

SUBMISSION ON: Proposed Te Tai o Poutini Plan

Te Tai o Poutini Plan Submissions

PO Box 66, Greymouth 7840

By email: info@tppp.nz

Name of submitter: **Bathurst Resources Limited and BT Mining Limited**

This is a submission on the Te Tai O Poutini Plan Proposed Plan (**Plan**).

Address for Service

Bathurst Resources Limited/BT Mining Limited
PO Box 5963
Lambton Quay
Wellington 61445

campbell.robertson@bathurst.co.nz / joshua.leckie@laneneave.co.nz

Bathurst Resources Limited and BT Mining Limited will not gain an advantage in trade competition through this submission.

Bathurst Resources Limited and BT Mining Limited wish to be heard at a hearing and do not want to present a joint case.

Background

1. Bathurst Resources Limited (including BT Mining Limited of which Bathurst is a 65% joint venture owner) (**Bathurst**) is New Zealand's leading coal producing company with operations throughout New Zealand providing coal for local steel making, delivering energy for electricity generation and to domestic dairy and food processing industries and exporting high quality metallurgical coal to international steel makers. We anticipate ending this financial year having mined around 2.1m tonnes of coal.
2. Bathurst is a New Zealand registered ASX listed resource company with the majority of its shareholders being overseas investors. All Bathurst's mining operations are in New Zealand. The Bathurst group employs over 570 people directly and makes a significant contribution to the economic wellbeing of the regions of the West Coast, Canterbury, Southland and the Waikato through this direct employment (\$48m p/a) as well as taxes, coal royalties, energy resources levy and equipment and supply purchases. It is generally accepted that the flow-on economic effect in a community is 3.2 jobs for each mine job.

3. Responsible resource use lies behind all of Bathurst's activities and its approach to sustainable development and management of its social and environmental performance. This means everything the company does is guided by a commitment to shareholders, employees, local communities, and, importantly, the environment. Bathurst's commitment is backed by significant investment of time and money to ensure social and environmental impacts are managed from design and planning through to production and eventually rehabilitation of mining sites.
4. Our ultimate aim is to ensure that Bathurst's operations enable society to meet its present needs without compromising the ability of future generations to meet their needs.
5. Bathurst has a Health, Safety, Environment and Community management framework to guide the company's decisions on responsible resource use and the impact of its activities. The framework is in accordance with international standards to enable continuous improvement of Bathurst policies, standards, and procedures to minimise risk to mine workers and the environment.

Customers for New Zealand Coal

6. Bathurst mines and sells coal to the New Zealand dairy and meat industries for processing of their products and to schools and hospitals for heat generation. We also sell coal to New Zealand Steel at Glenbrook for steelmaking and for electricity generation at the Huntly Power Station (to provide electricity supply security particularly for the Auckland market). In addition, we mine and sell coal from our West Coast mines to steelmakers in Japan, India, South Korea, and Australia. The high quality of New Zealand's coking coal (which means less coal is used for the same output) reduces net global emissions from steel making.
7. Clearly, we are driven by demand from our customers. While there are no economic alternatives to the use of coal it will continue to be used, or the industries that use coal in New Zealand will relocate to other parts of the world.

Location of Mining

8. The coal resource is fixed in location and must be extracted where it is located. All our mines operate as open cast mines which means that overburden (material that is not coal) is removed to access the coal seam. The coal is then extracted, and the overburden replaced. Mining is by its very nature an activity that moves along the landscape as the coal seam(s) are followed and extracted.
9. While authorisations may be in place for existing operations, some of these authorisations are due for renewal in the near future, the provisions in the Plan will necessarily impact on the ability for Bathurst to continue with its existing operations and also impact on the ability to continue with the long term plan for mining in these areas, particularly in the context of access to further resources where mining permits (rights to the resource) have already been granted through a statutory process.
10. As would be expected, mines are generally located in rural areas and earthworks to remove overburden and to extract the coal will inevitably intersect with vegetation and fauna including indigenous biodiversity, ephemeral streams and wetlands and watercourses. In addition, while mining is taking place it will be necessary to divert water, including watercourses, and to discharge clean and treated water to adjacent watercourses.

Bathurst Operations in the Buller District

11. Coal mining has had a long and distinguished history in the Buller district since coal was first discovered in the area in 1846 by Thomas Brunner and Charles Heaphy. The first mine is thought to have opened in the area in 1864 although early attempts to mine coal proved uneconomical due to high transport costs and the nature of the coal (friable and steeply dipped). In 1877 the railway from Westport to Ngakawau was opened and wharves were built at Westport. The first serious attempts to mine coal in the Buller District was made by Westport Colliery in 1878 at Banbury Mine, Denniston, while the first coal from Stockton was extracted by the Westport-Stockton Coal Company in 1908. From this time, coal mining and its associated infrastructure developments, including roads, railways, and the port, became the foundations of the town of Westport.
12. In 1944 a large-scale development programme was initiated at Stockton by State Coal Mines (previously Westport-Stockton Coal Company). This included the construction of a 7.7 km aerial ropeway to transport the coal from the plateau to the railway at Ngakawau in 1953. Prior to World War II all coal was produced by underground methods but since 1975 opencast mining has accounted for 95% of production. State Coal Mines led to Solid Energy New Zealand Ltd (or Coal Corporation of New Zealand Ltd as it was originally known) and the sale of its assets concluded in 2017 to BT Mining Ltd.
13. Mining in the Buller and elsewhere on the West Coast has underpinned the development of the local economy.
14. Bathurst currently owns three mines in the Buller Region (Stockton, Escarpment and Cascade) with Stockton currently being the only operating mine. There are two further consented mines that are not yet operating (Mt William North and Coalbrookdale). In addition, Bathurst holds either mining permits, mining licences, ancillary mining licences, exploration or prospecting permits over significant coal resources over large areas of land within the Buller region. Bathurst also holds ancillary authorisations for ancillary activities to mining, including transportation and load out facilities and has permit applications over other areas. These areas are all part of Bathurst long-term business plan for ensuring continuity of coal supply over the next 20 years.
15. Maps of all these areas are provided in Attachment 1. The reference to JORC Coal Resource Polygon, is the Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves ('the JORC Code'). This a professional code of practice that sets minimum standards for Public Reporting of Minerals Exploration Results, Mineral Resources and Ore Reserves.
16. The JORC Code provides a mandatory system for the classification of Minerals Exploration Results, Mineral Resources and Ore Reserves according to the levels of confidence in geological knowledge and technical and economic considerations in Public Reports. Bathurst is required under the rules of the ASX to report all resources using the JORC Code. For the sake of completeness, we note that the NZSX also uses the JORC Code.

General Comment

17. Bathurst firstly wants to express support for the work that the Councils have done to develop a plan that properly recognises the significance of mining and mineral resources on the West Coast, and the Buller in particular, to the local, regional and national economies.

18. In particular Bathurst's supports the Mineral Extraction and Buller Coalfield Zones and we wish to ensure that the rest of the Plan is not only consistent with the intended objectives and provisions of those zones but also does not restrict anticipated activities from occurring within those zones. To the extent that we have not specifically captured any inconsistencies below in our more specific submissions, we make an overall submission for all necessary changes to the Plan to ensure that the permissions and rights intended to be granted by the Mineral Extraction and Buller Coalfield Zones are able to be fully implemented at least for the life of the Plan.

Plan Section: Definitions

Provision: Lawfully Established

Position: Amend the definition in relation to mineral extraction and associated activities.

Reasons: To avoid any doubt the wording needs some amendment so that activities lawfully established under the provisions of a Coal Mining Licence continue to be lawful and permitted activities even after that licence has expired. Also, the definition needs to include activities lawfully established under the associated Ancillary Coal Mining Licences (also issued under the Coal Mines Act) which enable important ancillary activities such as the aerial ropeway linking Stockton to Ngakawau. These form an integrated part of mineral extraction activities and need to be specifically referenced to avoid any doubt about their inclusion.

Decision Sought: Amend the definition of Lawfully Established as follows:

means activities permitted through a rule in a plan, a resource consent, a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA). In the case of mineral extraction it also includes an ongoing activity that was established under the provisions of a Coal Mining Licence or Ancillary Coal Mining Licence issued under the Coal Mines Act (1979).

Provision: Mineral Extraction

Position: Amend the definition

Reasons: Not all these activities occur at the same site. The suggested amendment will ensure that all aspects of the activity are covered.

Decision Sought: amend the definition of Mineral Extraction as follows:

means the excavation, blasting and processing (crushing, screening, washing and blending), storage and distribution of mineral products and includes ancillary activities such as earthworks, landscaping and rehabilitation works, stormwater and wastewater treatment facilities, together with ancillary buildings and structures, maintenance and repair, vehicle movements and access within, to, from and between the mineral extraction sites and ancillary sites.

Plan Section: Strategic Directions – MIN Mineral Extraction – Te Tango Kohuke

Position: Support this Section

Reasons: These strategic objectives set a clear direction and intention for the West Coast and support the significant contribution that the mineral extractive sector makes to the social, economic and environmental wellbeing of the West Coast and New Zealand.

Decision Sought: Retain the strategic objectives with the exception of MIN-O6 (as per below)

MIN – O6

Position: Amend MIN-O6 (a)

Reason: Include the full effects hierarchy in the objective

Decision Sought: Amend Min-O6(a) as follows;

To:

- (a) Avoid, remedy, mitigate, offset or compensate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's significant natural and cultural features, sites and heritage, and amenity values, including:

Plan Section: NENV Natural Environment – Te Taiao

NENV-03

Position: Amend NENV-03 (b)

Reasons: There may be instances where activities with a functional or operational need may also need to be located with a significant area. Currently the Objectives only recognise infrastructure, however broadening this objective to include other activities that have a functional and operational need for their location such as mineral extraction will ensure that this objective is consistent with (and does not prevent) the intended outcomes of the mineral extraction objectives.

Decision Sought: amend NENV-03 as follows:

To recognise:

- a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land in protecting significant areas, habitats and features;
- b. The need for infrastructure activities with a functional or operational need to sometimes be located in significant areas; and
- c. The need to support the ethic of stewardship and to consider the positive effects of the conservation estate in achieving the requirements of the RMA.

Plan Section: TRN Transport – Te Tūnuku

TRN- R12

Position: Amend TRN- R12

Reasons: Need to make this rule and Table TRN 6 explicitly clear that the reference to vehicle movements is to and from the site and not within the site.

Decision Sought: amend Table TRN 6 as follows:

Mining and Quarrying >30 heavy vehicle movements to or from the site per day

Plan Section: Historic Heritage – Ngā Tūku Ihotanga

HH P7

Position: Amend HH P7

Reasons: Bathurst owns Sec 2 SO 14864 Blk VI Kawatiri SD (10A/582). The house on this section is in a very poor condition and not suitable for repair. It is unsafe to enter and in no way possible to restore without significant cost. It seems unreasonable and unnecessary to require an investigation and assessment from a suitably qualified professional at considerable cost for all heritage items identified on the schedule when this is not always necessary to obtain the necessary information.

Decision Sought: amend HHP7 as follows:

Demolition and destruction of historic heritage items identified in Schedule One will not be allowed unless it can be demonstrated, ~~through investigation and assessment by a suitably qualified heritage professional~~ that:

- a. The extent of the work required to retain the heritage items is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;
- b. The costs to retain or repair the heritage item would be unreasonable;
- c. All other viable alternatives, including relocation and repositioning have been fully considered.

A suitably qualified professional may be required to undertake an assessment where it is deemed necessary by the Consent Authority having regard to the nature of the protected heritage item.

Plan Section: Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora

ECO-O2

Position: Amend ECO-O2

Reasons: Bathurst supports the general intent of ECO-O2 but also seeks that this could be further clarified by recognising existing lawfully established activities and the special purpose zones (BCZ and MINZ). In addition the effects hierarchy should be considered. This means that biodiversity offsets or environmental compensation are also measures that may be undertaken to maintain or enhance biodiversity and these may occur at other sites than the area in question. This is consistent with the trading up principles inherent with Biodiversity Offsetting and compensation.

This approach is also consistent with the NPS-IB exposure draft (3.11(2)(ii)) where mineral extraction is explicitly provided for within an SNA.

Decision Sought: amend ECO-O2 as follows:

To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna or within the special purpose Buller Coalfield and Mineral Extraction Zones (BCZ, MINZ) or where the values of the area can be maintained or enhanced, offset or compensated for.

ECO-P2

Position: Amend ECO-P2

Reason: Similar to Bathurst’s position on ECO-O2 this policy, along with recognising lawfully established activities, and for completeness the Policy should also recognise the intent of the Mineral extraction and Buller Coal fields Zones, and the functional need requirements. Also there needs to be an “or” inserted at the end of line (d) for clarity.

Decision Sought: amend ECO-P2 as follows:

Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where:

- a. This is for a lawfully established activity; or
- b. It is for a Poutini Ngāi Tahu cultural purpose; or
- c. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
- d. The activity has a functional need to be located in the area; or
- e. The activity is an anticipated activity within the BCZ or MINZ zone; or
- f. The activity has a functional or operational need to be located in that area; or
- e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.

ECO-P6

Position: Amend ECO-P6

Reason: The use of the term “avoid” needs to be qualified with the ability to apply the effects hierarchy, that may in some instances result in a better outcome for biodiversity where an offset or compensation approach is taken.

Decision Sought: amend ECO-P6 as follows:

When assessing consents for subdivision, use and development, ~~avoid activities which will:~~ apply the effects hierarchy to avoid, remedy, mitigate, offset or compensate the effects of activities to:

- a. ~~Prevent~~ Enable an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;
- b. Result in no a degradation of the threat status, no more than a minor measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and
- c. Result in a no material reduction in the ongoing viability of the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a -nationally critical, nationally endangered and nationally vulnerable.

ECO-P8

Position: Amend ECO-P8

Reason: P8(d) uses the term “Preserve protected wildlife” however this is inconsistent with RMA s(6) which limits the term preserve to s(6)(a) which relates to natural character.

Decision Sought: amend ECO-P8 as follows:

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by:

- a. Maintaining, and where appropriate enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;
- b. Minimising adverse effects on, and providing access to, areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;
- c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;
- d. ~~Preserving protected wildlife; and~~ Protecting significant habitats of indigenous fauna, and
- e. Recognising the benefits of active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.

ECO-R1

Position: Amend ECO-R1

Reason: Consistent with Bathurst’s other submission points on this section, this rule needs to acknowledge the lawfully established activities in, and the objectives of, the Mineral Extraction and Buller Coalfields Zones (MINZ, BCZ) by enabling indigenous vegetation clearance in those specifically identified areas. where there is a functional or operational need for an activity to occur there.

Decision Sought: amend ECO-R1 as follows:

Activity Status Permitted

Where:

1. It is outside of a scheduled Significant Natural Area as identified in Schedule Four;
2. It is clearance permitted by the Natural Character and the Margins of Waterbodies Rule NC – R1; or
3. It is necessary for one of the following purposes:
 - i. It is an anticipated activity within the following zones, BCZ or MINZ; or
 - ii. There is a functional or operational need; or
 - iii.

ECO-R7

Position: Amend ECO-R7

Reason: Consistent with Bathurst’s other submission points on this section, this rule needs to acknowledge the lawfully established activities in, and the objectives of the Mineral Extraction and Buller Coalfields Zones (MINZ, BCZ) by enabling indigenous vegetation clearance in those specifically identified areas where there is a functional or operational need for the activity to occur there.

Decision Sought: amend ECO-R7 as follows:

Activity Status Discretionary

Advice Note:

1. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the objectives and policies of the MINZ, and BCZ zones, and ~~of both~~ the Ecosystems and Biodiversity Chapter, and Natural Features and Landscapes Chapters will be required.
2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES – PF.

Plan Section: NFL – Natural Features and Landscapes – Ngā Āhua me ngā Horanuku Aotūroa

NFL – P1

Position: Amend NFL-P1

Reason: The list of activities in (a) is not exhaustive, the suggested amendment will make it clear that existing land uses and lawfully established activities includes mining activities and in particular within the MINZ and BCZ zones and where there is a functional or operational need for the activity to occur there.

Decision Sought: amend NFL-P1 as follows:

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for:

- a. Existing land uses and lawfully established activities including mineral extraction, mineral exploration, and , anticipated activities in the BCZ and MINZ, existing network utilities, energy activities, agricultural, horticultural, and pastoral activities;
- b. Conservation activities;

NFL – P5

Position: Amend NFL-P5

Reason: The list of considerations needs to consider existing lawfully established activities.

Decision Sought: amend NFL-P5 by adding a (k)as follows:

Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:

...

(k) The extent to which an activity or structure is lawfully established.

NFL-R10

Position: Amend NFL-R10

Reason: The list of considerations needs to consider existing functional or operation need, lawfully established activities, and activities within the MINZ and BCZ zones.

Decision Sought: amend NFL-R10 as follows:

Where:

These are for:

- a. Earthworks within the MINZ or BCZ; or
- b. There is a functional or operational need for the activity to occur at this location; or
- c. ...

Plan Section: NC Natural Character and Margins of Waterbodies - Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

Position: Amend NC-O3

Reason: To include operational as well as functional need.

Decision Sought: amend NC-O3 as follows:

To provide for activities which have a functional or operational need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.

NC-P2

Position: Amend NC-P2

Reason: To broaden the consideration of lawfully established structures, to include all lawfully established activities.

Decision Sought: Amend NC-P2 (e) as follows:

Provide for indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where significant adverse effects on natural character are minimised as far as practicable and:

...(e) It is to undertake legally established activities or -for the repair and maintenance of legally established structures; or

NC-P3

Position: Amend NC-P3(a)

Reason: include operational need along with functional need.

Decision Sought: Amend NCP3(a) as follows:

Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these:

- a. Have a functional or operational need for their location; and

NC-R1

Position: Amend NC-R1

Reason: To broaden the consideration of lawfully established structures, to include all lawfully established activities. This change is consistent with the amendment sought for NC-P2

Decision Sought: Amend NC-R1(e) as follows:

- (e) To undertake legally established activities or for the maintenance and repair of lawfully established structures; or

NC-R2

Position: Amend NC-R2

Reason: To include structures that are associated with lawfully established activities and have an operational or functional need to be placed in this location.

Decision Sought: Amend NC-R2 by inclusion of a new provision as follows:

- h. Associated with a lawfully established activity, and have an operational or functional need to be in that location.

Plan Section: CE - Coastal Environment - Te Taiao o te Takutai

CE – O3

Position: Amend CE-O3

Reason: There are activities and structures either currently located or required to be located in the Coast Environment, including for example parts of the Ngakawau Coal Loadout facility. The suggested amendments recognise the operational need as well as the full effects hierarchy.

Decision Sought: Amend CE-O3 as follows:

To provide for activities which have a functional or operational need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are ~~minimised~~ avoided, remedied, mitigated, offset or compensated.

CE-R4

Position: Amend CE-R4

Reason: There is some inconsistency with this rule and BCZ- R3. The Ngakawau Coal Loadout facility at Ngakawau is within the BCZ and the Coastal Environment overlay. BCZ-R3 has more restrictive clauses for building heights and setbacks that would likely result in the existing structures not meeting the permitted activity status, if they were required to be re-consented on expiry of the ACML. There appear two options either amend CE – R4 (2)(a) to include the BCZ, along with the other zones, or amend BCZ – R3 to be consistent with CE – R4 so that the existing structures remain permitted.

Decision Sought: Amend CE – R4(2)(a) as follows:

(2) These:

- a. Comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone, MINZ Minerals Extraction Zone and BCZ - Buller Coalfields Zone:

Plan Section: EW - Earthworks - Te Huke Whenua

EW-R1

Position: Amend EW-R1

Reason: BCL supports the intent of this rule but is concerned with the requirement to comply with EW-R1(2). This provision needs to be either clarified or removed when considered in the context of mining as not all material moved on a mine-site meets the definition of “cleanfill”. Mitigation methods are in place to manage the effects from overburden moved during standard mining operations.

Decision Sought: Amend EW-R1 by including an additional Advice Note as follows:

Advice Notes:

1. Clause 2 does not apply to mining activities in the BCZ, MINZ, General Rural Zones or Open Space Zone where a Mineral Extraction Plan is prepared in accordance with Appendix Seven.
2.

EW-R3

Position: Amend EW-R3

Reason: This rule is currently structured so that the only earthworks permitted in the rural zone are for ancillary earthworks associated with certain activities or for activities less than 500m². There needs to be greater provision for earthworks where there is a functional or operational need for those earthworks or where they are associated with a lawfully established activity (that is outside of the BCZ or MINZ).

Decision Sought: Amend EW-R3 as follows:

Where:

1. All standards in Rule EW - R1 are complied with; and

2. The activity is associated with a lawfully established activity, or
3. :....

Plan Section: OSRZ Open Space and Recreation Zones - Objectives and Policies Ngā Mokowā Pōaha me ngā Takiwā Hākinakina - Ngā Whāinga me ngā Kaupapa Here

Position: Amend the OSZ Boundaries in the Buller Plateau.

Reason: The Denniston Plateau is zoned Open Space Zone (OSZ), however the purpose of the OSZ - Open Space Zone is to “provide open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures.”

This is inconsistent with the general purposes of the Denniston Plateau, and inconsistent with the neighbouring Upper Waimangaroa Valley that is zoned General Rural. While acknowledging the openness and predominantly natural character of this zone, mining activities currently are taking place within these zones and further mining is planned within the area. Bathurst considers that the Denniston Plateau would be more appropriately zoned as RURZ or BCZ.

The BCZ is restricted to areas consented or otherwise approved for land use consent, there are areas within the wider Buller Coalfields OSZ and RURZ that have been historically disturbed and mined. RURZ - P24 states “When mineral resources of regional or national significance are identified, consider including these areas within the MINZ - Mineral Extraction Zone.” Regionally and nationally significant coal resources are present across large areas of the Denniston Plateau.

Decision Sought: Add the Upper Waimangaroa Valley and Denniston Plateau to the BCZ

OSRZ - O2

Position: Amend OSRZ-O2

Reason: Notwithstanding the concerns raised above about the mapping of this zone in the Buller Plateau, this zone also needs to take into account the wide variety of uses both historic and current on the Buller Plateau. The zone should not be arbitrarily applied based on the tenure of the land. This objective needs to recognise the contribution of mineral extraction and to be consistent with other objectives to enable the mineral extraction to continue to occur in this zone.

Decision Sought: Amend OSRZ-O2 (c) as follows:

The OSZ - Open Space Zone with a very wide range of values including passive and active recreation, mineral extraction, local purposes and pastoral farming.

OSRZ- P14

Position: Amend OSRZ-P14

Reason: BCL supports the approach to enable mining (mineral extraction) in the OSZ. However this policy needs to be amended to:

1. Include exploration and prospecting activities consistent with the definitions in Part 1 of the Plan;
2. avoid duplication Clause (a) is a subset of (c) and also inconsistent with RMA terminology;

3. remove the requirement to consider an open space management plan as this is a requirement independent of the RMA process. It is a requirement of the Conservation Act process;
4. Structure (c) to be consistent with the structure of s5(2)(c) of the RMA.

Decision Sought: Amend OSRZ-P14 as follows:

Provide for mineral extraction, exploration and prospecting activities within the OSZ - Open Space Zone where:

- ~~a. Impacts on open space and recreation values of the site are minimised;~~
- ~~b. This is provided for within any Open Space Management Plan for the area;~~
- c. Adverse effects on open space and recreation values and the environment are avoided, remedied, mitigated, ~~remedied~~, offset or compensated;
- d. Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.

OSRZ – R11

Bathurst supports the intent of this rule.

Plan Section: RURZ Rural Zones - Objectives and Policies - Ngā Whāinga me ngā Kaupapa Here

RURZ – O5

Bathurst supports this objective.

RURZ- P18 to RURZ – P25

Position: Amend the heading

Reason: Ensure that this section applies to minerals extraction, exploration and prospecting

Decision Sought: Amend the heading as follows:

Mineral Extraction, Exploration and Prospecting

RURZ - P18

Position: Amend RURZ – P18

Reason: Include the full effects hierarchy

Decision Sought: Amend RURZ P18 as follows

Recognise that mineral resources are fixed in location and enable mineral extraction activities provided adverse effects are avoided, remedied or mitigated, offset or compensated.

RURZ - P24

Position: Amend RURZ - P24

Reason: Where this policy applies to areas on the BCZ, it would be more appropriate to include these areas in this zone, rather than the MINZ.

Decision Sought: Amend RURZ – P24 as follows:

RURZ - P24 When mineral resources of regional or national significance are identified, consider including these areas within the MINZ - Mineral Extraction Zone, or the BCZ - Buller Coalfields Zone, whichever is more appropriate and relevant.

RURZ - P25

Position: Amend RURZ - P25(d)

Reason: Include provision for offsetting and compensation.

Decision Sought: Amend RURZ – P25(d) as follows:

Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by:

1. Avoiding, ~~or~~ mitigating, remedying or offsetting or compensating impacts on significant indigenous vegetation and significant habitats of indigenous fauna;

GRUZ-R18 and GRUZ – R32

Position: Amend referencing:

Reason: The rule states that Activity status where compliance not achieved is Restricted Discretionary. However, Exploration and Prospecting is included as a discretionary activity (R32) there are no restricted discretionary rules for minerals exploration and prospecting.

Decision Sought:

Remove GRUZ – R32 and include a new rule in the restricted discretionary status for minerals exploration and prospecting.

Plan Section: BCZ - Buller Coalfield Zone - Te Takiwā Waro o Kawatiri

Bathurst supports the inclusion of this zone and its retention in its entirety.

Overlays

BCZ - R2 Mineral Extraction and Processing

Position: Bathurst supports this rule on the provision provided that our amendments to the definition of “Lawfully Established” are accepted.

BCZ – R3

Position: Amend BCZ-R3

Reason: Bathurst has concern with some of the specific provisions of this rule and would prefer a more general approach whereby the activities that are lawfully established at the time of notification should be able to continue. This would extend to the location and height of buildings, and setbacks from roads, as some of our existing buildings do not comply with these provisions. There is also conflict as some of these buildings are within the Coastal Overlay that has different controls for buildings and setbacks and Bathurst seek equivalent enablement and protection for its activities within the overlay framework. These concerns, and a solution are provided in our submission point for CE-R4.

Decision Sought: Remove BCZ- R3 (2) and (3)

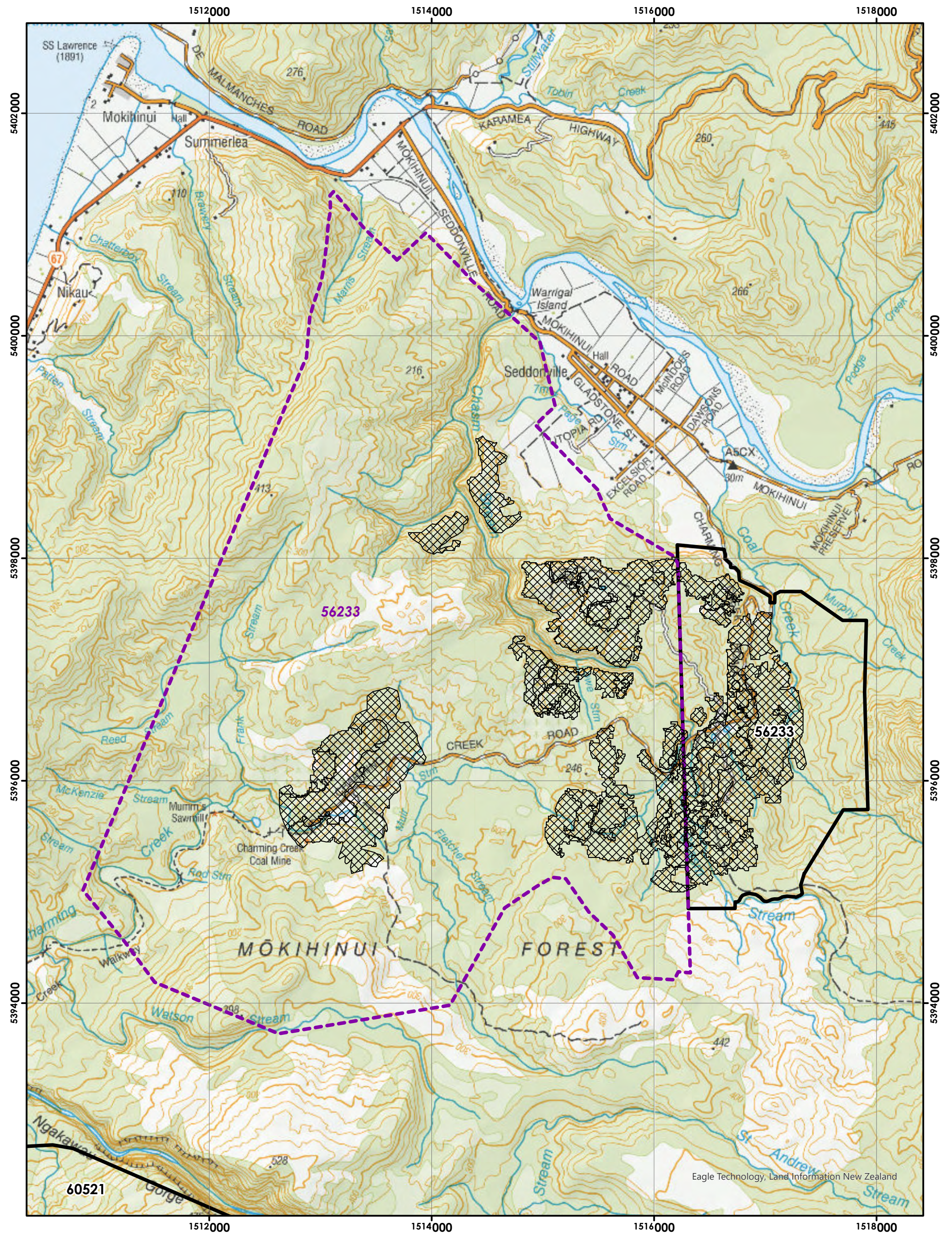
BCZ – R5

Position: Amend BCZ-R5

Reason: The intent of the BCZ is as set out in the objectives, is to enable mining to continue within this special purpose mining zone. BCZ- R5(1)(i) creates significant impediments to achieving the purpose of the zone. Effects on indigenous vegetation are already managed through BCZ-P5.

Decision Sought: Remove BCZ- R5(1)(i)




Attachment One:



NZGD 2000 Transverse Mercator

T:\GIS_Master\GIS_Data\Projects\BLR\Environmental\Project Files\BLR-ENV-PLN-01454\BLR-ENV-PLN-01454.aprx

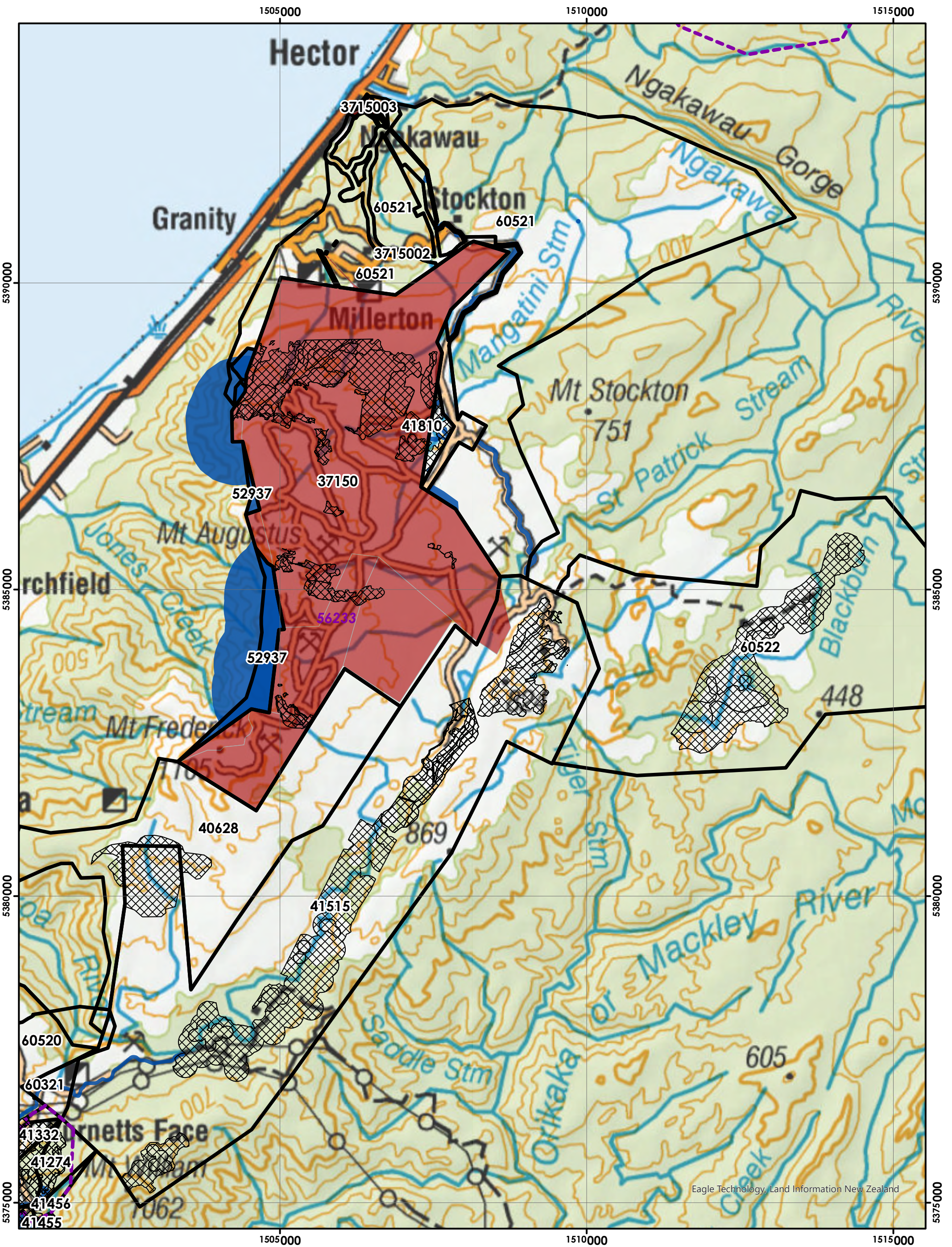


- Legend**
-  JORC Coal Resource Polygon
 -  BRL Permit Application
 -  BRL Mineral/Coal Licence/Permit

Seddonville Prospect
Bathurst Areas of Interest
 SCALE: 1:30,000 A3
 DATE: 11 November 2022
 DRAWN BY: CanardR
 DRAWING NUMBER: 01454-1








COPYRIGHT. This Document is confidential and remains the property of Bathurst Resources Ltd. It must not be disclosed or copied by any member or used for any other project without the written approval of Bathurst Resources Ltd.



NZGD 2000 Transverse Mercator

T:\GIS_Master\GIS_Data\Projects\BLR\Environmental\Project Files\BLR-ENV-PLN-01454\BLR-ENV-PLN-01454.aprx

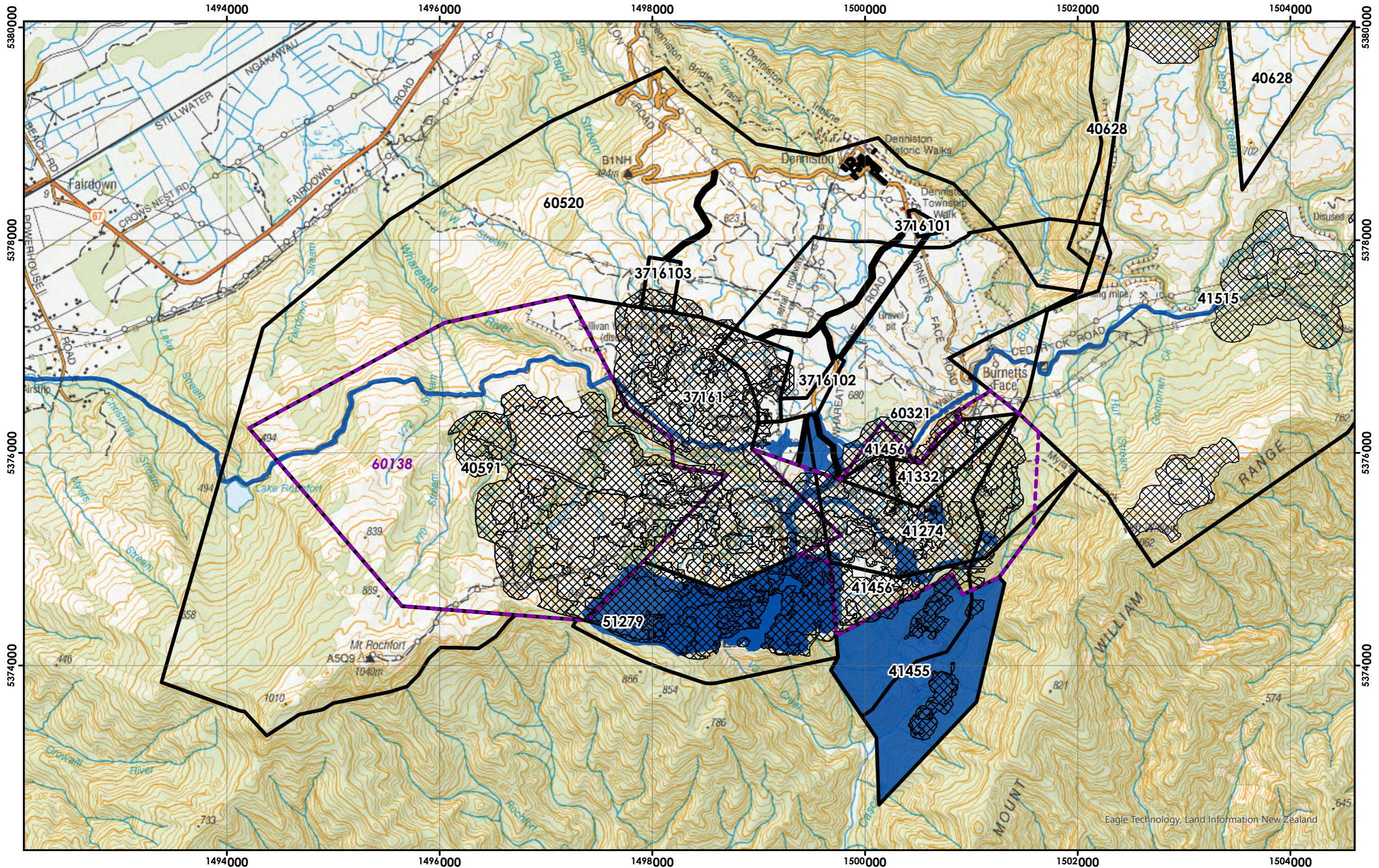


- Legend**
-  JORC Coal Resource Polygon
 -  BRL Permit Application
 -  BRL Mineral/Coal Licence/Permit
 -  Bathurst/DOC Concession or AA or Resource Consent
 -  Bathurst Property

Seddonville Prospect
Bathurst Areas of Interest
 SCALE: 1:55,000 A3
 DATE: 11 November 2022
 DRAWN BY: CanardR
 DRAWING NUMBER: 01454-1



COPYRIGHT. This Document is confidential and remains the property of Bathurst Resources Ltd. It must not be disclosed or copied by any member or used for any other project without the written approval of Bathurst Resources Ltd.



NZGD 2000 Transverse Mercator

T:\GIS_Master\GIS_Data\Projects\BLR\Environmental\Project Files\BLR-ENV-PLN-01454\BLR-ENV-PLN-01454.aprx



- Legend**
- JORC Coal Resource Polygon
 - Bathurst/DOC Concession or AA or Resource Consent
 - BRL Permit Application
 - BRL Mineral/Coal Licence/Permit
 - Bathurst Property

Denniston Plateau
Bathurst Areas of Interest

SCALE: 1:32,500 A3
 DATE: 11 November 2022
 DRAWN BY: CanardR
 DRAWING NUMBER: 01454-3



COPYRIGHT. This Document is confidential and remains the property of Bathurst Resources Ltd. It must not be disclosed or copied by any member or used for any other project without the written approval of Bathurst Resources Ltd.

Eagle Technology, Land Information New Zealand