

FURTHER SUBMISSION

Proposed Te Tai o Poutini Plan

Under Clause 8 of the First Schedule, Resource Management Act 1991

To: Te Tai o Poutini Plan Committee
388 Main South Road
Paroa
Greymouth 7805

By email: info@tppp.nz

Submission by: Birchfield Coal Mines Ltd

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- 1 Birchfield Coal Mines Ltd (**BCML**) made a submission (S601) on the Proposed Te Tai o Poutini Plan (**TTPP**).
- 2 BCML has an interest in TTPP that is greater than the interest that the general public has.
- 3 This further submission on TTPP is on various submission points and seeks various forms of relief (allowing and disallowing the original submissions) as set out in **Appendix 1** to this further submission. There are multiple submitters and submission points on the same or similar provisions and a representative submission has been joined, rather than submitting on each point and/or all submissions made on that provision.
- 4 The relief sought will:
 - (a) Assist the Grey, Buller and Westland District Councils in fulfilling their statutory duties under the Resource Management Act 1991 (RMA) including the integrated management of the effects of the use, development, or protection of land;
 - (b) meet the requirements of section 32 of the RMA; and
 - (c) promote the sustainable management of natural and physical resources in accordance with Part 2 of the RMA, and in particular the efficient use of natural and physical resources.
- 5 BCML wishes to be heard in support of its further submission, and will consider presenting a joint case with others presenting similar submissions.



Phil McKinnel

On behalf of Birchfield Coal Mines Ltd

Appendix 1 – further submission points

This further submission is in relation to the original submission of:	The particular parts of the original submission I/we support/oppose are:	My/our position on the original submission:	The reason for my/our support/opposition to the original submission are:	Allow or disallow the original submission (in full or in part)	Give precise details of why you wish to allow/disallow (in full or in part) to indicate the decision you want Council to make
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.019	Oppose	Oppose for the reasons set out in BCML's original submission	Disallow in full	This submission point seeks to make substantial changes to a number of provisions without assessing the appropriateness of such a change in context of the rule.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.333	Oppose	Oppose for the reasons set out in BCML's original submission	Disallow in full	A prohibited activity status in the NOSZ is not appropriate. Ecological assessments for mining are not necessary in every instance and need to relate to actual effects on the environment.
Straterra (S536)	S536.025	Support	Support for the reasons set out in BCML's original submission	Allow	BCML wishes to appropriately enable mining under the TTPP
Strategic Directions					
Development West Coast (S484)	S484.004	Support	Support for the reasons set out in BCML's original submission	Allow in full	BCML wishes to appropriately enable mining under the TTPP and the proposed additional strategic objectives reflect this.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.003	Oppose	Oppose for the reasons set out in BCML's original submission	Disallow in full	BCML supports the Strategic Objectives as notified and as further submitted.
Development West Coast (S484)	S484.003	Support	Support for the reasons set out in BCML's original submission	Allow in full	BCML wishes to appropriately enable mining under the TTPP and the proposed additions reflect this.
Inger Perkins (S462)	S462.024	Oppose	Oppose for the reasons set out in BCML's original submission.	Disallow in full	BCML wishes to appropriately enable mining under the TTPP.

Terra Firma Mining Limited (S537)	S537.008	Support	Support for the reasons set out in BCML's original submission	Allow in full	BCML wishes to appropriately enable mining under the TTPP.
Terra Firma Mining Limited (S537)	S537.006	Support	Support for the reasons set out in BCML's original submission	Allow	BCML wishes to appropriately enable mining under the TTPP. The proposed wording provides an acceptable alternative relief to BCML's relief sought on the provision.
Manawa Energy Limited (Manawa Energy) (S438)	S438.028	Support	Support for the reasons set out in BCML's original submission	Allow in full	BCML wishes to appropriately enable mining under the TTPP. A focus on protecting outstanding features and significant indigenous biodiversity is supported.
Department of Conservation (S602)	S602.029	Oppose	Oppose for the reasons set out in BCML's original submission	Disallow in full	Addition of "enhance" to this objective is not appropriate.
Waka Kotahi NZ Transport Agency (S450)	S450.060	Oppose	Oppose for the reasons set out in BCML's original submission	Disallow in full	A rule seeking consent for every activity accessing off a State Highway is unnecessary, not based on environmental effects, and is appropriately covered under access standards and the High Trip Generator rule
Waka Kotahi NZ Transport Agency (S450)	S450.058	Support	Support for the reasons set out in BCML's original submission	Allow in part	BCML supports the clarification of activity status and seeks that TRN-R14 is deleted and that High Trip Generating Activities are restricted discretionary.
Buller District Council (S538)	S538.086	Support	Support for the reasons set out in BCML's original submission	Allow in full	BCML supports deleting this unnecessary rule.
Historical and Cultural Values					
Rocky Mining Limited (S474)	S474.006	Support	Support for the reasons set out in BCML's original submission	Allow in full	BCML supports including a restricted discretionary rule for mineral extraction activities.
Westpower Limited (S547)	S547.171	Support	Support for the reasons set out in BCML's original submission	Allow in full	BCML supports clarification that historic heritage should be protected from inappropriate forms of development. s

Manawa Energy Limited (Manawa Energy) (S438)	S438.063	Support	Support for the reasons set out in BCML's original submission	Allow in full	BCML supports the addition of the words "where practicable" to this policy. so
Westpower Limited (S547)	S 547.174	Support in part	Support in part for the reasons set out in BCML's original submission	Allow in part	BCML supports the inclusion of the technical, locational, functional or operational constraints, but this should not just be limited to energy activities and should apply to all activities. Add "h. Any technical, locational, functional or operational constraints or requirements of activities."
Heritage New Zealand Pouhere Taonga (S140)	S140.026	Oppose	Oppose for the reasons set out in BCML's original submission	Disallow in full	BCML does not support the discretionary status for repositioning heritage items, or the non-complying activity status for relocating heritage items proposed by the submission, and seeks that the activity status remains restricted discretionary.
Natural Environment Values					
Buller Conservation Group (S552)	S552.006	Oppose	Oppose for the reasons set out in BCML's original submission	Disallow in full	BCML does not support the proposal to separate objectives.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.413	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support SNA provisions applying to unmapped areas.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.415	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support any policy direction which inappropriately singles out mining activities.
Royal Forest and Bird Protection Society of New Zealand Inc.	S560.192	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support SNA provisions applying to unmapped areas.

(Forest & Bird) (S560)					<p>BCML in particular opposes the following statements being included: “Specifically, to recognise and provide for the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna; and more broadly, for the control of any actual or potential effects of the use, development, or protection of land for the purpose of maintaining indigenous biodiversity. The WCRPS, which this Plan must give effect to, sets out criteria for determining significance and requires that all areas meeting this criteria, whether mapped in the Plan or not, are to be known as Significant Natural Areas, or SNAs.”</p> <p>“Where the provisions in this Plan refer to Significant Natural Areas this includes areas which are not yet included as SNA in Schedule Four, that nevertheless meet one or more of the significance criteria. Where there is uncertainty as to whether an area may meet the criteria, or in the absence of an ecological assessment, precaution and protection should be favoured, and a resource consent sought.”</p>
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.200	Oppose	Oppose for the reasons set out in BCML’s submission	Disallow in full	BCML does not support the changes to ECO – P1 which seek to revisit the SNA mapping of the Grey District because this exercise has already been completed.
Department of Conservation (S602)	S602.068	Oppose	Oppose for the reasons set out in BCML’s submission	Disallow in full	BCML does not support the removal of ECO – P2.d which allows consideration of the functional need of an activity to

					locate within an area of significant indigenous vegetation.
Manawa Energy Limited (Manawa Energy) (S438)	S438.080	Support	Support for the reasons set out in BCML's submission	Allow in full	BCML supports the proposed amendments.
Department of Conservation (S602)	S602.073	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the wording changes to this policy.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.224	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support a new rule which would change the activity status for indigenous vegetation clearance to non-complying.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.503	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the inclusion of an additional rule. The proposed wording requires an assessment of vegetation to determine compliance which will result in a significant regulatory burden for councils and applicants. BCML does not support a non-complying activity status for vegetation clearance.
Department of Conservation (S602)	S602.010	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the inclusion of an advice note which increases the regulatory burden because this will create confusion around activity status for vegetation clearance until SNAs are mapped.
Department of Conservation (S602)	S602.075	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	The proposed amendments create difficulty in determining compliance with permitted activity rules and potentially require a full ecological assessment to determine whether the WCRPS criteria apply to a particular piece of vegetation. The permitted activity limit on vegetation clearance outside of mapped SNAs is sufficient and further regulatory burden

					for small scale vegetation clearance is not necessary.
Scoped Planning and Design Limited (S617)	S617.008, S617.009	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	The proposed amendment would mean that there is no permitted vegetation clearance in the Buller or Westland Districts which would result in perverse outcomes.
Department of Conservation (S602)	S602.076	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	The proposed amendments create difficulty in determining compliance with permitted activity rules and potentially require a full ecological assessment to determine whether the WCRPS criteria apply to a particular piece of vegetation. The permitted activity limit on vegetation clearance outside of mapped SNAs is sufficient and further regulatory burden for small scale vegetation clearance is not necessary.
Grey District Council (S608)	S608.057	Support	Support for the reasons set out in BCML's submission	Allow in full	BCML supports the change proposed which recognises that SNA mapping has been undertaken in the Grey District.
Department of Conservation (S602)	S602.078	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	The proposed amendments create difficulty in determining activity status prior to SNAs being mapped.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.504	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the inclusion of an additional rule with a non-complying activity status.
Hadley Mills (S534)	S534.002	Support	Support for the reasons set out in BCML's submission	Allow in full	BCML supports the review of the ONL overlay.
Department of Conservation (S602)	S602.085	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not agree with including values other than landscape within the matters of control for Natural Features and Landscapes.

Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.343	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support including precautionary approach or the qualifiers to the functional and operational needs of activities. The Draft NPS-IB and NPS-FM do not directly relate to ONLs.
Department of Conservation (S602)	S602.091	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not agree with including values other than landscape within the policies for Natural Features and Landscapes.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.364	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not agree with applying a precautionary approach or requiring the effects management hierarchy to be applied to the Natural Character chapter.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.366	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the additional wording in the objective.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.248	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the use of the word avoid in this policy.
Buller Conservation Group (S552)	S552.027	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the addition of riparian margin rules for streams less than 3m in width, or increased riparian margins for major rivers.
Buller Conservation Group (S552)	S552.208	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	There has been no resource management justification provided to support a change in activity status to prohibited.
Royal Forest and Bird Protection Society of New Zealand Inc.	S560.041	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the removal of permitted activity earthworks and vegetation clearance in riparian margins.

(Forest & Bird) (S560)					
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.253	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML supports rule NC-R1 as notified.
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.518	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the inclusion of a rule with non-complying activity status for activities in riparian margins.
Zones					
Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560.020, S560.0549, S560.358, S560.361	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML supports the activity status of mineral extraction as notified, except where otherwise specified in BCML's original submission.
Straterra (S536)	S536.053	Support	Support for the reasons set out in BCML's submission	Allow in full	BCML supports the additional wording proposed by Straterra.
RURZ					
Buller Conservation Group (S552)	S552.173	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the inclusion of indigenous biodiversity provisions in the RURZ, as they belong in the ECO chapter of the proposed Plan.
Frida Inta (S553)	S553.173	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the inclusion of indigenous biodiversity provisions in the RURZ, as they belong in the ECO chapter of the proposed Plan.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190)	S190.928	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the inclusion of the effects management hierarchy in this objective in relation to human health, as it could be inappropriately applied.

Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190	S190.951	Oppose	Oppose for the reasons set out in BCML's submission	Disallow in full	BCML does not support the inclusion of the effects management hierarchy in this policy in relation to human health, as it could be inappropriately applied.
Heritage schedule					
Greymouth Heritage Trust (S104	S104.001	Oppose	Oppose for the reasons set out in BCML's submission	Oppose in full	BCML does not support the inclusion of a "Historic Mining Area of the Southern Paparaoas" as shown on the map "Greymouth Coalfield". The area identified is extensive and would increase the regulatory burden for a wide range of activities established within this area. There are few recorded archaeological or heritage items which predate 1800 in this area which would justify such a heritage area being included. For the avoidance of doubt, this submission point is intended to cover all individual submissions which seek the inclusion of this heritage area.
All submitters above	All submission points above	As above.	As above.	Any relief further and/or consequential to the above.	To give effect to the reasons given above.