Financial Contribution

- 21.1 Should the value of the proposed mine development amount to a total of \$500,000.00 or above, a financial contribution of cash must be paid to Council for the provision of reserves and facilities. The calculation for assessing the financial contribution must be 0.5% of the total

value of the development. The Consent Holder must advise Council of the value of the proposed development, and must pay the cash amount to the Council prior to the commencement of any works covered by this consent. The calculation of the financial contribution must be based on the estimated costs of the following components of the activity:

- a) Construction of buildings (i.e. total cost of all buildings);
- b) Costs of drainage works and road formation; and
- c) Cost associated with removal of vegetation (excluding costs of rehabilitation planting etc).

## 22.0 Visual screening and planting

- 22.1 All plantings must be in general accordance with the 'Mitigation Strategy' document dated 5/4/2022 prepared under RC210051 and the Plantings Site Plan dated 5/3/2022 (attached as Schedule 5).
- 22.2 The Consent Holder must maintain a 5m strip of native plantings including mahoe, ngaio, coprosma, manuka, NZ flax and kōhūhū along the northern boundary of the mine.
- 22.3 Within 90 working days of mining and rehabilitation being completed at the northern extent of the mine area, the Consent Holder must remove the temporary noise bund on the northern boundary, and plant and stock fence a 7m wide planting strip directly adjacent to the planting required in Condition 22.2.
- 22.4 If requested by the owner of Lot 5 DP 354487 Blk III Steeples SD, within 60 working days of request, the Consent Holder must plant a native vegetation strip of 3 rows of plants at 2.0m intervals along the boundary of Lot 5 DP 354487 Blk III Steeples SD, comprising kōhūhū, ngaio, mahoe, coprosma, manuka and NZ flax.
- 22.5 If requested by the owner of Lot 10 DP 354487 Blk III Steeples SD, within 60 working days of request, the Consent Holder must plant a native vegetation strip of 3 rows of plants at 2.0m intervals along the boundary of Lot 10 DP 354487 Blk III Steeples SD, comprising kōhūhū, ngaio, mahoe, coprosma, manuka and NZ flax.
- 22.6 If requested by the owner of Lot 4 Deposited Plan 447107, within 60 working days of the request, the Consent Holder must construct a 2.0m high planted bund along the northern side of the mine entrance.
- 22.7 The Consent Holder must maintain a 2.5m high bund along the southern side of the mine entrance, planted with mahoe, ngaio, coprosma, manuka, NZ flax and kōhūhū.
- 22.8 The Consent Holder must maintain the vegetation required in conditions 22.2-22.7 for the duration of the consent, applying fertiliser and water, and undertaking weed control and replacing any dead or diseased plants as necessary.
- 22.9 "Consented and Occupied" means:  
In relation to *Lot 3 DP 13269 BLK III Steeples SD*:
  - (a) A building consent has been issued for a dwelling on the lot, east of the Okari Road wetland; and
  - (b) An area east of the Okari Road wetland is occupied whether or not the dwelling in (a) above has been built.

## General Conditions to Apply to all WCRC Consents

### 23.0 Method of Mining

- 23.1 Mining must only occur above the seasonal high ground water table at all times.



*Advice note:*

1. *The average groundwater level and seasonal high groundwater level (Condition 23.1) shall be determined using the groundwater level data collected in accordance with Condition 29.1 and any other available records from within 200 m of the proposed mine excavation*
2. *The average groundwater level shall be determined by:*
  - A) *Calculating the average groundwater level at each monitoring location*
  - B) *Interpolating between the average groundwater level determined for each of the monitoring points to develop an estimate of the average groundwater elevation surface across the mine excavation area*
3. *The seasonal high groundwater level elevation surface shall be determined using all groundwater level records within 200 m of the proposed mine excavation by*
  - a. *Calculating the average groundwater level in each monitoring well*
  - b. *Calculating the 80th percentile groundwater level in each monitoring well*
  - c. *Subtracting a. from b. to give the seasonal water level range in each well*
  - d. *Calculating the average seasonal water level range from all monitoring wells in aggregate*
  - e. *Adding the seasonal range to the average groundwater elevation surface calculated in accordance with No 2. B) above.*

*The groundwater level data shall be reviewed on a minimum six-monthly basis by a suitably qualified and experienced person to provide an estimate of the average groundwater level and seasonal high groundwater level in the area to be excavated within the following six months; and must be reported on in accordance with Condition 29.10.*

*Advice note: The average and seasonal high groundwater levels determined in accordance with Condition 23.1 will be reported annually in accordance with Condition 29.7.*

- 23.2 The Consent Holder must visually inspect and keep records of any ponded water in the pit floor each day. If ponded water is found in the same area during consecutive daily inspections, this is indicative of exposing the ground water table, and the depth of excavation must immediately be reduced by backfilling with tailings such that groundwater is not exposed at the base of the excavation.
- 23.3 The mining and associated activities under this consent must not cause or induce erosion or slope instability outside the property boundary defined as Lot 4 Deposited Plan 13269, Lot 5 Deposited Plan 13269, Lot 12 Deposited Plan 354487 and Lot 4 Deposited Plan 534034.
- 23.4 The Consent Holder must only carry out earthworks associated with mining activities as shown on the plan "Updated Site Plan Nine Mile attached as Schedule 1, as follows:
  - a) Within the area marked "RC 2021 0095/RC210051 Consent Area": any earthworks associated with mining and within the scope of this resource consent; and
  - b) Within the area marked "Gorse Paddock Blocks":
    - filling with tailings and capping with topsoil to a maximum volume of 80,000 m<sup>3</sup>,
    - filling of the segment of the ring drain on the immediate

northern and eastern margins of the "Gorse Paddock Blocks",

- no extraction and no other mining activities (except for associated fencing, plantings and sediment/erosion control).

23.5 The Consent Holder must ensure that the mine pit is opened with an overall pit slope of no more than 32°. If slope performance is less than expected, and ground instability is likely, the slope geometry must be re-evaluated and designed with the input of a geotechnical engineer in order to avoid any slope instability.

23.6 Tailings and slimes must be disposed of in accordance with the Water Management Plan (as required by condition 27.1), including that disposal of slimes must not occur within 1 m of the average groundwater level.

*Advice note: Average groundwater level is calculated as per the Advice note in Condition 23.1.*

## 24.0 Dust Management

24.1 The Consent Holder must provide a Dust Management Plan (DMP) to the Consent Authority, which is in general accordance with the draft Dust Management Plan prepared by Westland Mineral Sands Co. Ltd and dated 31 March 2022. The objective of the DMP is to detail the best practicable option to avoid offensive and objectionable dust being caused by the consented activity and to avoid any adverse effects on adjacent properties and the Okari and Silverstream Wetlands.

24.2 The DMP must detail:

- a) Activities that may generate dust emissions, including:
  - Construction activities which include construction of access tracks and the processing plant area;
  - Operational activities including topsoil and overburden stripping, mining, processing and loadout, vehicle movements within the site and filling in the Tailings Disposal Area;
- b) Setbacks and mitigation measures for sensitive receptors including residential houses, native vegetation and wetlands;
- c) Any specific control measures required under the Australian Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing Code of Practice and Safety Guide (or equivalent New Zealand code of practice) in accordance with Conditions 26.5 and 26.6;
- d) Recommended management and mitigation measures, including:
  - specific mitigation measures for construction activities, including use of water as a dust suppressant on disturbed areas and re-establishing vegetation cover as soon as practicable to reduce unconsolidated surfaces and avoid dust nuisance on neighbouring properties;
  - Use water and/or polymer sealants as a dust suppressant on roads, unconsolidated overburden and topsoil stockpiles and the processing plant area, to avoid dust nuisance on neighbouring properties;
  - Limits on stockpiles of HMC;
  - Sealing of the Site access road to 20m beyond the crest of the first hill;

- Management measures for high wind conditions (over 21.6km/hr) based on NIWA Cape Foulwind weather station data;
  - Covering all road trucks transporting HMC to the port.
- e) Dust monitoring requirements, methods, locations and appropriate trigger levels to activate mitigation measures, including:
- Radiation monitoring as required by Condition 26.6.
  - Dust deposition gauges and monitoring as required by Conditions 24.3 and 24.4.

24.3 The Consent Holder must install dust deposition gauges in the locations shown in the DMP. A dust deposition gauge shall also be installed at a control location no more than 1.5km from the mine area. The gauges must be collected and sampled every 30 days. The results of the sampling must be reported annually as part of the Annual Work Programme, or as requested by the Consent Authority.

24.4 The Consent Holder must operate all mining and associated processes/operations in such a manner that dust as measured in Condition 24.3 does not exceed 4 grams per square metre per 30-day period of deposited particulate above background levels. Compliance with this condition will be determined by comparing the dust deposition gauges near the boundary of the mine area with the background levels of dust deposition in the control dust deposition gauge. If any exceedance is detected, the Consent Holder must immediately investigate the possible causes of the exceedance and identify suitable mitigation measures and propose any necessary amendments to the Dust Management Plan to ensure compliance with the limits in this condition.

## 25.0 **Erosion and Sediment Control Plan**

25.1 The Consent Holder must provide an Erosion and Sediment Control Plan to the Consent Authority, which is in general accordance with the draft 'Erosion and Sediment Control Plan labelled 'WMS-NM-PLAN002-Sediment & Erosion Control Plan (Draft)' prepared by Westland Mineral Sands Co Ltd, detailing erosion and sediment control measures to achieve the following objectives:

- a) Ensure compliance with the relevant resource consent conditions relating to mining and associated activities (including, but not limited to, stockpiling and filling);
- b) Avoid the potential for land instability and sediment discharges as a result of mining operations;
- c) Design all stormwater infrastructure to contain a minimum 10% AEP storm event;
- d) Ensure that a stable landform is produced at the completion of mining and that landform is suitable for pasture development and livestock grazing;
- e) Ensure that the closest point of potential overflow from the sedimentation ponds is at least 30 m from the Western Drain/Okari Drain.

25.2 The Erosion and Sediment Control Plan should contain the following:

- a) Water and stormwater management measures and infrastructure designed to contain a minimum of a 10% AEP storm event for discharge to land via settling ponds and in-pit disposal;
- b) Earthworks mitigation measures to minimise land instability and sediment

discharges to surrounding land and waterbodies.

- 25.3 The Erosion and Sediment Control Plan must be reviewed annually and submitted to the Consent Authorities with the Annual Work Programme, reflecting the management and mitigation measures proposed for mining for the following 12 months.

## 26.0 Hazardous Substances

- 26.1 Refuelling, lubrication and mechanical repairs of equipment and storage of hazardous substances and dangerous goods must be undertaken in such a manner so as to ensure that spillages of hazardous substances or dangerous goods onto the land surface or into a waterbody do not occur, including that refuelling must not occur within 20 metres of a water body. Any accidental discharge of greater than 20 litres must be reported immediately to the Consent Authority along with details of the steps taken to remedy and/or mitigate the adverse effects of the discharge. All contractors and/or operators transporting or storing more than 20 litres of fuel must carry spill kits to enable immediate action to remedy and/or mitigate the effects of hazardous substances discharges on-site.
- 26.2 A list of all hazardous substances and dangerous goods must be maintained on site at all times showing location of storage and use, in case of an emergency.
- 26.3 For the duration of mining, the Consent Holder must undertake daily analysis of heavy minerals concentrate samples from the processed stockpile area using a hand-held X-Ray Fluorescence device. Where samples contain  $U + Th \geq 200 \pm 20$  ppm, the Consent Holder must have these samples analysed by an independent laboratory for Th-232 head-of-chain radioactivity concentration. Daily monitoring records must be made available to the Consent Authority on request, and copies of any independent test results must be submitted to the Consent Authority within 10 working days of receipt of the results.
- 26.4 For the duration of mining, the Consent Holder must undertake quarterly systematic testing of the heavy minerals concentrate from within the active mining area to confirm that the concentrate remains below the acceptable level of radioactivity concentration limits as specified in Schedule 2 of the Radiation Safety Act 2016. Copies of the independent test results must be submitted to the Consent Authority within 10 working days of receipt of the results.
- 26.5 If testing outlined in Conditions 26.3 or 26.4 determines that legislative radioactivity concentration levels are exceeded and that the Radiation Safety Act 2016 applies to the stockpiling and transportation of the heavy minerals concentrate, then in the absence of any extant and current New Zealand Code of Practice for handling such naturally occurring radioactive materials, the Consent Holder must carry out all activities on site in accordance with the Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing Code of Practice and Safety Guide published by the Australian Radiation Protection and Nuclear Safety Agency.

*Advice Note: If material meets the criteria in Schedule 2 of the Radiation Safety Act 2016, the extraction, processing and transport of heavy minerals concentrate will require a Source Licence under this Act, and may possibly require a radiation safety plan as per section 18 of the Act.*

- 26.6 For the duration of mining, the Consent Holder must maintain radiation monitoring devices in the locations specified in condition 26.7. Radiation monitoring devices must collect data continuously over three-month intervals prior to collection and delivery to an independent laboratory for testing. Copies of the independent test results must be submitted to the Consent Authority with 10 working days of receipt of the results. If the radiation monitoring devices record radiation levels exceeding the equivalent of 1 mSv (millisievert) over 12 months (i.e., the sum of results from the past four device readings at each location) as a result of the activity, then the Radiation Safety Act 2016 applies to the activity, and the Consent Holder must:

- a) inform and consult the Office of Radiation Safety, New Zealand Ministry of



Health; and

- b) carry out all activities on site in accordance with the Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing Code of Practice and Safety Guide published by the Australian Radiation Protection and Nuclear Safety Agency.

*Advice Note:*

*If material meets the criteria in Schedule 2 of the Radiation Safety Act 2016, the extraction, processing and transport of heavy minerals concentrate will require a Source Licence under this Act, and may possibly require a radiation safety plan as per section 18 of the Act.*

- 26.7 At least three months prior to mining, the Consent Holder must install radiation monitoring devices in no less than four locations near the NE, E, SW, and NNW boundaries downwind of mining operations based on the prevailing winds experienced at the site, near the property boundary, in order to establish existing radiation levels. A radiation monitoring device must also be established three months prior to mining at a control location located no more than 1.5km from the mine area. Radiation monitoring devices must be installed for three months and collect data continuously over the three-month period prior to collection and delivery to an independent laboratory for testing. The radiation monitoring device at the control location must remain in place for a further three months (assessed in three month intervals), to assess for climate and seasonal variability to background levels. Copies of the independent test results must be submitted to the Consent Authority within 10 working days of receipt of the results.
- 26.8 For the duration of mining, the Consent Holder must maintain radiation monitoring devices in the locations specified in condition 26.7. Radiation monitoring devices must collect data continuously over three-month intervals prior to collection and delivery to an independent laboratory for testing. Copies of the independent test results must be submitted to the Consent Authority within 10 working days of receipt of the results. If the radiation monitoring devices record radiation levels exceeding the equivalent of 1 mSv (millisievert) over 12 months (i.e., the sum of results from the past four device readings at each location) as a result of the activity, then the Radiation Safety Act 2016 applies to the activity, and the Consent Holder must:
- a) inform and consult the Office of Radiation Safety, New Zealand Ministry of Health; and
  - b) carry out all activities on site in accordance with the Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing Code of Practice and Safety Guide published by the Australian Radiation Protection and Nuclear Safety Agency.

## 27.0 **Water Management Plan, Monitoring and Mitigation Plan**

- 27.1 A Water Management Plan (WMP) for the site and operations must be maintained at all times. The WMP must be prepared by a suitably qualified and experienced hydrologist. The objectives of the WMP are to manage water takes, diversion, discharges, ponding and contamination in relation the following:
- a) Drainage pathway modification
    - i. to reinstate existing drainage pathways during road construction;
    - ii. to reinstate the existing topography and drainage pathways during the rehabilitation process, including reinstatement of the existing topographic divide when rehabilitating the mining area immediately west of Silverstream Swamp.
  - b) Excavation, processing and tailings deposition

- i. to ensure that concentrations of naturally occurring toxic metals do not increase in downgradient surface waters beyond the natural range of variation.
- c) Stormwater management
- i. to avoid or minimise soil erosion;
  - ii. to ensure any suspended sediment discharges to ground do not affect clarity or colour in downstream surface waters.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

*Advice Note: Natural range of variation is defined as the maximum difference between the upstream and downstream concentrations recorded on any given sampling date over a minimum of six months of fortnightly monitoring undertaken prior to the commencement of minerals processing plant operations and reported on in accordance with Condition 29.10 of RC-2021-0095-01 to RCF-2021-0095-03.*

27.2 The WMP must identify actions that will be undertaken to avoid, remedy or mitigate water quality effects through implementation of appropriate actions in a timely manner where required. The WMP must include the following:

- a) Details of stormwater management systems for the mining and processing plant area;
- b) Tailings management methods (including for tailings deposited in the Tailings Disposal Area) to avoid increasing the concentration of toxic metals and metalloids in the receiving environment;
- c) Mining management methods to avoid affecting groundwater levels in Okari Road and Silverstream Wetlands;
- d) The proposed mine area;
- e) The planned minimum excavation elevation for the mine area to avoid intercepting groundwater;
- f) A description of all site activities with the potential to cause hydrological impacts;
- g) The water management actions that will be implemented to avoid hydrological effects;
- h) The sampling and monitoring methods and (where relevant) standards that will be implemented during water level monitoring and water sample collection, handling and analysis;
- i) Audit checklists;
- j) An organisational chart showing staff and contractor positions and responsibilities for plan implementation including timely review of monitoring data in order to meet the requirements of Conditions 23.1, 29.5 and 29.6;
- k) Relevant training and induction procedures and schedules.

27.3 A Monitoring and Mitigation Plan (MMP) for the site and operations must be maintained at all times. The MMP must be prepared by a suitably qualified and experienced hydrologist. The

objectives of the MMP are:

- a) To ensure that potential water quality impacts associated with mining activities are identified as quickly and clearly as possible via monitoring.
- b) To identify actions that will be undertaken to avoid, remedy or mitigate water quality effects through implementation of appropriate actions in a timely manner where required.
- c) To avoid mining below the water table.

*Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.*

27.4 The MMP must identify actions that will be undertaken to avoid, remedy or mitigate water quality effects through implementation of appropriate actions in a timely manner where required. The MMP must include the following:

- a) Hydrological monitoring to confirm ground water levels and surface water quality pre-mining in accordance with Conditions 29.1 and 29.2;
- b) Operational ground water level, tailings and surface water quality monitoring requirements, including monitoring sediments of the Blind River and the Western Drain, the locations of monitoring, parameters to be measured, sample collection and handling quality control procedures, recommended trigger values (including those required by Condition 29.0);
- c) The method that will be implemented to determine whether the concentrations of the elements listed in Condition 29.4 increase in the downstream monitoring sites relevant to the upstream sites;
- d) The actions that will be implemented to determine the cause of any increase in downstream concentrations;
- e) The actions that will be undertaken to minimise the rate of leaching of the elements listed in Condition 29.4 if a downstream concentration increase occurs which relates to mining activities.

27.5 The WMP and MMP must be updated on an annual basis and must be submitted to the Consent Authority for certification in accordance with condition 6.0. The annual update is required to:

- reflect the proposed mining operations for the following 12 months; and
- provide any additional or amended monitoring and mitigation requirements in order to reduce the potential for adverse hydrological and/or water quality effects.

## **Conditions to Apply to WCRC Discharge Permit**

### **28.0 Method of Discharge**

28.1 All contaminated stormwater and other contaminated site water within the site must be directed into the settling pond system or the mine pit.

28.2 The discharges must not contain any contaminants other than suspended sediments, naturally occurring trace elements and water.

### **29.0 Water Monitoring**

29.1 The consent holder must carry out water monitoring at the locations shown in Schedule 6 –

Monitoring Sites, and as listed in the table below:

Monitoring type	Locations	Minimum frequency
Groundwater levels	MW1-MW11	Weekly
Wetland water level	Silverstream Wetland	Daily
Surface water quality	Okari Swamp U/S Western Drain below ponds Blind River U/S Blind River D/S	Monthly
Water quality (operational only)	Tailings sump Slimes	Monthly

*Advice note: if insufficient water is present in the drain at the Okari Swamp U/S location, a sample shall be collected at the closest downstream location at which sufficient water is present. The location of any such sample collection points shall be recorded and submitted as part of the Annual Monitoring Report.*

29.2 Water quality samples required under condition 29.1 must be analysed for the following parameters:

Dissolved metals:

Aluminium

Arsenic

Cadmium

Chromium

Copper

Lead

Zinc Iron

Manganese Silver Boron Mercury

Others:

EC

pH

Sulphate

TSS (surface water samples only)

NTU (surface water samples only)

Hazen Units (surface water samples only) Nickel Total Organic Carbon

29.3 Water quality measured at Blind River D/S and Western Drain Below Ponds must not exceed the thresholds contained in Table 1 and Table 2.

Table 1: Threshold concentrations

Toxicant name	Threshold (µg/L)
Arsenic (AsIII)	24
Arsenic (AsV)	13
Boron	940
Cadmium	0.2
Chromium (CrVI)	1



Copper	1.4
Lead	3.4
Manganese	1900
Mercury (inorganic)	0.6
Nickel	11
Silver	0.05

Threshold values apply to annual medians based on 12 x monthly samples

**Table 2: Threshold concentrations**

<b>Parameter</b>	<b>Threshold value</b>
Total Suspended Solids	No greater than 10 mg/L U/S – D/S increase
Turbidity	No greater than 10 NTU U/S – D/S increase
Colour	No greater than 100 Hazen units U/S – D/S increase

29.4 If a single exceedance of the thresholds contained in Table 3 is recorded in the Tailings Sump or Slimes water samples, the processes set out in the MMP (required by condition 27.4) must be followed, which may include increased sampling frequency, development of site-specific toxicant guideline values, and development of toxicant management plan(s).

**Table 3**

<b>Toxicant name</b>	<b>Threshold (µg/L)</b>
Aluminium (pH >6.5)	715
Arsenic (AsIII)	312
Arsenic (AsV)	169
Boron	12,220
Cadmium	2.6
Chromium (CrVI)	13
Copper	18
Lead	44
Manganese	24,700
Mercury (inorganic)	7.8

Nickel	143
Silver	0.7
Zinc	104

29.5 Notwithstanding Condition 29.3 and 29.4, all discharges associated with the mining operations authorised under these consents must not cause any of the following effects within any receiving waterbody measured at or beyond 100 metres from any discharge:

- a) Any conspicuous oil or grease films, scums or foams, or floatable or suspended materials,
- b) Any conspicuous change in the colour or visual clarity,
- c) Any emission of an objectionable odour,
- d) Any significant adverse effects on aquatic life, or
- e) The rendering of fresh water unsuitable for consumption by farm animals.

Sampling required under this condition must be undertaken and analysed by suitably qualified personnel and the results supplied to the Consent Authority annually as part of the annual works programme.

29.6 The Consent Holder must inform a Compliance Officer of the Consent Authority immediately if a breach of Consent Condition(s) takes place, or when they believe that a breach may take place.

29.7 An Annual Hydrological and Water Quality Report shall be submitted to WCRC with the Annual Work Programme in accordance with Condition 5.2 for review and evaluation of compliance. The report should be prepared by a suitably qualified and experienced person and include the following information:

- a) A summary of the monitoring undertaken over the preceding 12 months. The summary shall:
  - Reference the specific consent conditions under which the monitoring has been undertaken to show how the conditions have been complied with.
  - Provide tables of the water quality data collected in accordance with Condition 29.1 with any values that exceed the thresholds defined in Conditions 29.3 and 29.4 highlighted
- b) Discussion and evaluation of the monitoring data in relation to the relevant conditions including a summary of compliance with conditions;
- c) Evaluation of upstream concentrations relative to downstream concentrations and details of any actions undertaken to investigate and address any increase in downstream concentrations in accordance with Condition 27.4(c);
- d) A summary of the actions that have been undertaken in response to any exceedance(s) action thresholds and/or water quality limits;
- e) The average and seasonal high groundwater levels determined in accordance with Condition 23.1 including an explanation of how the values were derived;
- f) Records of the visual inspections that have been undertaken in accordance with

Condition 23.2 to show that excavation into the water table has been avoided; and

- g) Document (in tabular format) the actions that have been undertaken to ensure that the objectives of the Water Monitoring, Mitigation and Action Plan and the Erosion and Sediment Control Plan have been achieved, including any improvements made to these plans in accordance with Condition 6.5.

29.8 The Consent Holder must engage a suitably qualified aquatic ecologist to carry out annual macroinvertebrate and fish surveys in the Blind River. The proposed survey methodology, including the locations where macroinvertebrate (taxa number and composition) and fish sampling will be undertaken, the timing of the sampling, the methods that will be used to undertake the sampling, the name of the authorised person who will undertake the monitoring and reporting methods must be submitted to the Consent Authority 20 working days prior to the survey being undertaken, for the Consent Authority to certify the survey methodology. If the Consent Authority refuses to certify the survey methodology, it must give reasons in writing, and the Consent Holder must resubmit the survey methodology for certification addressing any concerns of the Consent Authority. Surveys must not be undertaken until certification is achieved. The results of the survey must be submitted to the Consent Authority within 10 working days of the results being received.

29.9 Macroinvertebrate monitoring required by Condition 29.8 must be conducted using Protocol P2 and C1 from the Ministry for the Environment Macroinvertebrate Guidelines and the samples must be analysed by an aquatic ecologist experienced in macroinvertebrate sampling and identification. Monitoring must be undertaken on a day on which there has been no major flood event in the preceding week. Whenever practicable, sites that have been sampled in the past must be used.

## Term

This resource consent expires on 10 May 2032.

## NOTE TO THE CONSENT

The Consent Holder is advised that **the consent does not confer a right of access** and the Consent Holder should be aware the permission of the legal owner or administering body of the site may also be required.

## REASON FOR DECISION PURSUANT TO SECTION 113, RESOURCE MANAGEMENT ACT 1991

In making this decision to grant the resource consent the purpose and principles of the Resource Management Act 1991 as set out in Part II of the Act have been followed along with consideration of Section 104, which requires an assessment of the effects of the proposed activity.

The nature of works that are authorised under this decision are consistent with the Council's Regional Policy Statement. Specific objectives and policies are contained in Chapters 3, 4, 5, 7, 7A, 8, 9 and 10 of the Regional Policy Statement.

The works under this consent are a Non-complying activity under the National Environmental Standards for Fresh Water. This application is consistent with the objectives and policies of that Plan (see Table 1 below) and NES and will have no more than minor effects.

**Table 1**

<b>Planning Documents</b>	<b>Objectives/Policies</b>	<b>Rules</b>
Regional Policy Statement		
Issues of Significance to Iwi	O3.2; P3.2, 3.3	
Resilient & Sustainable Communities	O4.1, 4.2, 4.3, 4.4; P4.1, 4.4, 4.5	
Use and Development of Resources	O5.1, 5.2; P5.1, 5.2	

Ecosystems and Indigenous Biological Diversity	O7.2, 7.4; P7.1, 7.2, 7.7, 7.8	
Natural Character	O7A.1, 7A.2; P7A.1, 7A.2, 7A.3, 7A.4	
Land & Water	O8.1, 8.2, 8.4, 8.5; P8.1, 8.2, 8.5, 8.6, 8.8	
Coastal Environment	O9.1, 9.2; P9.1, 9.3, 9.9	
Air Quality	O10.2; P10.2	
Regional Land and Water Plan		
Mining and incidental earthworks	O4.2.1, 6.2.1; P4.3.1, 4.3.9, 4.3.10, 6.3.5	<b>16</b>
To discharge contaminants to land where it may enter water	O8.2.1; P8.3.5, 8.3A.1	<b>91</b>
National Environmental Standards for Freshwater		
Water take, use, damming, diversion or discharge within 100m of a natural wetland	O1; P1, 7, 9, 10	<b>54</b>

### **OBJECTION TO THE CONSENT AUTHORITY**

You are advised that you have a right of objection to the Consent Authority in respect of this decision, pursuant to Section 357A of the Resource Management Act 1991. Any objection is to be in writing and must set out the reasons for the objection. Any objection must be made within 15 working days of receipt of this decision. The Consent Authority will then consider the objection and give its decision in writing. Any person who made an objection may appeal to the Environment Court against the Consent Authority's decision on the objection, pursuant to Section 358.

Alternatively, pursuant to Section 120 of the Resource Management Act 1991 you have the right of appeal directly to the Environment Court against the whole or any part of this decision. Notice of appeal shall be in the prescribed form and must be lodged with the Environment Court and served on the Council within 15 working days of receipt of the Council's decision.

### **COSTS**

An invoice will follow shortly if the costs associated with processing this consent exceed the deposit fee paid upon lodgement of this consent application.

The final document will be issued if no objection/appeal has been received after the 15 working day objection period has passed. Alternatively the Council will issue a final document if you advise the Council in writing that you will not be lodging any objection/appeal.

If you have any queries regarding this matter, please contact the Council.

WCRC consents and conditions reviewed on 22 April 2022 by

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Selva Selvarajah  
**ACTING CONSENTS MANAGER**  
West Coast Regional Council



WCRC Consents and Conditions approved on 23 April 2024 by

A handwritten signature in black ink, appearing to read 'Darryl Lew', with a long horizontal flourish extending to the right.

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Darryl Lew,  
**Chief Executive Officer**  
West Coast Regional Council