

Before the Proposed Te Tai o Poutini Plan Hearings Panel

In the Matter of

the Resource Management Act
1991 (**Act**)

And

In the matter of

of a submission (S491) and further
submission on the Proposed Te Tai
o Poutini Plan by Bathurst
Resources Limited and BT Mining
Limited

Statement of Evidence of **Claire Elizabeth Hunter** for Bathurst Resources Limited and BT Mining Limited

Dated: 29 September 2023

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INTRODUCTION

Qualifications and Experience

1. My name is Claire Elizabeth Hunter.
2. I am a director with the firm Mitchell Daysh Limited, a planning and environmental consultancy operating through New Zealand. I have around 18 years' experience in this field.
3. I hold an honours degree in Environmental Management from the University of Otago. I am a member of the Resource Management Law Association and an Associate Member of the New Zealand Planning Institute.

Code of Conduct

4. Whilst this is not an Environment Court hearing I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Background and Involvement

5. I have been advising Bathurst Resources Limited and BT Mining (together, **Bathurst**) in respect of planning matters for 5 years. I am familiar with the company's operations on the West Coast and in other regions of the South Island. I did not prepare the submission or further submission made by Bathurst. I agree with the content of the submissions unless I state otherwise. A summary of my recent plan review, project and consenting work is set out in **Annexure A**.

SCOPE OF EVIDENCE

6. Bathurst has engaged me to provide evidence on Bathurst's submissions on the proposed Te Tai o Poutini Plan (**TTPP; the District Plan; or the Plan**).
7. In this brief of evidence, I will:
 - (a) provide a brief planning background and planning context to Bathurst's submissions on the TTPP;
 - (b) address the plan mechanics and how this works concerning the Special Purpose Zones, and more explicitly manage any conflicts or inconsistencies

with the Buller Coalfield Zone, the Mineral Extraction Zone, and other chapters of the TTPP;

- (c) specifically address Bathurst's submissions on the Introduction, General Themes and Strategic Direction chapters of the TTPP; and
 - (d) address any further submissions of relevance to this hearing stream and amendments to provisions of interest to Bathurst.
8. I have read the Section 42A Report for Topic 1 and Topic 2 prepared by Ms Easton. My evidence responds to the Section 42A Report.
9. I have also read the evidence of Richard Tacon for Bathurst.

BACKGROUND TO BATHURST'S SUBMISSIONS – PLANNING CONTEXT

10. Mr Tacon has provided a detailed description of Bathurst as a company operating in New Zealand and provides background on its mining operations.
11. Mr Tacon explains that coal mining on the West Coast has a long history starting in the 1860's and is ongoing. Bathurst currently owns three mines on the West Coast (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 within the Buller region. Bathurst also holds authorisations for activities ancillary to mining, including transportation and load out facilities and has permit applications over other areas.
12. Mr Tacon explains, at a high level, the economic and social contribution the Stockton mine provides to its local community, with further studies underway to confirm this economic contribution. He observes that in 2022 the mine generated around \$128 million of revenue.
13. Mr Tacon also sets out the biodiversity and enhancement projects that are occurring at or around the mine sites. Further evidence of this will also be provided by ecologists in later hearing streams.
14. Against this background, it is clear that Bathurst has significant interest in the development of the TTPP.

SPECIAL PURPOSE ZONES – MINERAL EXTRACTION AND THE BULLER COALFIELD ZONE

15. The Section 32 reporting for the TTPP explains that the West Coast / Te Tai o Poutini has a wide range of minerals located across the region, and that the mineral extraction industry is a key industry and employer. Section 1.2.4 of the Section 32 report, states that mineral extraction activities are undoubtedly significant to the district, region and the country. As a result, the proposed Plan introduces the concept of two special purpose zones specific to mineral extraction activities – the Mineral Extraction Zone and the Buller Coalfield Zone. The Section 32 report explains that the Mineral Extraction Zone contains a range of different types of Mineral Extraction Sites which are locationally fixed. These include:
- (a) significant coal mines across Buller and Grey Districts;
 - (b) rock quarries across the Buller, Grey and Westland Districts; and
 - (c) gold mines in the Buller and Westland Districts.
16. The report also explains that Buller Coalfield Zone is a separate Mineral Extraction Zone. It provides that this zone covers a discrete geographic area with the largest high quality coal resource for steel making in New Zealand.
17. The section 32 report also confirms that these existing resources meet the criteria which is set out in the National Planning Standards supporting the development of a special purpose zone.
18. As outlined in its submission, Bathurst supports the development of the Mineral Extraction and Buller Coalfield Zones. While I acknowledge that this hearing is not “on” these zones specifically, the framework and how these zones integrate with the remainder of the TTPP needs to be considered when addressing introductory matters, the Strategic Directions part of the TTPP and the interactions of Objectives, Policies and Rules across the TTPP. Bathurst sought via its submission to retain the ‘Strategy Directions’ part of the Plan because of the way it recognises the significance of mining and mineral resources on the West Coast¹.
19. I support the proposed TTPP’s approach to the identification and development of special purpose zones for mineral extraction and the Buller coalfields, given the significance of the industry to the West Coast and the array of effects that such activities have, which require careful management. I also note that in this regard that the TTPP’s approach is not new. The approach is used in other mineral rich regions

¹ Submission Point 491.002, 491.007.

of New Zealand, such as within the Waitaki and Hauraki Districts. The Waitaki and Hauraki District Plans include bespoke zones recognising and enabling large scale mining activities, subject to appropriate controls to manage environmental effects. Similar to what has been proposed via the TTPP, in these other district examples the zones are also based on areas which were previously authorised and established via Mining Licences or more recently mining permits. I support this approach.

20. In my experience with similar special purpose zones it is important that the zone is sufficiently comprehensive to cover the activities which it sets out to enable and includes a comprehensive array of methods to manage the environmental effects of those activities. In some districts I am aware of the Plans creating “complete codes” whereby a particular section or chapter of the district plan is the only place one would need to look for the applicable objectives, policies and/or rules. This does not appear to be the approach which has been adopted by the TTPP, so it is therefore important in my view for the Plan to be clear about which rules are applicable to mineral extraction activities within the special purpose zones and where other Plan rules might also apply. Where there is potential for ambiguity, the Plan should be clear about which rules take precedence to avoid conflict arising as a result of interpretation issues.

21. Unfortunately, in reviewing the provisions of the TTPP, it is not clear whether all potential interpretive conflicts have been properly addressed. For example, the definition of mineral extraction within the notified TTPP is 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 the mineral extraction sites and ancillary sites.

22. The definition is intended to cover all aspects of the mineral extraction activities. For example, earthworks associated with mineral extraction are covered by the definition, and would be covered by rules that apply to the Special Purpose Zone, not the general earthworks rules that apply in other zones. However, this is not clear in the drafting of the TTPP, as set out below.

23. The Buller Coalfield Zone notes in its introduction that:

“a number of Part 2: District Wide Matters chapters also contain provisions that may be relevant for energy activities, including:

Overlay Chapters – the Overlay Chapters may have relevant provisions in relation to historic heritage; notable trees; sites and areas of significance to Maori; biodiversity; landscape and riparian areas. Where an activity is located within an overlay (as identified in the planning maps) then the relevant overlays provisions apply.

General District Wide Matters – provisions in relation to NOISE and LIGHT in particular may be relevant to activities undertaken in the BCZ – Buller Coalfield Zone.”

24. Firstly, I assume that the reference to “energy” activities is an error in drafting the TTPP, and that it should read “mineral extraction activities”. This error should be corrected.
25. From the wording in the introduction to the Buller Coalfield Zone, it appears that the District Wide provisions as they relate to Earthworks do not apply to mineral extraction activities, given that it is only the noise and light rules that are specified as being potentially relevant. However, the Earthworks Chapter, states that “*in addition to the provisions in this chapter, earthworks and land disturbance are also subject to additional provisions in some zone chapters and a number of Part 2: District Wide Matter Chapters*”.² The Earthworks chapter also states that “*Earthworks associated with Mineral Extraction – have provisions in relation to mineral extraction and its ancillary activities including earthworks*”.³
26. Given that the definition of earthworks in the Plan does not explicitly exclude earthworks associated with mineral extraction activities, it remains unclear whether both chapters (Earthworks and the Special Purpose Zones) capture earthworks related to mineral extraction.
27. This confusion is further compounded when reviewing the rules which are within the Earthworks Chapter of the Plan, which contains specific rules for earthworks activities within the Buller Coalfield and Mineral Extraction Zones. I would assume that these rules relate to activities which are separate to mineral extraction. However this is not clear, especially where the mechanics of this rule refers any non-compliance with EW- R6 back to the controlled activity rule which is set out within the Special Purpose Zone Rules BCZ – R5 or MINZ – R6 which is specific to mineral prospecting and exploration, mineral extraction and processing and ancillary activities – not ‘other’ activities which may be undertaken in this zone (e.g. farming or forestry for example).
28. This has (probable) unintended side effects for the permitted activity rules work within the Special Purpose Zone. For example, if mineral extraction within an

² Te Tai o Poutini, Earthworks Chapter Overview.

³ Te Tai o Poutini, Earthworks Chapter Overview.

existing operation is still occurring, I understand that the TTPP intends to make this a permitted activity by virtue of Rule BCZ – R2. I would anticipate that existing operations within a disturbed footprint may result in an earthwork operation in excess of 1.5m in depth, which would mean that the activity is no longer permitted if the District Wide Earthwork provisions also apply. Earthworks Rule EW – R6 then directs any non-compliance in this regard back to the Controlled Activity rule in either the Buller Coalfield Zone or the Mineral Extraction Zone.

29. In my view, there would appear to be little benefit, and only additional costs associated with a consent process, if an existing mining operation complies with all the permitted activity standards set out in Rules BCZ- R2 or MINZ – R2, only to be then caught by the earthworks rules and a consent required.
30. I am not sure if this connection between provisions in the TTPP and the Special Purpose Zones is intended. I consider that this can be rectified by making changes to the drafting of the introductory text of the Plan as well as within each individual chapter.
31. From an effectiveness and efficiency perspective, it would be my preference that the full suite of rules relating to mineral extraction activities live within the special purpose zone. In addition, those chapters should contain a clear list of any additional plan wide rules that may apply. With respect to mineral extraction activities, I consider that this would be limited to the noise and lighting rules. I have recommended additional wording to the introduction to make this clear, as shown in **Annexure B**.

INTRODUCTION - DEFINITIONS

32. Bathurst made submissions on two definitions within the Plan – Lawfully Established and Mineral Extraction. The section 42A reporting in paragraphs [352], [16] and [21] explains that these submissions have not been addressed as part of this hearing stream. Such submission points will be addressed later as part of the Mineral Extraction Section 42A reporting, and as such, I have not considered these further in my evidence.

STRATEGIC DIRECTIONS – OBJECTIVES

33. With respect to the Strategic Direction Chapter of the TTPP, Bathurst made two specific submissions (and a number of further submissions). These relate to the Mineral Extraction (MIN) and the Natural Environment (NENV) sections.
34. Bathurst sought amendments to MIN-O6, being one of the Strategic Objectives specific to Mineral Extraction. Within its submission, Bathurst sought that offsetting

and compensation be included as part of an acceptable response to the management of adverse effects, as follows:

Amend MIN- O6 as follows:

....

(a) Avoid, remedy, mitigate, offset or compensate the adverse effects of mineral extraction activities on the West Coast's significant natural and cultural features, site and heritage, and amenity values including:...

35. It is appropriate for mineral extraction activities to have access to the full gamut of environmental effects management methods, including the use of environmental offsets and/or compensation. This is consistent with section 104(1)(ab), which sets out the matters a consent authority must have regard to when considering a resource consent application. It reads:

"(ab) any measure proposed or agreed by the applicant for the purpose of ensuring positive effects on the environment to offset or compensation for any adverse effects on the environment that will or may result from allowing the activity".

36. This provision is now a mandatory consideration when deciding on a resource consent application. It unequivocally requires a decision maker to have regard to any measure an applicant proposes or agrees to that is designed to offset or compensate for an adverse effect. Given this, it would be appropriate for the TTPP to enable such proposals to be developed – particularly as part of the strategic direction for the district which will inform decision making.

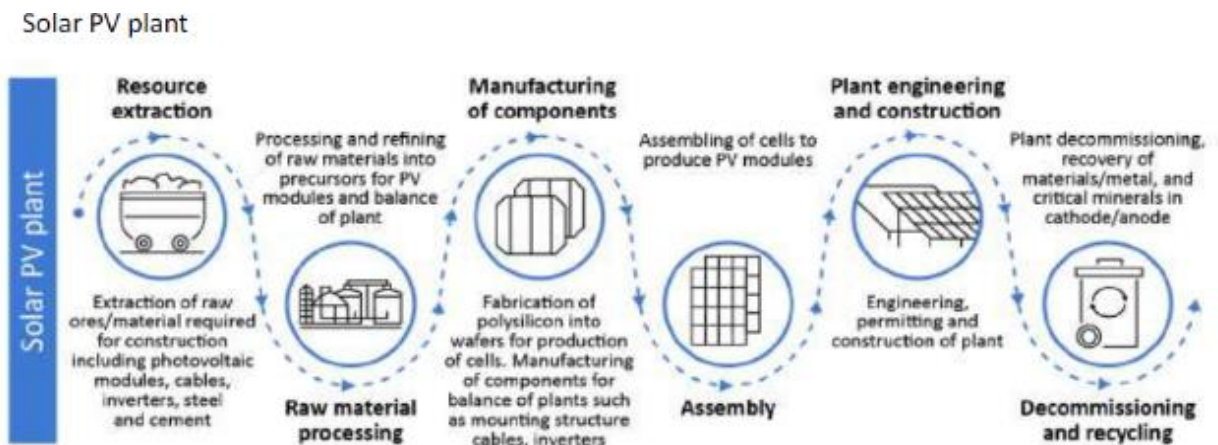
37. The section 42A report writer at paragraph [177] acknowledges Bathurst's submission on this point and includes some re-drafting, including reference to the effects management hierarchy. While I consider it appropriate to enable mineral extraction activities to have access to the full suite of management responses, as noted above, I do not necessarily think that all effects need to be managed in accordance with the application of an "effects management hierarchy".

38. The effects management hierarchy is used in various national level documents relating to indigenous biodiversity and freshwater to address ecological effects. In such situations, biodiversity offsetting is to be considered only if the prior three steps (avoid, minimise and remedy) have been applied and are insufficient to prevent biodiversity losses. Biodiversity compensation measures may also be offered as the final step in applying the hierarchy. Under the effects management hierarchy, the first preference is the avoidance of any adverse effects at all. As far as I am aware, there is no such hierarchy under the more general application of the RMA's "avoid, remedy or mitigate". I also note that by virtue of section 104(1)(ab) there does not

appear to be an established hierarchy between offsetting or compensation, that is, there is no preference for offsetting over compensation when used in this context, unlike there is in a biodiversity type setting (e.g. within the NPSFW or NPSIB).

39. Given that the drafting of this objective applies to a wide range of natural and physical resources and is not in any way limited to biodiversity or freshwater values, I do not consider that reference to the "effects management hierarchy" is appropriate in this context. I also note that there does not appear to be a definition of an "effects management hierarchy" in the TTPP. It is unclear what this will mean; for example, an effects management hierarchy can have different applications in different circumstances (e.g. freshwater may have a different approach to terrestrial biodiversity). Given that there is no accompanying definition or use of the term within the remainder of the notified TTPP (as far as I am aware), I do not think it is appropriate to refer to an "effects management hierarchy" if this has not been suitably defined in the context of the TTPP.
40. I am of the view that MIN – O6 should be amended as follows:
- (a) To the extent that is practicable, avoid, remedy or mitigate adverse effects of mineral extraction activities on the West Coat/ Te Tai o Poutini's significant natural and cultural features...
- (b) Where it is not practicable due to the functional or operational needs of the mineral extraction activity to avoid, remedy or mitigate all adverse effects, ensure such effects can be offset or compensated for.
- ~~Allow adverse effects to be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation.~~
41. Bathurst also submitted on objective NENV – O3 which sits within the Natural Environment section of the Strategic Direction Chapter of the TTPP. Objective NENV – O3 (b) recognises the need for infrastructure to sometimes be located in significant areas. Bathurst submitted that locational, functional or operational requirements also constrain mineral extraction activities and should be recognised within this objective.
42. The writer recommends rejecting Bathurst's submission in paragraph [213] of the section 42A report. The writer disagrees that this objective should be broadened to include reference to mineral extraction activities because infrastructure is a requirement of functioning communities, and a clear national direction identifies the importance of infrastructure.

43. In my view, these same statements apply equally to mineral extraction and therefore justify suitable recognition similar to that which is provided for in Objective NENV – O3(b) for infrastructure activities. Extraction activities are locationally constrained, and the products of mining activities are essential to economic and social well-being and the functioning of the communities. For example, aggregates are necessary for infrastructure and housing developments (e.g. concrete production, roading material etc), and in some case, form the foundations for the very infrastructure that is being referred to by the section 42A report writer. Renewable electricity generation facilities, for example, will all stem from access to a mineral resource as illustrated in the following diagram. As shown here, steel, an end product generated by the Buller Coalfields extraction sites, is listed as a critical resource component for a solar plant.



Source: International Energy Agency (IEA)

44. I also consider broadening Objective NENV – O3 (b) to provide for other locationally or operationally constrained activities is consistent with other higher-order documents, such as the National Policy Statement for Indigenous Biodiversity (**NPSIB**). The NPSIB clause 3.10(2) provides that adverse effects on significant natural areas (**SNA**) must be avoided, except as provided for in clause 3.11. Clause 3.11 allows a pathway by applying the effects management hierarchy for certain activities that cannot avoid all adverse effects on SNAs due to their functional or operational needs. Both infrastructure and mineral extraction⁴ are included in this list.

⁴ As set out in Clause 3.11(1)(a).

45. I therefore support Bathurst's submission on this matter and consider Objective NENV – O3(b) should be amended as follows:

...

b. the functional need and operational need for infrastructure and mineral extraction activities to sometimes be located in significant areas; and

46. I note that the section 42A report writer has in response to other submissions, recommended further amendments to NENV-O3. I have reviewed and support these further amendments, subject to the additions set out in paragraph 42 also being included.

FURTHER SUBMISSIONS – STRATEGIC DIRECTIONS MINERAL PROVISIONS

47. The section 42A report writer in response to other submissions, has recommended additional amendments to the Mineral Extraction Strategic Direction provisions. These amendments are as follows:

MIN – O1

To ensure provision for the use and development of the West Coast/Te Tai o Poutini's mineral resources while:

- a. *Avoiding duplication of regulation across agencies; and*
- b. *Avoiding, remedying or mitigating adverse effects on the natural environment and local population.*

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 Zones where the adverse effects on the environment can be appropriately managed.

48. Bathurst made further submissions on both provisions⁵. The effect of these proposed amendments is very similar in that they are both seeking that the adverse effects arising from mineral extraction activities are to be managed (or avoided, remedied or mitigated). The overall result of these amendments is to "water down" their enabling intent.

⁵ Submissions FS89.058, FS89.016, FS89.059, FS89.092.

49. Given that the Strategic Direction of the TTPP is to set out the clear vision and outcomes for the districts, it would be appropriate to ensure that there are enabling provisions recognising the significant social and economic benefits that are to be derived from mineral extraction activities in the districts. I also consider that the management of the effects arising from these activities is adequately addressed in MIN – O4. I do not think this needs to be replicated in these other more enabling provisions, given that these Objectives need to be considered together (alongside all the other strategic direction objectives contained in the TTPP). I do not support the section 42A report's recommended amendments to MIN – O1 and MIN – O2 and consider these should be retained as notified.
50. The section 42A report recommends an amendment to NENV – O4(b) to identify areas where use can be sustainably managed using the effects management hierarchy.⁶ As set out above, there does not appear to be an accompanying definition to define this term in the context of the TTPP. I acknowledge that this objective relates more broadly to “natural environment areas” (and therefore inclusive of both freshwater and biodiversity) and it may therefore be appropriate to defer to the NPSIB or NPSFW definitions of an effects management hierarchy. However, if that is the intent, it is currently not explicit and for this reason I recommend the reference to the “effects management hierarchy” should also be deleted from NENV – O4.

CONCLUSION

51. As set out in my statement of evidence, I support Bathurst's submissions and further submissions concerning the Introduction, General Themes and Strategic Direction of the TTPP.
52. In order to avoid inconsistency and confusion later during the implementation of the Plan, I consider that the introduction sections of the TTPP should clearly explain the linkages between provisions and the opportunity should be taken to iron out any potential interpretive conflicts. The Special Purpose zones providing for the Buller Coalfields and Mineral Extraction activities in the districts are clearly intended as a standalone chapter of the Plan. However, from my review, some potential linkage issues and conflicts with other provisions of the TTPP currently exist. The example I have set out above may mean that there are very limited permitted activities despite the intended approach of the Special Purpose Zones, which is at odds with the section 32 assessment which purports to achieve such benefits for existing lawfully established mining activities. In my opinion this matter needs to be addressed to

⁶ Section 42A Report, at [220].

provide greater clarity and I have proposed amendments set out in **Annexure B** to address this.

53. I have also suggested further amendments to Objectives MIN – O6 and NENV – O3(b) in my evidence. In my view, these are necessary to recognise the importance of mineral extraction activities and the significant contribution such activities have on the social and economic well-being of the communities within the West Coast. My recommended changes will ensure that the TTPP appropriately gives effect to Part 2 of the RMA and represents a more appropriate way of achieving the desired outcomes than those put forward by the section 42A reports.



Claire Elizabeth Hunter

29 September 2023

Annexure A
Qualifications and Experience

Summary of Experience of Claire Hunter

- Fortescue Future Industries – Southern Green Hydrogen Plant – Advice on the feasibility of a site for a hydrogen production plant.
- Willowridge Developments Limited – prepared and presented evidence in the Environment Court for an earthworks plan change being proposed by the Otago Regional Council, which sought to only impose limits on earthworks on residential sites.
- Bathurst Resources Limited, Canterbury Coal Mine – Assisted in the peer review of current applications and process and provided advice in terms of strategy going forward. Preparation of section 92 responses to Environment Canterbury as part of the regional council consents being sought. Ongoing planning advice and liaison with regulatory authorities regarding the Canterbury Coal Mine closure plans. Preparation of additional consents and addendum Assessment of Environmental Effects. Preparation and presentation of evidence at the hearing and involvement in the Environment Court mediation that has followed.
- OceanaGold – Involved in various projects relating to OceanaGold's Waihi and Macraes sites, including potential new development opportunities. Presented planning evidence at the Deepdell North Stage 3 hearing which was granted consent in 2020. Currently the lead planning consultant on various new developments being progressed at the Macraes site in the Waitaki District. Also advising OceanaGold on various planning issues relating to the Otago region.
- OceanaGold – Planning advice and preparation of submissions and further submissions on the Proposed Otago Regional Policy Statement 2021. Provision of planning evidence during the hearings.
- Contact Energy – Planning advice and preparation of submissions and further submissions on the Proposed Otago Regional Policy Statement 2021. Provision of planning evidence during the hearings.
- Contact Energy – Provision of advice regarding a section 128 review of conditions on its Clutha Hydro Scheme consent relating to landscape and visual amenity. Proffered revised conditions which were approved by the Otago Regional Council as being successful in addressing the issue.
- Contact Energy – Preparation of dredging consents to enable sediment removal from within the Bannockburn Inlet. Involved in consultation with key stakeholders and the Councils.
- Contact Energy – Providing strategic and planning advice to Contact Energy on its proposal to develop a wind farm in Southland (current 2023).

- Alliance Group Limited – Planning advice and preparation of applications with regard to the renewal of key discharge consents (water, land and air) for its Lorneville Plant.
- Alliance Group Limited – Review of Canterbury Proposed Regional Air Plan, preparation of submission and evidence.
- Alliance Group Limited – Review of various Southland Regional and District Plan changes and preparation of submissions. Participation in Environment Court mediation to resolve Alliance Group Limited's appeal on the Southland Proposed District Plan.
- Alliance Group Limited – Preparation of resource consent application for the renewal of its Matura Plant's hydroelectric power scheme.
- Alliance Group Limited – Preparation of statutory assessment to accompany resource consent application to renew its Pukeuri Plant biosolids discharge consent.
- Aurora Energy Limited – Successfully obtained a resource consent and subdivision for a new large-scale substation in Camp Hill, Hawea. Claire's involvement in this project followed an earlier application which was declined by Hearing Commissioners due to its controversial location in Hawea.
- Wellington International Airport Limited – Management of technical inputs and reports for the proposed runway extension, preparation of regional and district council resource consent applications.
- Wellington International Airport Limited – Preparation of advice and submissions on the Greater Wellington Proposed Natural Resources Plan. Active involvement in preparing evidence for the various hearing streams on behalf of Wellington International Airport Limited.
- Wellington International Airport Limited – Lead author of the main site and eastern site notice of requirements.
- Wellington International Airport Limited – Provision of planning advice and preparation of submissions and further submissions on Plan Change 1 to the Wellington Regional Policy Statement.
- Liquigas Limited – Preparation of submissions and planning evidence on the Second-Generation Dunedin City Plan in order to protect the existing and proposed operational capacity of its LPG Terminal in Dunedin.
- Liquigas Limited – Reconsenting of its significant South Island LPG Terminal located at Port Otago, Dunedin. The application sought to increase the storage of LPG significantly at the site and was processed as a non-notified consent.

- Environmental Protection Authority – NZTA Expressway between MacKays Crossing to Peka Peka, Kapiti Coast project; Transmission Gully project plan change and notices of requirements and resource consents – Assisting in the review and section 42A report writing for the notice of requirement and various consents required.
- Ravensdown Fertiliser Limited – Preparation of regional council resource consents (air and coastal discharges) to enable the ongoing operation of the Plant in Ravensbourne in Dunedin City. Recently engaged to reconsult the Plant in 2025.
- Queenstown Airport Corporation – Provision of resource management advice for the airport and its surrounds, in particular, the runway end safety area extension and preparation of the notice of requirement, gravel extraction applications to both regional and district councils and other alterations required to the aerodrome designation.
- LPG Association of New Zealand Limited – Preparation of evidence and hearing attendance representing the LPGA with respect to Dunedin City Council's Plan Change 13 – Hazardous Substances, and participation in mediation to resolve LPGA appeal.
- LPG Association of New Zealand Limited – Preparation of planning evidence on the Second-Generation Dunedin City Plan.
- Invercargill Airport Limited – Preparation of plan change provisions and section 32 analysis to provide for the future growth and expansion of Invercargill Airport in the Invercargill District Plan.
- Invercargill Airport Limited – Preparation of notices of requirement to amend a number of existing designations in the Invercargill District Plan including obstacle limitation surfaces and the aerodrome.
- Southdown Holdings Ltd – Preparation of proposed conditions of consent for large scale irrigation in the Upper Waitaki catchment, Canterbury.
- Trustpower Limited – Review of Otago Regional Council Plan Change 6A and preparation of submissions and evidence at the hearing on behalf of Trustpower Limited. Participation in Environment Court mediation to resolve issues.
- Trustpower Limited – Review of Clutha District Plan Energy Generation Plan Change and preparation of submissions and evidence at the hearing on behalf of Trustpower Limited.
- Trustpower Limited – preparation of proposed conditions of consent for the Wairau Hydroelectric Power Scheme.

- Trustpower Limited – management of the necessary technical inputs, consultation and preparation of resource consents necessary to enable the ongoing operation of the Wahapo Hydroelectric Scheme on the West Coast, South Island.
- Meridian Energy Limited – Preparation of the regional and district council consents for the Proposed Project Hayes Wind Farm in Central Otago.
- Meridian Energy Limited – Preparation of the regional and district council consents for the Proposed Mokihinui Hydro Scheme on the West Coast, South Island.
- SouthPort Limited – Prepared and presented evidence on behalf of SouthPort Limited in regards to proposed plan changes to the Invercargill District Plan.

Annexure B
Proposed Amendments

Bathurst Relief Sought in Submissions Relevant to Topic 1 and 2	Section 42A Report Recommendations	Claire Hunter Proposed Amendments	
TOPIC 1: INTRODUCTION / WHOLE PLAN			
Plan Section: Whole Plan			
Provision	Relief Sought:		
Lawfully Established	<p>Amend the definition of “Lawfully Established” as follows:</p> <p><i>means activities permitted through a rule in a plan, 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 <u>activity that was established under the provisions of a Coal Mining License or Ancillary Coal Mining Licence issued under Coal Mines Act (1979).</u></i></p>	Not addressed in this hearing stream.	Not addressed in this hearing stream.
Mineral Extraction	<p>Amend the definition of “Mineral Extraction” as follows:</p> <p><i>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</i></p>	Not addressed in this hearing stream.	Not addressed in this hearing stream.

Bathurst Relief Sought in Submissions Relevant to Topic 1 and 2		Section 42A Report Recommendations	Claire Hunter Proposed Amendments
	<p><i>rehabilitation works, stormwater and wastewater treatment facilities, together with ancillary buildings and structures, maintenance and repair, vehicle movements and access within, <u>to, from and between</u> the mineral extraction sites and ancillary sites.</i></p>		
General Submission	<p>Bathurst supports the approach in the TPPP relating to the development of Special Purpose Zones for mineral extraction activities. In particular Bathurst supports the retention of the Buller Coalfield Zone and the Mineral Extraction Zone.</p> <p>Retain the Strategic Directions that properly recognise the significance of mining and mineral resources on the West Coast.</p>		<p>I consider that there are potential conflicts and inconsistencies between the Special Purpose Zone and other Zone rules. The plan needs to make it very clear which rules need to be considered when an activity falls within a Special Purpose Zone and is consistent with it (i.e. it is an activity which is anticipated or provided for by the Special Purpose Zone).</p> <p>The introductory text should be amended as follows:</p> <p>Page 15:</p> <p><i>The Infrastructure, Energy, Transport, <u>Special Purpose (Mineral Extraction and Buller Coalfield Zones) Subdivision and Temporary Activities Chapters</u> operate slightly differently to the rest of the Plan. If you are undertaking any activities relating to infrastructure, energy, <u>mineral extraction</u>, transport, or are wanting to undertake temporary activities or subdivide your property, you should start by looking at those chapters first. These chapters will then</i></p>

Bathurst Relief Sought in Submissions Relevant to Topic 1 and 2		Section 42A Report Recommendations	Claire Hunter Proposed Amendments
			<p><i>refer you to other chapters, as required. If there is any conflict or inconsistency arising between any rules within different chapters of the Plan, the rules within the specific chapter (i.e. the Infrastructure, Energy, Transport, Special Purpose (Mineral Extraction and Buller Coalfield Zones), Subdivision and Temporary Activities Chapters) take precedence.</i></p> <p>**Further changes to individual chapters are also required to make this relationship clear – specific wording and relief will be provided at each relevant hearing stream.</p>
TOPIC 2: STRATEGIC DIRECTION			
Plan Section: Mineral Extraction – Te Tango Kohuke			
MIN-O6	<p>Amend MIN-O6 as follows:</p> <p><i>(a) Avoid, remedy, mitigate, <u>offset or compensate</u> the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's significant natural and cultural features, sites and heritage, amenity values, including:</i></p>	<p>Recommendations [180]</p> <p>Amend MIN-O6 as follows:</p> <p><i>(a) Avoid, remedy or mitigate 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, <u>and critical infrastructure, in accordance with</u></i></p>	<p>Amend MIN – O6 as follows:</p> <p><i>(a) <u>To the extent that is practicable, avoid, remedy or mitigate</u> adverse effects of mineral extraction activities on the West Coat/ Te Tai o Poutini's significant natural and cultural features...</i></p> <p><i>(b) <u>Where it is not practicable due to the functional or operational needs of the</u></i></p>

Bathurst Relief Sought in Submissions Relevant to Topic 1 and 2		Section 42A Report Recommendations	Claire Hunter Proposed Amendments
		<u>the effects management hierarchy, including:</u>	<u>mineral extraction activity to avoid, remedy or mitigate all adverse effects, provide for such effects to be offset or compensated for.</u> Allow adverse effects to be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation.
Plan Section: Natural Environment – Te Taiao			
NENV-O3	Amend NENV-O3 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 <u>with a functional or operational need</u> 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	Recommendation: NENV-O3 be amended as follows: (b) <u>The functional need and operational need for infrastructure to sometimes be located in significant areas.</u>	Amend NENV – O3 as follows: (b) <u>The functional need and operational need for infrastructure and Mineral Extraction activities to sometimes be located in significant areas; and</u> (Support other recommended changes to NENV – O3 as set out in the s42A report).

Bathurst Relief Sought in Submissions Relevant to Topic 1 and 2		Section 42A Report Recommendations	Claire Hunter Proposed Amendments
	estate in achieving the requirements of the RMA.		
Further Submissions			
MIN – O1	Oppose the submission of Forest and Bird to delete MIN-O1.	<p>Recommends MIN – O1 is amended as follows:</p> <p>MIN – O1</p> <p><i>To ensure provision for the use and development of the West Coast/Te Tai o Poutini's mineral resources while:</i></p> <p><i>(a) Avoiding duplication of regulation across agencies; <u>and</u></i></p>	Retain MIN – O1 as notified without amendment.

Bathurst Relief Sought in Submissions Relevant to Topic 1 and 2		Section 42A Report Recommendations	Claire Hunter Proposed Amendments
		<i>(b) <u>Avoiding, remedying or mitigating adverse effects on the natural environment and local population.</u></i>	
MIN – O2	<p>Oppose the submission of Department of Conservation to amend MIN-O2 as follows:</p> <p><i>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 <u>where the adverse effects on the environment can be appropriately managed.</u></i></p>	<p>Recommends MIN-O2 is amended as follows:</p> <p><i>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 <u>where the adverse effects on the environment can be appropriately managed.</u></i></p>	Retain MIN – O2 as notified without amendment.
NENV – O1	Oppose submission of Department of Conservation to amend NENV-O1 such that natural environment values are also enhanced on the basis this is contrary to BRL's submission	<p>Recommendation:</p> <p>amend NENV-O1 as follows:</p> <p><i>To recognise, and <u>protect and enhance the outstanding natural character, landscapes and features, <u>significant ecosystems and</u></u></i></p>	Support s42A report amendments.

Bathurst Relief Sought in Submissions Relevant to Topic 1 and 2		Section 42A Report Recommendations	Claire Hunter Proposed Amendments
		<i>indigenous biodiversity that contribute to the West Coast's character, and identity and to Poutini Ngai Tahu's cultural and spiritual values.</i>	
NENV – O4	Support Ngai Tahu submission to retain NENV-O4 as notified.	<p>Recommends NENV-O4 is amended as follows:</p> <p><i>To clearly identify:</i></p> <p><i>a. Unique and important <u>Significant and/or outstanding</u> natural environment areas and features on the West Coast/ Te Tai o Poutini which must be protected from <u>inappropriate subdivision, use or development</u>; and</i></p> <p><i>b. Areas where subdivision, use and development to enable community economic, cultural, and social wellbeing can be sustainably managed <u>using the effects management hierarchy</u>.</i></p>	<p>Support amendments to NENV – O4 (a).</p> <p>As set out in evidence, there is no definition of the effects management hierarchy in the TPP and I do not consider it appropriate to use this term in a broader context, particularly if there is no accompanying definition. I do not think that this reference is appropriate and should be deleted.</p>