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10 November 2022

Te Tai o Poutini Plan

Via email: [info@tpp.nz](mailto:info@tpp.nz)

ATTENTION : Proposed Te Tai o Poutini Plan, Submission

**NEW ZEALAND COAL & CARBON LTD : SUBMISSIONS ON THE PROPOSED TE TAI O POUTINI PLAN**

New Zealand Coal & Carbon Ltd (NZCC) encompasses three mining companies: Roa Mining Company Ltd, Francis Mining Co. Ltd and New Creek Mining Ltd. All of our mining operations are based on the West Coast, where we have conducted business since 1982.

NZCC's submissions on the proposed Te Tai o Poutini Plan (TTPP) are contained in the following pages and the TTPP provided submission form is attached at the end.

A handwritten signature in blue ink, appearing to read 'Jill Young', is positioned above the typed name.

Jill Young  
General Manager, Technical Services  
for New Zealand Coal & Carbon Ltd

**Attached:** TTPP provided submission form

## NEW ZEALAND COAL & CARBON LTD : SUBMISSIONS ON THE PROPOSED TE TAI O POUTINI PLAN

### SOME GENERAL SUBMISSIONS

1. This submission covers all of the proposed Te Tai o Poutini Plan (TTPP), and in particular those provisions which affect New Zealand Coal & Carbon Ltd (NZCC), its subsidiaries and businesses.
2. Relief sought:
  - 2.1 We seek any and all relief required to give effect to the matters raised in this submission, including as affected by introduced national environmental standards and national policy statements. Relief sought specifically includes but is not limited to the relief sought as outlined in this submission.
  - 2.2 Alternative, consequential, or necessary additional relief to give effect to the matters raised in this submission and to address any matters affected by introduced national environmental standards and national policy statement.
3. We wish to ensure that the significance of mineral prospecting, exploration and extraction activities to the West Coast Region **are expressly recognised** and that these activities are able to operate efficiently and effectively (and in a way which their functional and operational needs are recognised), including through securing resource consents as appropriate. We **seek and support** the provision of a consenting pathway and access to the effects management (or mitigation) hierarchy for our current and future activities.
4. We **support** the inclusion of Mineral Extraction Strategic Objectives and a Mineral Extraction Zone (MINZ), including its provisions, as well as the enabling provisions for mineral prospecting, exploration and extraction activities throughout the TTPP.
5. We **oppose in part** the Significant Natural Areas (SNA) and Outstanding Natural Landscapes (ONL) overlays.

We understand the intent with the overlays were to exclude those areas containing existing activities. These need to be amended to exclude the full extent of existing, lawfully established and/or approved areas of activity. These overlays and the provisions in relation to these will apply to mineral extraction activities both within and outside of the Mineral Extraction Zone. We seek a consenting pathway and access to the effects management hierarchy for our current and future activities such that they are not unnecessarily restricted.

## NEW ZEALAND COAL & CARBON LTD : SUBMISSIONS ON THE PROPOSED TE TAI O POUTINI PLAN

SOME SUBMISSIONS IN RELATION TO SPECIFIC PROVISIONS				
TTPP SECTION	TTPP PROVISION	SUPPORT or OPPOSE	DECISION SOUGHT	REASON
Definitions	Earthworks	Oppose in part.	<p>Insert at the end of the definition an exclusion, or provide similar relief.</p> <p>Suggested wording is <i>“This excludes earthworks associated with mineral prospecting, exploration and extraction activities.”</i></p>	Earthworks are part of mineral prospecting, exploring and extraction activities and as such would be addressed by those associated Rules.
Definitions	Mineral Extraction and Processing	Support with changes.	Insert <i>“, to and between”</i> after the words “access within”.	<p>On the ground access is not limited to that within a site and provision is required for access to and between sites, be they exploration, mine or ancillary.</p> <p>For example, there may be an off (mine) site water treatment or mineral handling facility that is linked via an access road. In numerous cases mine sites are land locked and have access roads to them.</p> <p>These all form part of the mineral extraction activities.</p>
MIN	MIN-O1 to MIN-O4 and MIN O6	Support.	Support MIN-O1 to MIN-O4 and MIN-O6 and the words at the bottom of the table in relation to the strategic objectives.	
NENV	NENV-O3	Oppose in part.	At item b. insert <i>“and activities”</i> after the words “infrastructure”.	Activities other than infrastructure are located or may need to be located in these areas.

## NEW ZEALAND COAL & CARBON LTD : SUBMISSIONS ON THE PROPOSED TE TAI O POUTINI PLAN

SAMS	SAMS-R15 (amended provisions)	Oppose in part.	Change the activity status of these rules from Non-Complying to Discretionary.	<p>The MINZ and it's activities would get captured by the SPZ zone inclusion as well as mineral prospecting, exploration and extraction activities in the zones included within RURZ and OSRZ.</p> <p>We would welcome the provision of a discretionary activity status which would enable a consenting pathway and access to the effects management hierarchy, thereby allowing for a case by case consideration of the activity and the SAMS together with the mitigation and/or protection required.</p>
ECO	ECO-O2	Oppose in part.	Insert at end <i>"or if not where adverse effects can be mitigated"</i> .	Provide for mitigation where this is possible.
ECO	ECO-P2	Oppose in part.	At item e. insert at end <i>"or where adverse effects can be mitigated"</i> .	Provide for mitigation where this is possible.
ECO	ECO-P6	Oppose in part.	Delete the word "avoid".	Using the word avoid may prevent the use of the effects management hierarchy, given the case law definition of this, and/or be inconsistent with the Regional Policy Statement.
ECO	ECO-P7	Oppose in part.	At item b. insert the word <i>"/or"</i> after the words "protection and".	In practice management alone can also lead to the desired outcome. This ties into ECO-P8.
ECO	ECO-R7	Support in part.	Support the Discretionary activity status of ECO-R7.	
NFL	NFL-O1	Support in part.	Support providing for <i>"use and development"</i> .	

## NEW ZEALAND COAL & CARBON LTD : SUBMISSIONS ON THE PROPOSED TE TAI O POUTINI PLAN

NFL	NFL-P2	Support in part.	Support ability to remedy, mitigate or offset effects of activities within ONLs and ONFs.	
NFL	NFL-P5	Support in part.	Support e.	
NFL	NFL-R15	Support in part.	Support the Discretionary activity status of NFL-R15.	
NFL	NFL-R15	Oppose in part.	In the heading insert “Controlled” after the word “Permitted”.	Appears to be a drafting error as no flow on from Controlled rules.
EW	EW-R8	Support in part.	Support the Restricted Discretionary activity status of EW-R8.	
OSRZ	OSRZ-O1	Oppose in part.	Insert “where possible” after the word “should”.	Not all activities in these zones will “complement” and provision is required where this doesn’t occur.
OSRZ	OSRZ-P9	Support in part.	Support f.	
OSRZ	OSRZ-P14	Oppose in part.	Delete b.	Mineral extraction may not be provided for in the management plan referenced at b.
OSRZ	new OSRZ-P21	Oppose in part.	<p>Insert wording of OSRZ-P14 as a new OSRZ P21 under Natural Open Space Zone BUT:</p> <ul style="list-style-type: none"> <li>• <u>change</u> the words OSZ-Open Space Zone to NOSZ-Natural Open Space Zone; and</li> <li>• <u>delete</u> b.</li> </ul>	<p>Mineral extraction activities also occur in the NOSZ – Natural Open Space Zone.</p> <p>Mineral extraction may not be provided for in the management plan referenced at b.</p>
NOSZ	NOSZ-R16	Oppose in part.	Change Rule status from Non-Complying to Discretionary.	<p>Some land within the NOSZ is currently used for mineral extraction.</p> <p>We request a consenting pathway and access to</p>

## NEW ZEALAND COAL & CARBON LTD : SUBMISSIONS ON THE PROPOSED TE TAI O POUTINI PLAN

				<p>the effects management hierarchy, which the discretionary status would provide, thereby allowing for a case by case consideration of the activity</p> <p>We also note the other robust regulatory mechanisms in place for some land held in this zone, for example an access arrangement with the Department of Conservation.</p>
NOSZ	NOSZ-R16	Oppose in part.	Insert Mineral Prospecting and Exploration into the heading of the rule.	
OSZ	OSZ-R11	Oppose in part.	Under 3. increase the timeframe to 1 year.	Some drill programs go for longer than 3 months so may not be practical to rehabilitate in this timeframe.
OSZ	OSZ-R22	Support in part.	Support the Discretionary activity status of OSZ-R22.	
OSZ	OSZ-R22	Oppose in part.	Insert Mineral Prospecting and Exploration into the heading of the rule.	
RURZ	RURZ-05	Support.	Support.	
RURZ	RURZ-P18 to P25	Support in part.	Support Mineral Extraction policies.	
GRUZ	GRUZ-R11	Oppose in part.	Under 3. increase the timeframe to 1 year.	Some drill programs go for longer than 3 months so may not be practical to rehabilitate in this timeframe.

## NEW ZEALAND COAL & CARBON LTD : SUBMISSIONS ON THE PROPOSED TE TAI O POUTINI PLAN

GRUZ	GRUZ-R32	Support in part.	Support the Discretionary activity status of GRUZ-R32.	
MINZ	MINZ	Support.	Support the provision of a Mineral Extraction Zone (MINZ).	
MINZ	Overview	Support with changes.	<p>3<sup>rd</sup> para, 2<sup>nd</sup> sentence :</p> <ul style="list-style-type: none"> <li>• delete “is from three different” and insert “includes the”.</li> <li>• delete “and includes” and insert “of”.</li> </ul>	There are a number of other authorisations not listed which are applicable so a broader refence would be more appropriate.
MINZ	MINZ-O1 to O2	Support.	Support.	
MINZ	MINZ-P1 to P8	Support.	Support.	
MINZ	MINZ-R1	Support with changes.	At Item 2. increase the timeframe to 1 year.	Some drill programs go for longer than 3 months so may not be practical to rehabilitate in this timeframe.
MINZ	MINZ- R2	Support with changes.	At Item 2. a. delete “coal mining licence or resource consent” and insert “existing authorisations”.	Matters contained in Appendix 7 may also be covered by a number of other authorisations, not just those currently identified, so this provision requires broadening.
MINZ	MINZ- R2	Support with changes.	At Item 2. a. with respect to the Mineral Extraction Management Plan (Appendix 7) insert an Advice Note to say something along the lines of ... “ <i>this process of certification is not to relitigate matters rather to check that what is required is there</i> ”.	<p>Potential issues of overlap, conflicts and re-litigation of matters already settled.</p> <p>We understand the intent to be that these matters are addressed and not duplicated or re-litigated.</p>
MINZ	MINZ-R2	Support with	At Item 6. Insert “ <i>or evidence that the bond is in place with another regulatory authority or land</i> ”	There are instances where the land administrator or another regulator is the primary holder of the

## NEW ZEALAND COAL & CARBON LTD : SUBMISSIONS ON THE PROPOSED TE TAI O POUTINI PLAN

		changes.	<i>administrator</i> ".	bond, e.g. Department of Conservation or Regional Council. This avoids unnecessary duplication of bonds.
MINZ	MINZ-R3	Support with changes.	At Item 4. increase the heavy vehicle movement to 100.  At Item 6. Insert <i>"or evidence that the bond is n place with another regulatory authority or land administrator"</i> .	There are instances where the land administrator or another regulator is the primary holder of the bond, e.g. Department of Conservation or Regional Council.
MINZ	MINZ-R6	Support.	Support.	
MINZ	MINZ-R7	Support.	Support MINZ-R7 and the Restricted Discretionary activity status of MINZ-R7.	
Schedule 9	Roa Mine Blackball and Rajah Mine Blackball	Support with changes.	Add under the "Authorisation Mechanism" for both of these mines resource consent numbers GDC resource consent 1422/06, GDC building consent 989139 and WCRC resource consents RC06166, RC10075 and RC01/92.	An omission in drafting of the TTPP.
Map	Map # 45 (Grey District)	Oppose in part.	Remove the overlap of the Precinct from the Mineral Extraction Zone (MINZ) for SEC 39 SO11207 TWN OF ROA BLK II MAWHERANUI SD (Valuation ID 2543020700) and SEC 48 SO 11207 BLK II MAWHERANUI SD (Valuation ID 2543020701).	A mapping error seems to have occurred with the Precinct and overlaps the Mineral Extraction Zone (MINZ) and its existing activities. This should match the zoning boundary which abuts the MINZ in that area.



# Te Tai o Poutini Plan Proposed Plan

# Submission form

**Have  
your  
say!**

Te Tai o  
Poutini Plan  
Proposed  
Plan

We need your feedback. We want to hear from you on the proposed Te Tai o Poutini Plan. What do you support and what would you like changed? And why? It is just as important to understand what you like in the Proposed Plan as what you don't. Understanding everyone's perspectives is essential for developing a balanced plan.

## Your details:

First name: Jill Surname: Young

Are you submitting as an individual, or on behalf of an organisation?  Individual  Organisation

Organisation (if applicable): New Zealand Coal & Carbon Ltd

Would you gain an advantage in trade competition through this submission?  Yes  No

If you **could** gain an advantage in trade competition through this submission please complete the following:

I am  /am not  directly affected by an effect of the subject matter of the submission that (a) adversely affects the environment; and (b) does not relate to trade competition or the effects of trade competition.

Postal address: PO Box 2341, Christchurch 8140

Email: jill@nzcoal.com Phone: (03) 339 9300

Signature: [Handwritten Signature] Date: 10 November 2022

## Your submission:

The specific provisions of the proposal that my submission relates to are:

- |  |   |   |
|--|---|---|
| <input checked="" type="checkbox"/> Strategic Direction            | <input checked="" type="checkbox"/> Energy Infrastructure and Transport | <input checked="" type="checkbox"/> Hazards and Risks |
| <input checked="" type="checkbox"/> Historical and Cultural Values | <input checked="" type="checkbox"/> Natural Environment Values          | <input checked="" type="checkbox"/> Subdivision       |
| <input checked="" type="checkbox"/> General District Wide Matters  | <input checked="" type="checkbox"/> Zones                               | <input checked="" type="checkbox"/> Schedules         |
| <input checked="" type="checkbox"/> Appendices                     | <input checked="" type="checkbox"/> General feedback                    |   |

All submitters have the opportunity to present their feedback to Commissioners during the hearings process. Hearings are anticipated to be held in the middle of 2023. Please indicate your preferred option below:

I wish to speak to my submission  I do not wish to speak to my submission

If others make a similar submission, would you consider presenting a joint case with them at a hearing?

Yes, I would consider presenting a joint case  No, I would not consider presenting a joint case

Public Information - all information contained in a submission under the Resource Management Act 1991, including names and addresses for service, becomes public information. The content provided in your submission form will be published to the Te Tai o Poutini Plan website and available to the public. It is your responsibility to ensure that your submission does not include any personal information that you do not want published.

**Want to know more?**

**www.tppp.nz**

**0508 800 118**



**Te Tai o Poutini  
PLAN**

*A combined district plan for the West Coast*