

Te Tai o Poutini Plan
Section 42A Officer's Report
Mining and Minerals



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List of Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
S14	Nicholas Johnston	
S46	Kate Kennedy	
S65	David Moore	
S67	Riarnne Klempel	
S70	Michael Hill	
S82	Sophia Allan	
S94	Ian Reynolds	
S95	Jacobus Wiskerke	
S96	Craig Schwitzer	
S99	Christine Robertson	
S101	Katherine Crick	
S112	Evelyn Hewlett	
S121	Graeme Cavaney	
S129	Jan Fraser	
S135	Louise Jaeger	
S136	Sky Reekie	
S146	Ellis Mining Ltd	
S160	Graham Wood	
S171	Te Tai o Poutini Plan Committee	
S181	Westland District Council	
S190	Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	
S191	Newcoast Resources Limited	
S208	Barry Mason	
S252	Deb Langridge	
S260	Janice Flinn	
S262	Jane Neale	
S270	Stephen Page	
S275	West Coast Penguin Trust	

S278	Laura Garber	
S280	Rosemary Erickson	
S290	John Caygill	
S293	Colin Robertson	
S296	Riarnne Klempel	
S312	Teresa Wyndham-Smith	
S316	Roger Ewer	
S337	Lanah Hake Tarango	
S342	Fernando Tarango	
S352	Marie Elder	
S355	Lindy Mason	
S356	Dean Mason	
S360	John Brazil	
S363	Julie Madigan	
S377	Trevor Hayes	
S385	Heather Muir	
S388	Sharon Langridge	
S389	Ross Wildbore	
S390	Shirley Godfrey	
S393	Karen Vincent	
S397	Jane Nolan	
S399	Veronica Carroll	
S409	Maria McKay	
S414	Koiterangi Lime Co Ltd	
S417	Peter Haddock	
S419	Richard Arlidge	
S425	Anne Chapman	
S434	Patrick Cooper	
S439	Karen Lippiatt	
S440	Te Tumu Paeroa - The office of the Māori Trustee	
S443	Suzanne Hills	
S444	Clare Backes	
S450	Waka Kotahi NZ Transport Agency	
S452	Alistair Cameron	
S455	Murray Stuart and Karen Jury Rob Lawrence	
S459	Greenstone Retreat	
S462	Inger Perkins	

S465	Davis Ogilvie & Partners Ltd	
S472	New Zealand Coal & Carbon Limited	
S473	Katherine Gilbert	
S474	Rocky Mining Limited	
S478	Frank and Jo Dooley	
S481	Lynley Hargreaves	
S484	Development West Coast	
S491	Bathurst Resources Limited and BT Mining Limited	
S493	TiGa Minerals and Metals Limited	
S500	Papahaua Resources Limited	
S502	Stevenson Mining Limited	
S516	Steve Croasdale	
S518	Westreef Services Limited	
S521	Aggregate and Quarry Association	
S522	Celine Stokowski and Anthony Thrupp	
S523	Queenstown Lakes District Council	
S525	Brian Jones	
S528	Trevor Thorpe	
S529	John Thorpe	
S536	Straterra	
S537	Terra Firma Mining Limited	
S538	Buller District Council	
S552	Buller Conservation Group	
S553	Frida Inta	
S558	Chris & Jan Coll	
S560	Forest & Bird	
S563	Geoff Volckman	
S564	Catherine Smart-Simpson	
S566	Chris J Coll Surveying Limited	
S567	William McLaughlin	
S569	Minerals West Coast	
S573	Fire and Emergency New Zealand	
S574	Laura Coll McLaughlin	
S576	Brian Anderson	
S577	Koiterangi Lime Co LTD	
S580	Alvin & Kay Godfrey	
S582	Anna & Jeremy Hart	

S584	Steve and Anne Staples	
S585	Tim Burden	
S586	Tane & Rachel Little	
S587	Linda Elcock	
S588	Marty & Nicky, Von Ah	
S589	Charmaine Michell	
S590	Paula Jones	
S591	Karen and Dana Vincent	
S595	Frank O'Toole	
S599	WMS Group (HQ) Limited and WMS Land Co. Limited	
S600	Phil and Helen Cook	
S601	Birchfield Coal Mines Ltd	
S602	Department of Conservation	DoC
S603	BRM Developments Limited	
S604	Birchfield Ross Mining Limited	
S606	Phoenix Minerals Limited	
S607	Whyte Gold Limited	
S608	Grey District Council	
S609	Avery Brothers	
S614	Karamea Lime Company	
S615	Peter Langford	
S620	Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	

List of Further Submitters addressed in this report

Submitter ID	Submitter Name	Abbreviation
FS1	Grey District Council	
FS33	Inger Perkins	
FS34	Forest & Bird	
FS41	Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	
FS44	John Caygill	
FS45	West Coast Penguin Trust	
FS54	Neil Mouat	
FS62	Waka Kotahi NZTA	
FS65	Lynley Hargreaves	
FS68	Katherine Crick	

FS69	Sandra Dymond	
FS72	Suzanne Hill	
FS75	Paul Elwell-Sutton	
FS77	Marie Elder	
FS81	Paul Elwell-Sutton	
FS85	Mark Pitchfork	
FS89	Bathurst Resources Limited and BT Mining Limited	
FS91	Ron Andrews	
FS92	Maureen Reid	
FS93	Tammy Ward	
FS94	Wendy Whitehead	
FS103	West Coast Federated Farmers of New Zealand	
FS104	TiGa Minerals and Metals Limited	
FS108	Terra Firma Mining Ltd	
FS112	Ian Duckworth	
FS120	Annabel Gosset	
FS122	Department of Conservation	
FS123	Rosalie Sampson	
FS124	Oparara Valley Project Trust	
FS125	Karamea Community Incorporated	
FS130	Linda Brownie	
FS131	Eric Wayne Pratt	
FS132	Matthew Lone	
FS136	West Coast Regional Council	
FS139	Westreef Services Ltd	
FS144	Melissa McLuskie	
FS147	Annie Inwood	
FS148	William McLaughlin	
FS149	Buller District Council	
FS150	Birchfields Ross Ltd	
FS155	Catherine Jane Smart-Simpson	
FS156	Nathan Simpson	
FS157	Geoff Volckman	
FS158	Kathleen Beveridge	
FS159	Maurice Beveridge	
FS160	Frans Volckman	
FS161	Tom Murton	

FS162	Maryann Volckman	
FS163	Kylie Volckman	
FS164	Barbara Bjerring	
FS165	Brian Patrick Jones	
FS166	Bryan Rhodes	
FS167	Frank Bjerring	
FS168	Jane Garrett	
FS169	Allwyn Gourley	
FS170	Bevan Langford	
FS171	Shaun Rhodes	
FS172	Jack Simpson	
FS173	Roger Gibson	
FS174	Rachel Shearer	
FS175	Gareth Guglebreten	
FS176	Charlotte Aitken	
FS177	Glen Kingan	
FS178	Hayden Crossman	
FS179	Susan Waide	
FS180	Desirae Bradshaw	
FS181	Andrew Bruning	
FS182	Marty Syron	
FS183	Kelvin Jeff Neighbours	
FS184	J & M Syron Farms	
FS185	Michelle Joy Stevenson	
FS186	Marnie Stevenson	
FS187	Sophie Fox	
FS188	Ed Tinomana	
FS189	Dave Webster	
FS190	Aidan Corkill	
FS191	Shanae Douglas	
FS192	Danielle O'Toole	
FS193	Aimee Milne	
FS194	Michael O'Regan	
FS195	Neal Gallagher	
FS196	Arthur Neighbours	
FS197	Mat Knudsen	
FS198	Brendon Draper	

FS199	Matthew Thomas	
FS200	Philip O'Connor	
FS201	Tracy Moss	
FS202	James Dunlop Stevenson	
FS203	Murray Aitken	
FS204	Joel Hands	
FS205	Peter Hands	
FS206	Patrick John Hands	
FS207	Jackie O'Connor	
FS208	Maurice Douglas	
FS209	Gary Donaldson	
FS210	Joy Donaldson	
FS211	Selwyn Lowe	
FS212	Sheryl Marie Rhind	
FS213	Stewart James Rhind	
FS214	Chanelle van Rooyen	
FS215	Phoenix Minerals Limited	
FS216	Robyn Langridge	
FS218	Mike Spruce	
FS223	Frida Inta	
FS224	Buller Conservation Group	
FS225	John Milne	
FS226	Jo-Anne Milne	
FS227	Jessie Gallagher	
FS228	Cheryl Gallagher	
FS229	Margaret Jane Milne	
FS231	WMS Group (HQ) Limited and WMS Land Co. Limited	
FS232	Birchfield Coal Mines Ltd	
FS237	Brian Anderson	
FS238	Chris Lowe	

Abbreviations

Abbreviation	Meaning
BCZ	Buller Coalfield Zone
ECO	Ecosystems and Indigenous Biodiversity
GRUZ	General Rural Zone
HAIL	Hazardous Activities and Industries List

MINZ	Mineral Extraction Zone
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-FW	National Environmental Standards for Freshwater
NOSZ	Natural Open Space Zone
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management 2020
NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPS-IB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
NZPAM	New Zealand Petroleum and Minerals
OSZ	Open Space Zone
PCL	Public Conservation Land
Planning standards	National Planning Standards
pTTPP	Proposed Te Tai o Poutini Plan
RLZ	Rural Lifestyle Zone
RMA	Resource Management Act 1991
RPS	Regional Policy Statement
SASM	Sites of Significance to Māori
SETZ	Settlement Zone
SNA	Significant Natural Areas
SPZ	Source Protection Zone
WCRC	West Coast Regional Council
WCRPS	West Coast Regional Policy Statement

1.0 Purpose of Report

1. This report has been prepared in accordance with Section 42A of the RMA to:
 - assist the Hearings Panel in making their decisions on the submissions and further submissions on the Te Tai o Poutini Plan (pTTPP); and
 - provide submitters with an opportunity to see how their submissions have been evaluated and the recommendations being made by officers, prior to the hearing.
2. This report responds to submissions on Mining and Mineral Extraction. The report provides the Hearing Panel with a summary and analysis of the submissions received on the Buller Coalfield Zone (BCZ), Mineral Extraction Zone (MINZ) and Mineral Extraction Provisions in the Rural Zones and Open Space Zones in Part 2, Schedule Nine, Schedule Ten and Appendix Seven in Part 4 and the definition for Lawfully Established, Mineral Exploration, Mineral Extraction and Mineral Extraction Management Plan in Part 1 and to make recommendations on either retaining the pTTPP provisions without amendment or making amendments to the pTTPP in response to those submissions.
3. The recommendations are informed by evaluation undertaken by me as the planning author. In preparing this report I have had regard to the following reports:
 - Introduction and General Provisions report that addresses the higher order statutory planning and legal context s42A report prepared by Lois Easton; and
 - Strategic Directions report that addresses the wider strategic direction of the Plan s42A report prepared by Lois Easton.
4. The conclusions reached and recommendations made in this report are not binding on the Hearing Panel. It should not be assumed that the Hearing Panel will reach the same conclusions having considered all the information in the submissions and the evidence to be brought before them, by the submitters.

2.0 Qualifications and experience

2.1 Author qualifications and experience

5. My full name is David Eric Badham and I am a Partner and Northland Manager with Barker & Associates Limited, a planning and urban design consultancy with offices across New Zealand. I am based in the Whangārei office, but undertake planning work across the country, and have been engaged by the West Coast Regional Council to support the development of the pTTPP.
6. I am a qualified planner with a Bachelor of Planning with Honours (1st Class) from the University of Auckland and have been a Full Member of the New Zealand Planning Institute since April 2015. I have over 14 years' experience as a planner. During this time, I have been employed in various resource management positions in local government and private companies within New Zealand and Australia including experience with:
 - Statutory resource consent planning in the Northland and Auckland regions, including an extensive range of work in the Whangārei, Kaipara and Far North Districts.
 - Consideration of submissions and formulation of policy advice for Council, Kaipara District Council, Far North District Council, and private clients. This has included assisting Whangārei District Council with the Minerals Topic within its own district plan review.
 - Providing planning advice, and engaging in consultation with and on behalf of iwi organisations and being involved in the preparation of cultural impact

assessments.

- Monitoring and compliance of consent conditions in operational mining environments in Queensland, Australia. This included working on operational mining sites (more specifically open cast coal mines).
- Preparing expert evidence in the Environment Court for cases relating to kauri dieback provisions in the Whangārei District Plan, for private Plan Change 78 – Mangawhai Central to the Kaipara District Plan and most recently for a resource consent for a private client in Mangawhai.

2.2 Code of Conduct

7. I confirm that I have read the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023 and that I have complied with it when preparing this report. Other than when I state that I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.
8. I am authorised to give this evidence on behalf of the Tai o Poutini Plan Committee to the pTTPP hearings commissioners (Hearings Panel).

2.3 Conflict of Interest

9. I have been engaged post notification and receipt of submissions and further submissions to report on this topic. I have had no prior involvement with the preparation of the pTTPP, or more specifically the proposed Mining and Mineral provisions.
10. To the best of my knowledge, I have no real or perceived conflict of interest to declare with regard to this topic.

2.4 Expert Advice

11. No expert advice has been specifically commissioned for this topic.

3.0 Scope of Report and Topic Overview

3.1 Scope of Report

12. This report considers the submissions and further submissions that were received in relation to the BCZ, MINZ and Mineral Extraction Provisions in the Rural Zones and Open Space Zones in Part 2 and Schedule Nine, Schedule Ten and Appendix Seven in Part 4 and the definition for Lawfully Established, Mineral Exploration, Mineral Extraction and Mineral Extraction Management Plan in Part 1.
13. Recommendations are made to either retain provisions without amendment, or delete, add to or amend the provisions. All recommended amendments are shown by way of strikeout and underlining in **Appendix 1** of this Report. Footnoted references to a submitter number, submission point and the abbreviation for their title provide the scope for each recommended change. Where it is considered that an amendment may be appropriate, but it would be beneficial to hear further evidence before making a final recommendation, this is made clear within the report. Where no amendments are recommended to a provision, submission points that sought the retention of the provision without amendment are not footnoted.
14. Clause 16(2) of the RMA allows a local authority to make an amendment to a proposed plan without using a Schedule 1 process, where such an alteration is of minor effect, or may correct any minor errors. A number of alterations have already been made to the pTTPP using cl.16(2) and these are documented on the pTTPP website. Where a submitter has requested the same or similar changes to the pTTPP that fall within the ambit of cl.16(2), then such amendments will

continue to be made and documented as cl.16(2) amendments in this s42A report. The assessment of submissions generally follows the following format:

- Submission Information;
- Analysis; and
- Recommendations

3.2 Topic Overview

Buller Coalfield Zone – Te Takiwā Waro Māori

15. The Buller Coalfield Zone (BCZ) covers the area of the Buller Coalfield where coal mining is currently authorised. The authorisation is from three different mechanisms and includes:
 - Coal mining licences under the Coal Mines Act (1979);
 - Ancillary coal mining licences under the Coal Mines Act (1979); or
 - Resource consents issued under the Resource Management Act (1991).
16. The Zone includes as its core the Stockton Mine, which is the single largest mine in New Zealand as well as smaller consented or licensed areas on the Stockton Plateau, Denniston Plateau and at Te Kuha.
17. There are a range of activities occurring in the zone including mineral extraction, processing of coal, site rehabilitation and ancillary works such as roads, workshops, storage of materials, carparking, coal loadout and transport activities.
18. The intent of the zone is to enable the existing authorised activity to continue, including further development of the mines and coal processing within the zone. It also allows for other mineral extraction to occur within the zone, for example rock quarrying.
19. The BCZ encompasses the following areas:
 - Stockton and its associated mines (Cypress Mine, Mt William North Mine) and ancillary activities such as roads, powerlines, aerial ropeway, haul road and load out areas. The Stockton Coal Mining Licence covers an area of 2335ha and a further 860ha is covered by the associated mines and ancillary activities.
 - Denniston Plateau Mines – Cascade Mine (187ha), Escarpment Mine (153ha), Sullivan Coal Mining Licence (317ha) and ancillary activities (171ha).
 - Te Kuha Mine (144ha) on the Te Kuha escarpment adjacent to the Denniston Plateau.
20. The BCZ as notified includes the following proposed provisions:
 - Two Objectives seeking to enable mineral extraction activities within the zone to provide for the economic and social wellbeing for the region and District while minimising adverse effects on the environment, the community and the relationship of Ngāti Waewae to their resources.
 - Five policies that provide the basis for managing mineral extraction within the Zone.
 - Rules providing permitted activity criteria for mineral extraction activities with varying activity statuses for other activities such as residential, commercial etc.

Mineral Extraction Zone – Te Takiwā Kohuke

21. The MINZ covers a number of mines and quarries throughout the region.¹ In addition to this, the MINZ also covers ancillary mineral extraction infrastructure,

¹ The full list of existing mines, their location, and size is included in section 2.6.2 on pages

including Mai Mai Siding, Reefton Distribution Centre, Rapahoe coal yard, Rocky Creek coal washery and Kaiata yard.

22. The MINZ as notified includes the following proposed provisions:
- Two Objectives seeking to enable mineral extraction activities within the MINZ to provide for the economic and social wellbeing for the region and District while minimising adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu to their resources.
 - Eight policies that provide the basis for managing mineral extraction within the MINZ.
 - Rules providing permitted activity criteria for mineral extraction activities with varying activity statuses for other activities such as residential, commercial etc.

Mineral Extraction Provisions in the Rural and Open Space and Recreation Zones

23. The proposed Rural Zones and Open Space and Recreation Zones are the other locations where mineral extraction is anticipated and provided for within the TTPP. The extent of these proposed zones within the Region is extensive.
24. In terms of provisions relevant to mineral extraction the include:
- An objective within the Rural Zones recognising the wide spread location of mineral resources and provided that effects are minimised, can be appropriate within that zone.
 - An objective within the Open Space and Recreation Zones acknowledging that development and activities should complement and not conflict with the functions and values of the of open space and the surrounding environment.
 - Rules relating to Mineral prospecting and exploration and mineral extraction in the Rural Zones and Open Space and Recreation Zones.

Schedules

25. The pTTPP also includes two schedules that are directly relevant to the Mining and Mineral Extraction Topic:
- Schedule Nine: Lawfully Established Mineral Extraction and Processing Areas – this provides a list of lawfully established mineral extraction and processing areas referred to in the BCZ and MINZ provisions.
 - Schedule Ten: Previously Mined Locations in the Rural and Open Space and Recreational Zones – this Schedule is designed to list the locations of previously mined areas subject to specific rules within Rural and Open Space and Recreational Zones provisions. None were included in the notified version of the pTTPP, noting that to be included within the schedule sites would need to have been previously mined during the period since 2002.

Appendices

26. The pTTPP also includes Appendix Seven: Mineral Extraction Management Plan Requirements. This provides an outline of context requirements for Mineral Extraction Management Plans which is cross referenced throughout the BCZ and MINZ provisions.

Definitions

27. There are several definitions included that are relevant to the Mining and Mineral topic including:

22 and 23 of the Section 32 Evaluation – Report Fourteen Mineral Extraction. **Appendix 3** also includes maps of each of the areas to be zoned MINZ and BCZ which is addressed further in Section 21 of this Report.

- Mineral Prospecting;
- Mineral Exploration;
- Mineral Extraction;
- Lawfully Established Mineral Extraction;
- Mineral Extraction Management Plan; and
- Farm Quarry

3.3 Strategic Direction

28. The purpose of the Strategic Direction chapter in Part 2, in combination with objectives within the relevant topic chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts. With these strategic directions and objectives in place, the articulation of location-specific and activity-specific objectives and policies are enabled in other chapters of the pTTPP, which are consistent with the strategic objectives.
29. The proposed provisions within the BCZ, MINZ, Rural Zones and Opens Space and Recreation Zones are relevant to the use and management of mineral resources across the three directions. The Strategic Direction Chapter includes six Mineral Extraction Strategic Objectives as follows:
- MIN-O1 To ensure provision for the use and development of the West Coast/Te Tai o Poutini's mineral resources while also avoiding duplication of regulation across agencies.
 - MIN-O2 To enable mineral extraction and ancillary activities which support it, including specifically within the Buller Coalfield Zone, Mineral Extraction Zone, Rural Zones and Open Space Zone.
 - MIN-O3 To recognise that mineral resources are widespread and fixed in location throughout the West Coast/Te Tai o Poutini and that provided adverse effects are managed, mineral extraction activities can be appropriate in a range of locations outside specified zones and precincts.
 - MIN-O4 To ensure that new subdivision, use and development does not compromise existing mineral extraction activities, including through reverse sensitivity to effects such as dust, noise and traffic generation.
 - MIN-O5 To support Poutini Ngāi Tahu to manage their pounamu and aotea stone resources through the use of Pounamu and Aotea Management Area Overlays.
 - MIN-O6 To:
 - 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, including:
 - Poutini Ngāi Tahu cultural resources and taonga including sites and areas of significant to Māori identified in Schedule Three;
 - Areas of significant indigenous vegetation, significant indigenous fauna habitat and protected native fauna;
 - Outstanding natural landscapes and features;
 - Waterways and waterbodies;
 - The coastal environment;
 - The wellbeing of people and communities; and

- Allow adverse effects to be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation.
30. There are also other objectives within the Strategic Direction Chapter which I consider are relevant to the Mining and Mineral Extraction Topic more generally. These include:
- POU-O1 To enable the occupation, development and use of Poutini Ngāi Tahu land in accordance with tikanga and for the benefit of Poutini Ngāi Tahu.
 - POU-O2 To include Te Tai Poutini wide provisions to support Poutini Ngāi Tahu exercise of cultural rights and interests including:
 - Establishment of papakāinga;
 - Access to mahinga kai and cultural materials;
 - Management of Pounamu and Aotea stone; and
 - Management of taonga and wāhi tapu.
 - POU-O4 To support Poutini Ngāi Tahu in their exercise of kaitiakitanga and recognise their special relationship with te taiao, Poutini Ngāi Tahu taonga and wāhi tapu through resource management process and decisions.
 - NENV-O1 To recognise and protect the natural character, landscapes and features, ecosystems and indigenous biodiversity that contribute to the West Coast's character and identity and Poutini Ngāi Tahu's cultural and spiritual values.
 - NENV-O2 To ensure that the rights, interests and values of Poutini Ngāi Tahu to natural environment areas and features are protected and provided for and that the ability to exercise kaitiakitanga and tino rangatiratanga is maintained and enhanced.
 - NENV-O3 To recognise:
 - 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;
 - The need for infrastructure to sometimes be located in significant areas; and
 - 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.
 - NENV-O4 To clearly identify:
 - Unique and important natural environment areas and features on the West Coast/Te Tai o Poutini which must be protected; and
 - Areas where subdivision, use and development to enable community economic, cultural and social wellbeing can be sustainably managed.
31. I understand that the Hearing's Panel have already held hearings for the strategic direction chapter, with a decision yet to be released. This included the consideration of submissions and evidence relating to the Mineral Extraction Strategic Objectives. Therefore, I understand that amendments to the Strategic Direction provisions, and particularly those relating to Mineral Extraction, are outside of the scope of what I can assess within this s42A report. There may need to be consequential amendments made to the relevant Mineral Extraction provisions as a result of any changes made regarding the strategic direction chapter and or other topics that have been heard, or are yet to be heard in the hearings schedule.

4.0 Statutory Requirements

32. The pTTPP must be prepared in accordance with the Council's functions under section 31 of the RMA; Part 2 of the RMA; the requirements of sections 74 and 75, and its obligation to prepare, and have particular regard to, an evaluation report under section 32 of the RMA, any further evaluation required by section 32AA of the RMA; any national policy statement, the New Zealand Coastal Policy Statement (NZCPS), national planning standards; and any regulations. The pTTPP must also give effect to the West Coast Regional Policy Statement (WCRPS), and not be inconsistent with any regional plan, have regard to district plans of adjacent territorial authorities, and take into account relevant Iwi Management Plans.
33. In addition, there is a Mana Whakahono a Rohe agreement between West Coast Regional Council and Poutini Ngāi Tahu which must be implemented.
34. As set out in the Section 32 and Section 42A Overview Reports, there are a number of higher order planning documents and strategic plans that provide direction and guidance for the preparation and content of pTTPP. I do not repeat the detail of the full suite of higher order documents here.
35. These documents are discussed in more detail within this report where relevant to the assessment of submission points.
36. The assessment of submission points is made in the context of the Section 32 reports already undertaken with respect to this topic, being:
 - Report Fourteen Mineral Extraction

4.1 Resource Management Act 1991

37. Part 2 of the RMA contains the purpose and principles of the legislation. Section 5 sets out the purpose of the RMA, which is to promote the sustainable management of natural and physical resources. Sustainable management includes managing the use, development, and protection of natural and physical resources to enable people and communities to provide for their social, economic and cultural wellbeing and for their health and safety.
38. For the Mining and Mineral Extraction Topic, it is important to highlight that minerals are specifically excluded from section 5(2)(a) in terms of sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations. This exclusion however does not extend to section 5(2)(b) regarding safeguarding the life-supporting capacity of air, water, soil and ecosystems and avoiding, remedying or mitigating any adverse effects of activities on the environment.
39. In achieving this purpose, authorities need also to recognise and provide for the matters of national importance identified in Section 6, have particular regard to other matters referred to in Section 7 and take into account the principles of the Treaty of Waitangi referred to in Section 8.
40. Section 6 matters of national importance are relevant to the Mining and Mineral Extraction topic are:
 - Section 6(a) the preservation of the natural character of the coastal environment (including the coastal marine area), wetlands, and lakes and rivers and their margins, and the protection of them from inappropriate subdivision, use, and development.
 - Section 6(b) the protection of outstanding natural features and landscapes from inappropriate subdivision, use, and development.
 - Section 6(c) the protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna.

- Section 6(d) the maintenance and enhancement of public access to and along the coast.
 - Section 6(e) the relationship of Maori and their culture and traditions with their ancestral lands, water, sites, waahi tapu, and other taonga.
 - Section 6(f) the protection of historic heritage from inappropriate subdivision, use, and development.
 - Section 6(h) the management of significant risks from natural hazards.
41. Section 7 of the RMA requires particular regard to be taken in relation to the following matters which are relevant to the Mining and Mineral Extraction Topic:
- Section 7(a) kaitiakitanga
 - Section 7(b) the efficient use and development of natural and physical resources.
 - Section (c) the maintenance and enhancement of amenity values.
 - Section (d) the intrinsic values of ecosystems.
 - Section 7(g) any finite characteristics of natural and physical resources:
 - Section (i) the effects of climate change.
42. These matters under Sections 6 and 7 of the RMA are relevant when considering mineral extraction which may facilitate the provisions of economic and social benefits, but which can also create environmental effects.
43. Section 8 requires the Council to take into account the principles of the Treaty of Waitangi (Te Tiriti o Waitangi). Consistent with the practice followed in the development of the pTTPP, the Section 8 principle of most relevance to these topics is the duty to make informed decisions through consultation. Poutini Ngāi Tahu though the Rūnanga kaiwhakahaere have been involved in the governance and development of pTTPP and their planners have collaborated in the development of the pTTPP provisions. Alongside this, Poutini Ngāi Tahu been consulted as part of the review process and the obligation to make informed decisions based on that consultation is noted.

4.2 Poutini Ngāi Tahu Iwi Management Plans and Mana Whakahono ā Rohe

44. The RMA requires that when preparing a District Plan, the territorial authority must take into account any relevant planning document recognised by an iwi authority and lodged with the territorial authority, to the extent that its content has a bearing on the resource management issues of the district (section 74(2A)). There are three iwi management plans on the West Coast – the Te Rūnanga o Makaawhio Pounamu Management Plan, the Ngāti Waewae Pounamu Management Plan and the Lake Māhinapua Management Plan.
45. While these documents focus on specific issues, they also contain wider information about the overall approach to sustainability and kaitiakitanga of resources and Poutini Ngāi Tahu values. Natural landscapes may have cultural values such as pā, kāinga, ara tawhito (traditional trails), pounamu, mahinga kai, and wāhi ingoa (place names). The traditions of Ngāi Tahu tūpuna (ancestors) are embedded in the landscape.
46. The plan must be prepared in accordance with the Paetae Kotahitanga ki Te Tai Poutini Partnership Protocol Mana Whakahono ā Rohe 2020, agreement between Poutini Ngāi Tahu and Westland Regional Council (Schedule 1, section 1A of the RMA). Section 8 of the Mana Whakahono ā Rohe specifies the process to be followed when developing planning instruments, I understand this has been implemented in preparing the pTTPP.

4.3 Any other relevant National Planning Instruments

47. The following National Policy Statements and National Environmental Standards are relevant to submissions received on the Mining and Mineral Extraction Topic.

New Zealand Coastal Policy Statement (NZCPS)

48. The NZCPS seeks to protect and enhance the coastal environment, including: safeguarding the integrity, form, functioning and resilience of the coastal environment, preserving the natural character and protecting natural features and landscapes values of the coastal environment, to maintain and enhance public open space qualities and recreation opportunities of the coastal environment, and managing coastal hazard risks.
49. Policy 6 is particularly relevant to the Mining and Mineral Extraction Topic as clause (1)(a) recognises that extraction of minerals are activities important to the social, economic cultural well-being of people and communities. Clause (2)(c) also recognises that there are activities that have a functional need to be located in the coastal marine area, and that provision should be made for those activities in appropriate places.
50. There is also additional direction with the NZCPS that also apply for mineral extraction activities undertaken in particular areas (e.g., the coastal environment, areas with significant indigenous biodiversity and high natural character).

National Policy Statement for Highly Productive Land 2020 (NPS-HPL)

51. The NPS-HPL seeks to protect and ensure the availability of New Zealand's high-class soils for primary production now and for future generations. The NPS-HPL provides a stringent protection regime and seeks to direct new housing development away from highly productive land where possible and prevent inappropriate subdivision, use and development occur on our highest-class soils.
52. The NPS-HPL is relevant insofar as it relates to mineral extraction activities that intersect with areas of highly productive land. Section 3.9 is particularly relevant to the Mining and Mineral Extraction Topic as clause (2)(j)(iii) recognises and provides for mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand.

National Policy Statement for Freshwater Management 2020 (NPS-FM)

53. The NPS-FM provides national direction regarding the management of freshwater resources across the country. This includes a sole objective to manage natural and physical resources in a way that prioritises first the health and well-being of water bodies and freshwater ecosystems, second the health needs of people and third the ability of people and communities to provide for their social, economic and cultural well-being.
54. The NPS-FM is largely given effect to by the National Environmental Standards for Freshwater (NES-FW – addressed further below) which is administered by regional councils. The NPS-FM and the NES-FW will largely apply where mineral extraction activities intersect with freshwater resources (e.g., rivers, lakes and wetlands). Specific acknowledgement is provided within Section 3.22 of the NPS-FM as it relates to natural inland wetlands regarding the extraction of minerals (other than coal) and ancillary activities that provide significant national and regional benefits.

National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB)

55. The NPS-IB provides direction to councils to protect, maintain and restore indigenous biodiversity requiring at least no further reduction nationally. The NPS-IB only came into effect in August 2023, and therefore is novel, and was not considered in the Section 32 reporting undertaken to support the notified version of the pTTPP.

56. The NPS-IB is relevant insofar as it relates to mineral extraction activities that intersect with areas of indigenous biodiversity. A similar carve out to that identified above for the NPS-HPL is also provided in Section 3.11 as it relates to exceptions to clause 3.10(2) whereby mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand is also applied. There is a specific exception with this as it relates to coal mines, with lawfully established coal mines provided a carve out in the provision, except that after 31 December 2030 the extraction only applies to coal mines extracting coking coal.

National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011 (NES-CS)

57. The NES-CS is applicable if the land in question is, has been, or is more likely than not to have been used for a hazardous activity or industry (HAIL) and the applicant proposes to subdivide or change the use of the land, or disturb the soil, or remove or replace a fuel storage system.
58. Existing mineral extraction areas are likely to have had activities classified as HAIL activities, and therefore may trigger resource consents under the NES-CS for disturbing soil or change the use of the land.

National Environmental Standards for Freshwater 2020 (NES-FW)

59. The NES-FW establishes requirements for carrying out certain activities that pose risks to freshwater and freshwater ecosystems.
60. The provisions of this standard are relevant as they relate to freshwater resources (e.g., rivers, lakes and wetlands) that overlap with mineral extraction activities. Regulation 45D outlines specific standards relating to activities for the purpose of the extraction of minerals and ancillary activities as they relate to natural inland wetlands.

4.4 National Planning Standards

61. The planning standards were introduced to improve the consistency of plans and policy statements. The planning standards were gazetted and came into effect on 5 April 2019. There are 17 standards in total, of which Standard 8 Zone Framework Standard is particularly relevant to the Mining and Mineral Extraction Topic. This standard seeks that any additional special purpose zone (e.g., BCZ and MINZ) are only created when the following criteria is met:
- Are significant to the district, region or country;
 - Are impractical to be managed through another zone; and
 - Are impractical to be managed through a combination of spatial layers
62. The application of the BCZ and MINZ as it relates to the above criteria is addressed in section 1.2.4 on page 7 of the Section 32 Report Fourteen.

4.5 Regional Policy and Plans

West Coast Regional Policy Statement (RPS)

63. The RPS provides important direction relating to the Mining and Mineral Extraction Topic that must be given effect to in the proposed provisions. These provisions (primarily in Section 5) include:
- Objective 5.1: To recognise the role of resource use and development on the West Coast and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing.
 - Objective 5.2: Incompatible use and development of natural and physical resources are managed to avoid or minimise conflict.

- Policy 5.1: Enabling sustainable resource use and development on the West Coast to contribute to the economic, social and cultural wellbeing of the region's people and communities.
- Policy 5.2: To recognise that natural and physical resources important for the West Coast's economy need to be protected from significant negative impacts of new subdivision, use and development by:
 - a) Avoiding, remedying or mitigating reverse sensitivity effects arising from new activities located near existing:
 - i) Primary production activities;
 - ii) Industrial and commercial activities;
 - iii) Minerals extraction*;
 - iv) Significant tourism infrastructure;
 - v) Regionally significant infrastructure; and
 - b) Managing new activities to retain the potential future use of:
 - i) Land with significant mineral resources; or
 - ii) Land which is likely to be needed for regionally significant infrastructure.

*Minerals extraction includes aggregates and other mining activities.

64. The above provisions acknowledge the important role that mineral resources play in the social and economic wellbeing of the West Coast Region. They also acknowledge the importance of protecting mineral extraction activities from the negative effects of reverse sensitivity. Given the directive requirement to "give effect to" the RPS under the RMA, I have been cognisant of this direction in the proceeding sections of this s42A report.²

4.6 Procedural Matters

65. At the time of writing this s42A report there has not been any pre-hearing conferences, clause 8AA meetings or expert witness conferencing in relation to submissions on this topic.
66. I have visited the West Coast a number of times, but most recently from 6 – 8 November 2023, when I spent three days in the region undertaking site visits and meeting with council staff. During this latest visit, I drove around the region to get an idea regarding the location and context of the Buller Coalfield Zone and various sites zoned Mineral Extraction Zone.³

5.0 Consideration of Submissions Received

5.1 Overview of Submissions Received

67. A total of 124 submissions (1198 submission points) and 113 further submissions (859 further submission points) were received that have been addressed within this s42A Report on the Mining and Mineral Extraction Topic.

² To be clear, this does not mean that this is the only consideration that I have applied in undertaking my analysis and making my recommendations within this report. Rather, I have considered all relevant matters, and the necessary direction in the RMA in terms of how that is applied.

³ While I drove through and past the majority of these areas, this was by no means exhaustive and I did not make it to every area. For practical reasons (e.g., timing and health and safety etc), I also did not go onto any of the operational mining sites.

5.2 Structure of this Report

68. Given the number, nature and extent of the submissions and further submissions received, this Section 42A Report has addressed the key themes and issues raised generally, in accordance with Clause 10(2), as opposed to making specific recommendations on each submission point.
69. The submissions will be assessed in the general order set out below:
- Whole Plan;
 - Zones;
 - How the Plan Works;
 - Interpretation;
 - Mineral Extraction Zone;
 - Buller Coalfield Zone
 - Open Space Zones
 - Natural Open Space Zone
 - Rural Zones;
 - General Rural Zone;
 - Rural Lifestyle Zone;
 - Settlement Zone;
 - Appendices;
 - Schedules; and
 - Planning Maps and Rezoning Requests
70. Recommended amendments are contained in the following appendices **Appendix 1**: Recommended Amendments to BCZ, MINZ, Rural Zones and Open Space and Recreation Zone provisions.
71. Submissions received that are in support or neutral in relation to the notified provisions are noted and not necessarily addressed in the report. In addition, only key further submissions are identified in relation to the decision requested by submitters.
72. A full list of submissions and further submissions is contained in **Appendix 2**: Recommendations on Submissions and Further Submissions for Mining and Mineral Extraction provisions.
73. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**. Recommendations on further submissions are in accordance with the recommendation on the primary submission.

6.0 Plan Section – Whole Plan

6.1 Whole Plan Overall

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
John Caygill	S290.009	Oppose	Ensure there is a requirement for an ecological assessment in

			accordance with the RPS significance criteria for all new mineral extraction activities.
Grey District Council	FS1.074	Oppose	Disallow
Development West Coast	S484.001	Support in part	DWC seeks that in developing, determining matters arising, and finalising the plan and provisions the pTTPP gives effect to Policy 2 of Chapter 5 of the RPS for the West Coast.
West Coast Federated Farmers of New Zealand	FS103.005	Support	Allow
Aggregate and Quarry Association	S521.011	Amend	Amend as required to give effect to submission
Neil Mouat	FS54.19	Support	Allow
Aggregate and Quarry Association	S521.012	Amend	Amend as required to give effect to submission
Neil Mouat	FS54.18	Support	Allow
Aggregate and Quarry Association	S521.013	Amend	Amend as required to give effect to submission
Neil Mouat	FS54.27	Support	Allow
Aggregate and Quarry Association	S521.014	Amend	Amend as required to give effect to submission
Neil Mouat	FS54.28	Support	Allow
Aggregate and Quarry Association	S521.019	Support	Amend where the rules and activity statuses for overlays are not consistent.
Neil Mouat	FS54.33	Support	Allow
West Coast Federated Farmers of New Zealand	FS103.009	Support	Allow
Catherine Smart-Simpson	S564.002	Support	Retain
Forest & Bird	S560.019	Amend	Include as requirement in all rules for mining activities a full assessment of effects, a significance assessment against the significant criteria in the WCRPS.

TiGa Minerals and Metals Limited	FS104.001	Oppose	Disallow
Birchfields Ross Ltd	FS150.001	Oppose	Disallow
Phoenix Minerals Limited	FS215.001	Oppose	Disallow
West Coast Federated Farmers of New Zealand	FS103.012	Oppose	Disallow
Frida Inta	FS223.006	Support	Mining activities should not be permitted activities
Buller Conservation Group	FS224.006	Support	Mining activities should not be permitted activities
Annabel Gosset	FS120.5	Support	Allow
WMS Group (HQ) Limited and WMS Land Co. Limited	FS231.001	Oppose	Disallow
Birchfield Coal Mines Ltd	FS232.001	Oppose	Disallow
Minerals West Coast	S569.005	Amend	Amend whole plan in respect of mining and quarry: <ul style="list-style-type: none"> Managing impacts on significant indigenous vegetation and significant habitats of indigenous fauna. Where the removal of an area of significant indigenous vegetation or significant fauna habitat in whole or in part is necessary to provide for mineral extraction and processing activities and cannot be avoided, adverse effects should be mitigated, remedied, offset, or compensated to achieve no net loss in biodiversity values.
Minerals West Coast	S569.044	Amend	Amend to provide for minerals activities to avoid adverse

			effects via the effects management hierarchy, to it to be logically consistent, and to achieve its Objectives.
Grey District Council	FS1.194	Support	Allow
Minerals West Coast	S569.045	Support	Retain
Minerals West Coast	S569.046	Support	Amend plan to provide for effect management hierarchy in regard to mineral extraction.
Grey District Council	FS1.195	Support	Allow
Inger Perkins	S462.025	Amend	Develop within the rule framework for mineral extraction (i.e. across the zones) provision for an accreditation scheme for operators achieving high environmental standards. Allow a more permissive approach for accredited operators only.
Bathurst Resources Limited and BT Mining Limited	S491.001	Amend	Any consequential amendments to give effect to the submission
Bathurst Resources Limited and BT Mining Limited	FS89.001	Support	Allow in part - Analysis did not include submission point that BRL supports the inclusion of the BCZ – Buller Coalfield Zone – Te Takiwa Waro o Kawatiri and its retention in its entirety
Bathurst Resources Limited and BT Mining Limited	S491.003	Amend	Amend 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.
Bathurst Resources Limited and BT Mining Limited	S491.055	Amend	Ensure plan provides for continuity of coal supply
Department of Conservation	FS122.001	Oppose	Disallow
Katherine Gilbert	S473.010	Amend	Ensure there is a requirement for an ecological assessment in accordance with the RPS significance criteria for all new mineral extraction activities.

Analysis

74. John Caygill (S290.009) and Katherine Gilbert (S473.010) seek to ensure there is a requirement for an ecological assessment in accordance with the RPS significance criteria for all new mineral extraction activities. This is opposed by Grey District Council (FS1.074). I recommend that this submission point be rejected, as I do not consider it necessary to require an ecological assessment for all new mineral extraction activities in every instance. Mineral extraction activities can occur in a variety of areas and situations which may not intersect with areas of significant ecological value, or result in any adverse effects on ecological values. A blanket approach to requiring ecological assessments is not an efficient nor effective outcome, and I consider a more nuanced approach is necessary.
75. Development West Coast (S484.001) seeks that in developing, determining matters arising, and finalising the plan and provisions the pTTPP gives effect to Policy 2 of Chapter 5 of the RPS for the West Coast. This is supported by West Coast Federated Farmers of New Zealand (FS103.005). This submission point is noted, and I agree that the pTTPP provisions are required to give effect to the relevant provisions of the RPS, which includes Policy 2 of Chapter 5 of the RPS. While Policy 2 is particularly relevant, there are other provisions in the RPS that also are required to be given effect to, and I have applied comprehensive and balanced approach to my analysis of submissions and further submissions within this s42A Report.
76. Aggregate and Quarry Association (S521.011) seeks outlines that it is essential that the pTTPP does not unreasonably curtail the expansion of existing quarries. This is supported by Neil Mouat (FS54.19). These submission points are noted; however, there is no specific relief that I can respond to.
77. Aggregate and Quarry Association (S521.012) outlines that the pTTPP must allow for the anticipated aggregate demand by identifying potential sources of aggregate close to markets and ensuring that planning is streamlined, quarry resources are protected. This is supported by Neil Mouat (FS54.18). These submission points are noted; however, there is no specific relief that I can respond to.
78. Aggregate and Quarry Association (S521.013) seeks that quarry resources are protected so they can supply vital construction materials. This is supported by Neil Mouat (FS54.27). These submission points are noted; however, there is no specific relief that I can respond to.
79. Aggregate and Quarry Association (S521.014) seeks that quarry land is returned as an asset to the community once extraction is complete. This is supported by Neil Mouat (FS54.28). These submission points are noted; however, I do not consider it feasible to return all quarry land to the community once extraction is completed. Quarry land will in many instances be in private ownership, and there would be significant complications in my opinion drafting a workable district plan provision to require third party land to be transferred to public ownership.
80. Aggregate and Quarry Association (S521.019) seeks to amend where the rules and activity statuses for overlays are not consistent as it is important that access to a consenting pathway remains including with the ability to mitigate, offset and compensate. This is supported by Neil Mouat (FS54.33) and West Coast Federated Farmers of New Zealand (FS103.009). Overlays are addressed in separate chapters and hearing topics. The Overlays will apply as applicable and will be assessed on a case-by-case basis in the relevant area. As such, I recommend no changes to the provisions within the Mineral and Mining topic in response to these submissions.
81. Catherine Smart-Simpson (S564.002) seeks to support recognising the importance of farming, quarrying and mining to the West Coast and support specifically providing for mineral extraction in zones. These submission points are noted; however, there is no specific relief that I can respond to.

82. Forest & Bird (S560.019) seeks to include as a requirement in all rules for mining activities a full assessment of effects, a significance assessment against the significant criteria in the WCRPS. This is supported by Frida Inta (FS223.006), Buller Conservation Group (FS224.006) and Annabel Gosset (FS120.5). This is opposed by TiGa Minerals and Metals Limited (FS104.001), Birchfields Ross Ltd (FS150.001), Phoenix Minerals Limited (FS215.001), West Coast Federated Farmers of New Zealand (FS103.012), WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.001) and Birchfield Coal Mines Ltd (FS232.001). I do not support the relief sought by this submission. In my opinion, it is only necessary for mining activities to prepare an assessment of effects where a resource consent is triggered under the applicable rules. I consider that there is scope for a permitted activity status for some mining activities, subject to certain requirements being met. I address these specific requirements further in Section 10 – 19 below.
83. Minerals West Coast (S569.005) seeks to amend the whole plan in respect of mining and quarry:
- Managing impacts on significant indigenous vegetation and significant habitats of indigenous fauna, and
 - Where the removal of an area of significant indigenous vegetation or significant fauna habitat in whole or in part is necessary to provide for mineral extraction and processing activities and cannot be avoided, adverse effects should be mitigated, remedied, offset, or compensated to achieve no net loss in biodiversity values.
84. I recommend that this submission point is rejected because the language sought is inconsistent with the direction in NPS-IB which was released after the submission period, and is required to be given effect to by the pTTPP. In particular, Clause 3.11(1)(a)(ii) only provides exceptions to Clause 3.10(2)4 for mineral extraction that provides significant national public benefit that could not otherwise be achieved using resources within New Zealand. This clause also does not apply to any mineral extraction that is coal mining.⁵
85. Minerals West Coast (S569.044) seeks an amendment to provide for minerals activities to avoid adverse effects via the effects management hierarchy, for it to be logically consistent, and to achieve its objectives. This is supported by Grey District Council (FS1.194). These submission points are noted, however there is no specific relief that I can respond to with regard to specific changes to the provisions.
86. Minerals West Coast (S569.045) seeks provision for past, present, and future mineral extraction in Tai Poutini West Coast region. These submission points are noted, however there is no specific relief that I can respond to.
87. Minerals West Coast (S569.046) seeks to amend the plan to provide for an effect management hierarchy in regards to mineral extraction. This is supported by Grey District Council (FS1.195). This submission point is noted, however there is no specific relief that I can respond to.
88. Inger Perkins (S462.025) seeks to develop within the rule framework for mineral extraction (i.e. across the zones) a provision for an accreditation scheme for operators achieving high environmental standards. To allow a more permissive approach for accredited operators only. This submission point is noted, however

⁴ Which relates to managing adverse effects on Significant Natural Areas (SNA) of new subdivision, use and development.

⁵ The exception being for the operation or expansion of any coal mine that was lawfully established before the commencement date (see clause 1.2); except that, after 31 December 2030, this exception applies only to such coal mines that extract coking coal.

there is insufficient detail in the relief sought for me to recommend any changes with regard to an accreditation scheme within the pTTPP provisions.

89. Bathurst Resources Limited and BT Mining Limited (S491.001) seeks any consequential amendments to give effect to the submission as the Plan will impact the ability for Bathurst to continue existing operations. This is supported in part by Bathurst Resources Limited and BT Mining Limited (FS89.001) as the analysis did not include submission point that Bathurst Resources Limited supports the inclusion of the BCZ – Buller Coalfield Zone – Te Takiwa Waro o Kawatiri and its retention in its entirety. This submission point is noted, however there is no specific relief that I can respond to.
90. Bathurst Resources Limited and BT Mining Limited (S491.003) seeks an amendment 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. This submission point is noted, however there is no specific relief that I can respond to.
91. Bathurst Resources Limited and BT Mining Limited (S491.055) seeks to ensure the plan provides for continuity of coal supply. This is opposed by Department of Conservation (FS122.001). This submission point is noted, however there is no specific relief that I can respond to.

Recommendations

92. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

7.0 Plan Section – Zones

7.1 Zones Overall

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Forest & Bird	S560.020	Amend	Amend rules in all zones, so that all mining activities, including prospecting, exploration, extraction and processing and ancillary activities should require at least a discretionary consent.
WMS Group (HQ) Limited and WMS Land Co. Limited	FS231.057	Oppose	Disallow
Birchfield Coal Mines Ltd	FS232.053	Oppose	Disallow
Straterra	S536.015	Support	Retain widespread consenting pathway for mineral extraction across the zones

Analysis

93. Forest & Bird (S560.020) seeks to amend the rules in all zones, so that all mining activities, including prospecting, exploration, extraction and processing and ancillary activities should require at least a discretionary consent. This is opposed

by WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.057) and Birchfield Coal Mines Ltd (FS232.053). I do not support the relief sought by this submission. I consider that there is scope for a permitted activity status for some activities, subject to certain requirements being met. I address these specific requirements further in Sections below.

94. Straterra (S536.015) seeks to retain a widespread consenting pathway for mineral extraction across the zones. This submission is noted. I have recommended the retention of a consenting pathway throughout the pTTPP, subject to the further amendments outlined further within this s42A report and in the revised provisions in **Appendix 1**.

Recommendations

95. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

8.0 Plan Section – How the Plan Works

8.1 Special Purpose Zone Descriptions

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Forest & Bird	S560.050	Amend	Delete the "Special Purpose Zones SPZ" Consequential amendments to deleting the corresponding zones: Delete the Buller Coalfield zone Delete Mineral Extraction Zone
Annabel Gosset	FS120.8	Support	Allow
Grey District Council	FS1.390	Oppose	Disallow
WMS Group (HQ) Limited and WMS Land Co. Limited	FS231.033	Oppose	Disallow
Forest & Bird	S560.333	Amend	c. all mining activities require consent (except NOSZ where they should be prohibited), and an ecological assessment in accordance with Appendix 1 of WCRPS is required for all mining activity consent applications.
Terra Firma Mining Ltd	FS108.011	Oppose	Disallow

Analysis

96. Forest & Bird (S560.050) seeks to delete the Special Purpose Zones (SPZ) and the consequential amendments to deleting the corresponding zones: Delete the Buller Coalfield zone and Delete Mineral Extraction Zone. This supported by Annabel

Gosset (FS120.8). This is opposed by Grey District Council (FS1.390) and WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.033). I do not support the deletion of the SPZ as it relates to the MINZ and BCZ. The justification for the establishment of the BCZ and MINZ is outlined within the s32 Report, and I accept that there is a basis under the National Planning Standards for the formation of a Special Purpose Zones for the MINZ and BCZ.

97. Forest & Bird (S560.333) seek that all mining activities require consent (except NOSZ where they should be prohibited), and an ecological assessment in accordance with Appendix 1 of WCRPS is required for all mining activity consent applications. This is opposed by Terra Firma Mining Ltd (FS108.011). I consider that there is scope for a permitted activity status for some mining activities, subject to certain requirements being met. I address these specific requirements further in Sections below. I also do not consider it necessary to require an ecological assessment for all new mineral extraction activities in every instance. Mineral extraction activities can occur in a variety of areas and situations which may not intersect with areas of significant ecological value, or result in any adverse effects on ecological values. A blanket approach to requiring ecological assessments is not an efficient nor effective outcome, and I consider a more nuanced approach is necessary.

Recommendations

98. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

9.0 Plan Section – Interpretation

9.1 Interpretation

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Lawfully Established			
Bathurst Resources Limited and BT Mining Limited	S491.004	Amend	Amend: 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).
Grey District Council	FS1.164	Support	The proposed changes are deemed suitable as they are legal rights like the other mechanisms stated.
Forest & Bird	S560.067	Amend	Amend Lawfully established In relation to buildings and

			<p>structures, means buildings, and structures that:</p> <ul style="list-style-type: none"> • Were lawfully established at the date of notification of the Plan; or • Where resource consent has been granted at the date of notification of the Plan; or • Where building consent has been granted for an activity lawfully approved under a previous District Plan. <p>In relation to activities means activities:</p> <ul style="list-style-type: none"> • permitted through a rule in a Plan, a resource consent; or • a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA); or • In in the case of mineral extraction it also includes an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (1979); and • d. does not include where the resource consent or licence has expired and not been renewed.
Mineral Exploration			
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.011	Amend	has the same meaning as in the Crown Minerals Act 1991 (as set out below) ... includes any drilling, dredging or excavations (whether surface or subsurface) and any ancillary activities that are reasonably necessary to determine the nature and size of a mineral deposit.
Buller District Council	FS149.080	Support	Council supports the amendment.
TiGa Minerals and Metals Limited	S493.009	Amend	has the same meaning as in the Crown Minerals Act 1991 (as set

Birchfield Coal Mines Ltd	S601.008		out below) ... includes any drilling, dredging or excavations (whether surface or subsurface) and any ancillary activities that are reasonably necessary to determine the nature and size of a mineral deposit.
BRM Developments Limited	S603.008		
Birchfield Ross Mining Limited	S604.008		
Phoenix Minerals Limited	S606.008		
Whyte Gold Limited	S607.008		
Straterra	S536.042	Amend	Include ancillary activities – access, overburden storage, disposal. Water management and support infrastructure.
Rocky Mining Limited	S474.025	Amend	Include ancillary activities within the definition
Papahaua Resources Limited	S500.015		
Mineral Extraction			
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.012	Amend	... and includes ancillary activities such as earthworks, indigenous vegetation clearance/vegetation clearance , landscaping and rehabilitation works ...
TiGa Minerals and Metals Limited	S493.010		
Katherine Crick	FS68.001	Oppose	1. Point 10 puts significant natural areas (SNAs) at risk. Infrastructure is defined in section 2 of the RMA. It is very specific and does not encompass all the multitude of activities with either a functional or operational need.
Chanelle van Rooyen	FS214.001	Oppose	This puts significant natural areas (SNAs) at risk. Infrastructure is clearly defined in section 2 of the RMA. It is very specific and does not encompass the multitude of activities with either a functional or operational need.
Mike Spruce	FS218.003	Oppose	Point 10 puts significant natural areas (SNAs) at risk. Infrastructure is defined in section 2 of the RMA. It is very

			specific and does not encompass the multitude of activities with either a functional or operational need.
Marie Elder	FS77.13	Support	Removal of indigenous vegetation should require a specific resource consent
Sandra Dymond	FS69.1	Oppose	Disallow
Birchfield Coal Mines Ltd	S601.009	Amend	... and includes ancillary activities such as earthworks, indigenous vegetation clearance/vegetation clearance , landscaping and rehabilitation works ...
BRM Developments Limited	S603.009		
Birchfield Ross Mining Limited	S604.009		
Phoenix Minerals Limited	S606.009		
Whyte Gold Limited	S607.009		
Aggregate and Quarry Association	S521.004	Amend	Insert "to, from and between" after "access within"
New Zealand Coal & Carbon Limited	S472.005	Support in part	Insert ", to and between" after the words "access within"
Bathurst Resources Limited and BT Mining Limited	S491.006	Amend	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.
Buller District Council	FS149.038	Support	Council supports the amendment.
Straterra	S536.040	Amend	Insert, "to, from and between" after the words "access within"

Straterra	S536.041	Amend	Include ancillary activities – access, overburden storage, disposal. Water management and support infrastructure.
Forest & Bird	S560.070	Amend	Forest & Bird has sought amendments to all mining activity rules, including prospecting, exploration, extraction, processing, and ancillary activities. Provided those changes are made, the broad definition is probably acceptable.
Buller District Council	FS149.065	Oppose	Council supports the current definition. While some of the included activities are not 'extraction' per se they are all activities directly associated with mineral extraction.
Forest & Bird	S560.426	Amend	Delete Ancillary activities
Forest & Bird	S560.427	Amend	Forest & Bird has sought amendments to all mining activity rules, including prospecting, exploration, extraction, processing, and ancillary activities. Provided those changes are made, the broad definition is probably acceptable.
Mineral Extraction Management Plan			
Forest & Bird	S560.071	Oppose	This definition only appears in provisions of the Buller Coalfield zone, which Forest & Bird opposes in its entirety. Delete
Buller District Council	FS149.066	Oppose	Council supports the definition. Disallow.
Mineral Prospecting			
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.013	Amend	has the same meaning as in the Crown Minerals Act 1991 (as set out below) ... iii. Taking samples by hand- or hand-held methods; and iv. Taking small samples offshore by low-impact mechanical methods.; and v. ancillary activities reasonably necessary to identify land likely to

			contain mineral deposits or occurrences.
Buller District Council	FS149.081	Support	Council supports the amendment. Allow.
TiGa Minerals and Metals Limited	S493.011	Amend	has the same meaning as in the Crown Minerals Act 1991 (as set out below) ... iii. Taking samples by hand- or hand-held methods; and iv. Taking small samples offshore by low-impact mechanical methods.; and v. ancillary activities reasonably necessary to identify land likely to contain mineral deposits or occurrences.
Katherine Crick	FS68.002	Oppose	Disallow
Chanelle van Rooyen	FS214.002		
Mike Spruce	FS218.004		
Annie Inwood	FS147.016		
Suzanne Hill	FS72.016		
Birchfield Coal Mines Ltd	S601.010	Amend	has the same meaning as in the Crown Minerals Act 1991 (as set out below) ... iii. Taking samples by hand- or hand-held methods; and iv. Taking small samples offshore by low-impact mechanical methods.; and v. ancillary activities reasonably necessary to identify land likely to contain mineral deposits or occurrences.
BRM Developments Limited	S603.010		
Birchfield Ross Mining Limited	S604.010		
Phoenix Minerals Limited	S606.010		
Whyte Gold Limited	S607.010		
Rocky Mining Limited	S474.026	Amend	Include ancillary activities within the definition
Papahaua Resources Limited	S500.016		
Straterra	S536.043	Amend	Include ancillary activities – access, overburden storage, disposal. Water management and support infrastructure.

Analysis

Lawfully established

99. Bathurst Resources Limited and BT Mining Limited (S491.004) seeks the following amendment: "... 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)*". This is supported by Grey District Council (FS1.164).
100. Forest & Bird (S560.067) seeks to amend the lawfully definition to the following:
In relation to buildings and structures it means buildings, and structures that:
- Were lawfully established at the date of notification of the Plan; or*
 - Where resource consent has been granted at the date of notification of the Plan; or*
 - Where building consent has been granted for an activity lawfully approved under a previous District Plan.*
- In relation to activities, it means activities:*
- permitted through a rule in a Plan, a resource consent: or*
 - a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA); or*
 - in the case of mineral extraction an activity permitted through a Coal Mining Licence issued under the Coal Mines Act (1979); and*
 - does not include where the resource consent or licence has expired and not been renewed.*
101. I acknowledge the above submissions which seek to amend the definition of "Lawfully Established." I note that this definition has already been considered in the Introduction and General Provisions s42A and Hearing.⁶ I agree and accept the recommendation for amendments to this definition as outlined in that report, and do not recommend any further changes to the definition in relation to the above submission points.

Mineral Exploration

102. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.011), TiGa Minerals and Metals Limited (S493.009), Birchfield Coal Mines Ltd (S601.008), BRM Developments Limited (S603.008), Birchfield Ross Mining Limited (S604.008), Phoenix Minerals Limited (S606.008) and Whyte Gold Limited (S607.008) seek to remove the reference Crown Minerals Act 1991 and include "*and any ancillary activities...*" after the bracketed section of the definition. This is supported by Buller District Council (FS149.080). Rocky Mining Limited (S474.025) and Papahaua Resources Limited (S500.015) seek to include "*ancillary activities*" within the definition. The definition used within the pTTPP as notified is adopted from the Crown Minerals Act 1991. I do not see any reason for the pTTPP to have a different definition to the existing legislation for this and therefore recommend that this submission point be rejected.
103. Straterra (S536.042) seek to include ancillary activities – access, overburden storage, disposal. Water management and support infrastructure. As above, I support the retention of the definition as notified which utilises the definition from the Crown Minerals Act 1991.

⁶ See paragraphs 348 – 352 and recommendation in paragraph 381 of that report which can be [viewed at this link](#).

Mineral Extraction

104. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.012), TiGa Minerals and Metals Limited (S493.010), Birchfield Coal Mines Ltd (S601.009), BRM Developments Limited (S603.009), Birchfield Ross Mining Limited (S604.009), Phoenix Minerals Limited (S606.009) and Whyte Gold Limited (S607.009) seek the following amendment "... and includes ancillary activities such as earthworks, *indigenous vegetation clearance/vegetation clearance*, landscaping and rehabilitation works" This is supported by Marie Elder (FS77.13). This is opposed by Katherine Crick (FS68.001), Chanelle van Rooyen (FS214.001), Mike Spruce (FS218.003) and Sandra Dymond (FS69.1). I do not support the inclusion of indigenous vegetation clearance / vegetation clearance within the definition of mineral extraction. In my opinion, these are not ancillary activities and are managed by different parts of the plan, in particular indigenous vegetation clearance which is subject to the higher order direction within the NPS-IB.
105. Aggregate and Quarry Association (S521.004), Straterra (S536.040), Bathurst Resources Limited and BT Mining Limited (S491.006) seek to insert "*to, from and between*" after "access within." This is supported by Buller District Council (FS149.038). I agree with these changes, and consider they provide greater clarity to what is covered by "access within".
106. New Zealand Coal & Carbon Limited (S472.005) seeks to insert "*to and between*" after the words "access within". As above, I have recommended changes to this component of the definition, but the wording I have recommended is slightly different to what this submitter is seeking.
107. Straterra (S536.041) seeks to include ancillary activities – access, overburden storage, disposal, water management and support infrastructure. No reason is given within the submission for these requested changes. Irrespective of this, I do not consider it is necessary to include these changes, as the list of activities included is not exhaustive as it includes the term "ancillary activities such as..."
108. Forest & Bird (S560.070 and S560.427) seeks amendments to all mining activity rules, including prospecting, exploration, extraction, processing, and ancillary activities. Provided those changes are made, the broad definition is probably acceptable. This is opposed by Buller District Council (FS149.065). This submission point is noted; however, no changes are sought that I can respond to in the context of the proposed definition.
109. Forest & Bird (S560.426) seeks to delete "Ancillary activities." I do not support the deletion of ancillary activities from the definition. In my opinion, it is important to capture ancillary activities to the mineral extraction that are necessary to conduct the activity. From my understanding, this is generally common practice for the definition of "mineral extraction" within planning documents throughout the country.

Mineral Extraction Management Plan

110. Forest & Bird (S560.071) seek to delete this definition as this definition only appears in provisions of the BCZ, which Forest & Bird opposes in its entirety. This is opposed by Buller District Council (FS149.066). I do not support this submission point. The establishment of the BCZ is outlined within the s32 Report, and I accept that there is a basis under the National Planning Standards for the formation of a Special Purpose Zone within this area. Including a definition of Mineral Extraction Management Plan is necessary for the provisions that cross reference it.

Mineral Prospecting

111. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.013), TiGa Minerals and Metals Limited (S493.011), Birchfield Coal Mines Ltd (S601.010), BRM Developments Limited (S603.010), Birchfield Ross Mining Limited (S604.010), Phoenix Minerals Limited (S606.010) and Whyte Gold Limited (S607.010) seek to

remove the reference to the Crown Minerals Act 1991 and add a new item "*and v. ancillary activities reasonably necessary to identify land likely to contain mineral deposits or occurrences.*" This is supported by Buller District Council (FS149.081). This is opposed by Katherine Crick (FS68.002), Chanelle van Rooyen (FS214.002), Mike Spruce (FS218.004), Annie Inwood (FS147.016) and Suzanne Hill (FS72.016).

112. Rocky Mining Limited (S474.026) and Papahaua Resources Limited (S500.016) seeks to include "ancillary activities" within the definition.
113. Straterra (S536.043) seeks to include ancillary activities – access, overburden storage, disposal. Water management and support infrastructure.
114. I disagree with the relief sought in all the above submission points. The definition used within the pTTPP as notified is adopted from the Crown Minerals Act 1991. I do not see any reason for the pTTPP to have a different definition to the existing legislation for this and therefore recommend that this submission point be rejected.

Recommendations

115. It is recommended that the following amendments are made:

Mineral Extraction: 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.

10.0 Plan Section – Mineral Extraction Zone

10.1 MINZ Overall

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Laura Coll McLaughlin	S574.682	Support	Retain
Avery Brothers	S609.096	Support	Retain Mineral Extraction Zone
Westland District Council	S181.054	Support	Retain the objectives, policies and rules.
Brian Anderson	FS237.060	Oppose	The rules for mining throughout the region should be similar to those already in place under the Westland District Plan
	FS237.093		
Newcoast Resources Limited	S191.001	Support	Retain mineral extraction zones, including at Barrytown
Forest & Bird	FS34.006	Oppose	The MINZ approach is inappropriate. New mineral extraction activities need to be restricted in other zones where other activities and/or outcomes take priority.

Brian Anderson	FS237.061	Oppose	Not Stated
Grey District Council	FS1.037	Neutral	Council supports the MINZ as drafted. Council considers that a robust set of Rules have been developed that will result in less than minor effects as a result of mining activities. Any activities that will breach permitted Activity Rules are subject to a consenting pathway.
Anne Chapman	S425.007	Support	Retain Mineral Extraction Zone
Marie Elder	FS77.30	Oppose	Disallow
Brian Anderson	FS237.069	Oppose	Disallow
John Caygill	S290.004	Oppose	Delete Mineral Extraction Zones from the plan, and re-zone these areas as appropriate (e.g. Natural open space if currently public conservation land, General Rural Zone or as consistent with adjacent zoning)
Lynley Hargreaves	FS65.005	Support	Allow
Inger Perkins	FS33.30		
Brian Anderson	FS237.064		
Heather Muir	S385.001	Oppose	Delete Mineral Extraction Zones from the Plan
Grey District Council	FS1.098	Oppose	Disallow
Brian Anderson	FS237.067	Support	Allow
Nicholas Johnston	S14.003	Oppose	Reinstate the land and forest you destroyed at Kiwi Quarry.
Grey District Council	FS1.008	Oppose	The Grey District SNA project was undertaken over a considerable period of time. The process has many steps and included multiple ecologists, undertaking desktop assessments and ground truthing (where allowed) and finally DoC sign off. The site in question was identified an SNA and landowner consultation was exhaustive.

			The site is appropriately designated and should remain that way.
Christine Robertson	S99.003	Oppose	I do not wish to see areas identified as mineral extraction zones, in particular, Barrytown, to be allowed
Lynley Hargreaves	FS65.004	Support	Allow
Inger Perkins	FS33.31		
Brian Anderson	FS237.059		
Jane Neale	S262.002	Amend	Do not prioritise mineral extraction over other uses. Recognise that coal mining is a sunset industry and should not be given preference over other land uses, including protection and conservation of the land.
Grey District Council	FS1.068	Oppose	Disallow
Inger Perkins	FS33.32	Support	Allow
Brian Anderson	FS237.063		
Colin Robertson	S293.001	Oppose	No mining as a permitted activity on the plan on the Barrytown flats
Grey District Council	FS1.078	Neutral	Disallow
Brian Anderson	FS237.065	Support	Allow
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1153	Support	Retain
Brian Anderson	FS237.094	Support in part	Not stated
Birchfield Coal Mines Ltd	S601.101	Support	Retain the MINZ, with amendments as proposed in relation to specific provisions throughout this submission.
Grey District Council	FS1.240	Support	Allow
Brian Anderson	FS237.089	Oppose	Not Stated
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.162	Support	Retain

Brian Anderson	FS237.088	Oppose	Not Stated
Whyte Gold Limited	S607.076	Support	Retain
Grey District Council	FS1.215	Support	Allow
Brian Anderson	FS237.092	Oppose	Not Stated
Deb Langridge	S252.008	Amend	<p>Develop new appropriate sand mining rules - HMC mining should be a Discretionary activity</p> <p>Negate the possibility of reverse sensitivity arguments being used for existing consented mineral extraction operations where subsequent consents allow an unacceptable increase in heavy truck movements along the same stretch of road to a level which would generate a minor or more than minor effect on the communities or businesses along the road.</p> <p>No night-time truck movements where the trucks pass within 40m of houses on RLZ properties. E.g. no heavy truck movements between 11 pm and 6 am [as currently for milk tankers].</p> <p>Monitoring of cumulative effects of dust, noise, effects on wildlife and loss of amenity values from increasing numbers of articulated mining trucks along routes to the port.</p> <p>Maximum allowable daily heavy truck movements be established for a road (or sections thereof) at the time of granting the first mining consent application using that road. Allowable truck movements for subsequent applications will be limited to the designated maximum allowable truck movements minus the existing consented daily truck movements from other mine sites.</p> <p>Notification.</p> <p>The Council should take a broad view when identifying affected parties and making notification</p>

			<p>decisions. E.g. considering whether the effects of heavy truck movements from a mine site to a port will affect commercial tourism and hospitality businesses on the trucking route, potentially many kilometres away from the mine site.</p> <p>The Council should be proactive in consulting potentially affected parties along the transport routes from mine to port (where minor or more than minor effects are anticipated) prior to making notification decisions in accordance with S95E of the RMA and associated point 6 under Notification rules in the pTTPP General Approach section (6. Are there any persons who are adversely affected in a minor or more than minor way in relation to the activity?)</p>
Grey District Council	FS1.064	Oppose	Disallow
Inger Perkins	FS33.33	Support	Allow
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.061	Support in part	Allow
Brian Anderson	FS237.062	Support in part	Not Stated
Dean Mason	S356.004	Amend	additional rules to incorporate new activities including but not limited to heavy mineral concentrate, small and large scale, monitoring cumulative impacts.
Brian Anderson	FS237.066	Support in part	Not Stated
Greenstone Retreat	S459.003	Amend	The provisions that relate to mineral extraction be rewritten, so that the pTTPP identifies how mining activity will be managed to ensure the activity does not harm neighbours and communities

Phoenix Minerals Limited	FS215.043	Oppose	Disallow
Grey District Council	FS1.136	Oppose	Disallow
Brian Anderson	FS237.075	Support in part	Not Stated
Alistair Cameron	S452.007	Support	Retain
Brian Anderson	FS237.072	oppose	Not Stated
Alistair Cameron	S452.009	Support	Retain
Brian Anderson	FS237.073	Oppose	Not Stated
Peter Haddock	S417.007	Support	Retain
Katherine Crick	FS68.17	Oppose	Disallow
Marie Elder	FS77.10	Oppose	Disallow
Brian Anderson	FS237.068	Oppose	Not stated
Karen Lippiatt	S439.003	Oppose	Delete the zone, or make or Mineral Extraction in the Zone require a resource consent
Grey District Council	FS1.295	Oppose	Disallow
Brian Anderson	FS237.070	Support	Allow
Catherine Smart-Simpson	S564.003	Support	Retain
Forest & Bird	S560.016	Oppose	Delete the MINZ and capture areas of lawfully established mineral extraction and ancillary activities as General Rural Zone (GRUZ) where they occur on private land, NOSZ if on private land but with high natural values, or where they occur on public conservation land, other than where zoning consistency with adjacent land is more appropriate.
Frida Inta	FS223.005	Support	Allow
Buller Conservation Group	FS224.005	Support	Allow
Inger Perkins	FS33.34	Support	Allow

Brian Anderson	FS237.086	Support	Allow
Grey District Council	FS1.404	Oppose	Disallow
Bathurst Resources Limited and BT Mining Limited	FS89.050	Oppose	Disallow
Brian Anderson	S576.019	Oppose	Delete
Birchfields Ross Ltd	FS150.043	Oppose	Disallow
Grey District Council	FS1.202	Oppose	Disallow
Brian Anderson	S576.021	Oppose	Delete
Birchfields Ross Ltd	FS150.044	Oppose	Disallow
Grey District Council	FS1.203	Oppose	Disallow
Minerals West Coast	S569.048	Amend	Amend to classify mineral extraction in zones as permitted, controlled, restricted discretionary or discretionary activities – except in towns and airports etc.
Brian Anderson	FS237.087	Oppose	Disallow
Clare Backes	S444.015	Oppose	Delete the Mineral Extraction Zone.
Grey District Council	FS1.130	Oppose	Disallow
Brian Anderson	FS237.071	Support	Not Stated
Murray Stuart and Karen Jury Rob Lawrence	S455.003	Support	Mineral extraction to require a resource consent so that impacts on surrounding communities are able to be avoided, remedied or mitigated.
Inger Perkins	FS33.35	Support	Allow
Grey District Council	FS1.135	Oppose	Disallow
Brian Anderson	FS237.074	Neutral	Not Stated
Davis Ogilvie & Partners Ltd	S465.009	Amend	Amend the provisions of the MINZ to: (i) ensure that the description of the zone is accurate and refers to current legislation as well as the historic legislation governing coal mines (ii) ensure that the zone overlay covers all appropriate permits in

			keeping with the purpose of the zone (iii) ensure that all appropriate land uses are permitted within the zone including provision for rural industries, and long-term land uses after mining is completed
Buller District Council	FS149.027	Support	Allow
Brian Anderson	FS237.076	Support in part	Not Stated
Katherine Gilbert	S473.007	Oppose	Remove the MINZ from the Plan
Inger Perkins	FS33.36	Support	Allow
Grey District Council	FS1.153	Oppose	Disallow
Brian Anderson	FS237.078	Support	Not Stated
Phil and Helen Cook	S600.004	Support	Retain
Paula Jones	S590.004	Support	Retain
Lynley Hargreaves	S481.004	Oppose	Delete Mineral Extraction Zones from the Plan
Birchfields Ross Ltd	FS150.038	Oppose	Disallow
Grey District Council	FS1.159	Oppose	Disallow
Brian Anderson	FS237.081	Support	Allow
Trevor Thorpe	S528.001	Support	Retain the Mineral Extraction Zone
Brian Anderson	FS237.083	Oppose	Not Stated
John Thorpe	S529.004	Support	Retain the mineral extraction zone
New Zealand Coal & Carbon Limited	S472.037	Support	Retain the provision of a MINZ.
Brian Anderson	FS237.077	Oppose	Not Stated
Rocky Mining Limited	S474.011	Support	Retain the Mineral Extraction Zone
Brian Anderson	FS237.079	Oppose	Not Stated
Rocky Mining Limited	S474.013	Support	Retain provisions as notified
Brian Anderson	FS237.080	Oppose	Not Stated

Papahaua Resources Limited	S500.007	Support	Retain MINZ and associated provisions
Brian Anderson	FS237.082	Oppose	Not Stated
Straterra	S536.011	Support	Retain the Mineral Extraction Zone
Bathurst Resources Limited and BT Mining Limited	FS89.091	Support	Allow
Brian Anderson	FS237.085	Oppose	Not Stated
Alvin & Kay Godfrey	S580.007	Support	Retain
Anna & Jeremy Hart	S582.004	Support	Retain
Steve and Anne Staples	S584.004	Support	Retain
Tim Burden	S585.004	Support	Retain
Tane & Rachel Little	S586.004	Support	Retain
Linda Elcock	S587.004	Support	Retain
Marty & Nicky, Von Ah	S588.004	Support	Retain
Charmaine Michell	S589.004	Support	Retain
Department of Conservation	S602.220	Oppose	Delete the MINZ chapter in its entirety, rename the 'Buller Coalfield Zone' to the ' Mineral Extraction Zone ', integrate policies MINZ-P6-P8, and rule MINZ-R5 and any other inconsistent provisions into the one zone chapter.
Bathurst Resources Limited and BT Mining Limited	FS89.032	Oppose	Disallow
Grey District Council	FS1.375	Oppose	Disallow
Brian Anderson	FS237.090	Support in part	Not Stated
Forest & Bird	S560.398	Oppose	Amend the mapping of the MINZ and the Buller Coalfield Zone overlay to exclude any areas in the zone that do not have current authorisation for mining activity through the Coal Mining Act 1979 or resource consent under the

			RMA.
Buller District Council	FS149.075	Oppose	Disallow
Bathurst Resources Limited and BT Mining Limited	FS89.033	Oppose	Disallow
Grey District Council	FS1.408	Oppose	Disallow
Richard Arlidge	S419.002	Oppose	Why not make all the West Coast a mineral extraction zone? Let those who wish to dig do it in a carbon neutral and low impact manual way. Change the rules to encourage the manual method of gold mining and for the extraction of other minerals.
Katherine Crick	FS68.025	Support	Allow
Brian Anderson	FS237.054	Support	Agree, Mining should only continue where this is to support a low carbon future.
Sophia Allan	S82.003	Oppose	Do not apply MINZ anywhere on the West Coast
Lynley Hargreaves	FS65.001	Support	Allow
Katherine Crick	FS68.026		
Brian Anderson	FS237.052		Agree, the MINZ should not be applied
Alvin & Kay Godfrey	S580.001	Support	Retain
Brian Anderson	FS237.058	Oppose	Quarrying has occurred for decades without a MEZ, it is not necessary for local employment.
Trevor Hayes	S377.010	Amend	Develop new MINZ rules relating to the management of sand mining activities in support of MINZ - O2. Rules should provide for HMC mining as a Discretionary activity. Rules should include No night-time truck movements where the trucks pass within 40m of houses on RLZ properties. E.g. no heavy truck movements between 11 pm and 6 am [as currently for milk tankers]. Maximum allowable daily heavy truck movements be established for a road (or sections thereof) at the time of granting the first

			mining consent application using that road. Allowable truck movements for subsequent applications will be limited to the designated maximum allowable truck movements minus the existing consented daily truck movements from other mine sites. Consent applications should be widely notified.
Marie Elder	FS77.7	Support	Agree with reasons given by s377
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.062	Support in part	Allow
Brian Anderson	FS237.053	Support in part	Not stated
Karen Lippiatt	S439.039	Oppose	Delete MINZ and Provisions from the Plan.
Lynley Hargreaves	FS65.002	Support	Allow
Katheirne Crick	FS68.027		
Grey District Council	FS1.294	Oppose	Disallow
Brian Anderson	FS237.055	Support	Agree, there is no need for this zone.
Suzanne Hills	S443.052	Oppose	Remove this zoning designation from the plan.
Katheirne Crick	FS68.028	Support	Allow
Grey District Council	FS1.126	Oppose	Disallow
Brian Anderson	FS237.056	Support	Agree, there is no need for this zone.

Analysis

116. Laura Coll McLaughlin (S574.682), Avery Brothers (S609.096), Phil and Helen Cook (S600.004), Paula Jones (S590.004), Alvin & Kay Godfrey (S580.007), Anna & Jeremy Hart (S582.004), Steve and Anne Staples (S584.004), Tim Burden (S585.004), Tane & Rachel Little (S586.004), Linda Elcock (S587.004), Marty & Nicky, Von Ah (S588.004), Charmaine Michell (S589.004), Anne Chapman (S425.007), Whyte Gold Limited (S607.076), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.162), Alistair Cameron (S452.007 and S452.009), Peter Haddock (S417.007), Catherine Smart-Simpson (S564.003), Trevor Thorpe (S528.001), John Thorpe (S529.004), New Zealand Coal & Carbon Limited (S472.037), Rocky Mining Limited (S474.011), Papahaua Resources Limited

(S500.007) and Straterra (S536.011) seek to retain the MINZ. This is supported by Grey District Council (FS1.215) and Bathurst Resources Limited and BT Mining Limited (FS89.091). This is opposed by Marie Elder (FS77.30 and FS77.10), Katherine Crick (FS68.17), and Brian Anderson (FS237.069, FS237.092, FS237.088, FS237.072, FS237.073, FS237.068, FS237.083, FS237.077, FS237.079, FS237.082 and FS237.085). These submission points are noted. Overall, I agree with the retention of the MINZ, subject to the changes I outline elsewhere within this s42A Report.

117. Westland District Council (S181.054) seeks to retain the objectives, policies and rules. This is opposed by Brian Anderson (FS237.060 and FS237.093). This submission is noted; however, I have recommended changes to the MINZ provisions elsewhere within this s42A Report.
118. Newcastle Resources Limited (S191.001) seeks to retain mineral extraction zones, including at Barrytown. This opposed by Forest & Bird (FS34.006) and Brian Anderson (FS237.061). A neutral position is held by Grey District Council (FS1.037). Birchfield Coal Mines Ltd (S601.101) seeks to retain the MINZ, with amendments as proposed in relation to specific provisions throughout this submission. This is supported by Grey District Council (FS1.240). This is opposed by Brian Anderson (FS237.089). These submissions are noted, and I recommend that the MINZ be retained for the reasons outlined previously; however, I have recommended changes to the MINZ provisions elsewhere within this s42A Report. With specific regard to the Barrytown MINZ, I address this below in Section 22 of this Report.
119. John Caygill (S290.004) seeks to delete Mineral Extraction Zones from the plan, and re-zone these areas as appropriate. This is supported by Lynley Hargreaves (FS65.005), Inger Perkins (FS33.30) and Brian Anderson (FS237.064). Heather Muir (S385.001) also seeks to delete Mineral Extraction Zones from the Plan. This supported by Brian Anderson (FS237.067). This is opposed by Grey District Council (FS1.098). Brian Anderson (S576.019 and S576.021) seeks to delete the Mineral Extraction Zone. This is opposed by Birchfields Ross Ltd (FS150.043 and FS150.044) and Grey District Council (FS1.202 and FS1.203). Clare Backes (S444.015) seeks to delete the Mineral Extraction Zone. This is supported by Brian Anderson (FS237.071). This is opposed by Grey District Council (FS1.130). Katherine Gilbert (S473.007) seeks to remove the MINZ from the Plan. This is supported by Inger Perkins (FS33.36) and Brian Anderson (FS237.078). This is opposed by Grey District Council (FS1.153). Lynley Hargreaves (S481.004) seeks to delete Mineral Extraction Zones from the Plan. This is supported by Brian Anderson (FS237.081). This is opposed by Birchfields Ross Ltd (FS150.038) and Grey District Council (FS1.159). Karen Lippiatt (S439.039) seeks to delete MINZ and Provisions from the Plan. This is supported by Lynley Hargreaves (FS65.002), Katherine Crick (FS68.027) and Brian Anderson (FS237.055). This is opposed by Grey District Council (FS1.294). Sophia Allan (S82.003) seeks to not apply MINZ anywhere on the West Coast. This is supported by Lynley Hargreaves (FS65.001), Katherine Crick (FS68.026) and Brian Anderson (FS237.052). I do not support the deletion of the MINZ from the pTTPP. The justification for the establishment of the MINZ is outlined within the s32 Report, and I accept that there is a basis under the National Planning Standards for the formation of a Special Purpose Zones for the MINZ.
120. Nicholas Johnston (S14.003) seeks to reinstate the land and forest destroyed at Kiwi Quarry. This is opposed by Grey District Council (FS1.008). I consider it unfeasible to reinstate land and forest at an existing quarry through the pTTPP provisions.
121. Christine Robertson (S99.003) does not want to see areas identified as mineral extraction zones, in particular Barrytown, to be allowed. This is supported by Lynley Hargreaves (FS65.004), Inger Perkins (FS33.31) and Brian Anderson

(FS237.059). For the reasons outlined previously, I consider that the MINZ should be retained. With specific regard to the Barrytown MINZ, I address this below in Section 22 of this Report.

122. Jane Neale (S262.002) seeks that mineral extraction is not prioritised over other uses as coal mining is a sunset industry and should not be given preference over other land uses, including protection and conservation of the land. This is supported by Inger Perkins (FS33.32) and Brian Anderson (FS237.063). This is opposed by Grey District Council (FS1.068). This submission point is acknowledged, however there is no specific relief that I can respond to in the context of changes to the MINZ provisions.
123. Colin Robertson (S293.001) seeks that mining is not a permitted activity on the plan on the Barrytown flats. This is supported by Brian Anderson (FS237.065). A neutral position is held by Grey District Council (FS1.078). This submission is noted. I address the application of permitted activities within the MINZ below. With specific regard to the Barrytown MINZ, I address this below in Section 22 of this Report.
124. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1153) seeks to retain but wish to highlight that the benefits associated with mineral extraction are in tension with the health and wellbeing of the environment and communities so it is important that these adverse effects are mitigated and minimised following the adverse management hierarchy - and rehabilitation of land occurs following mineral extraction. This is supported in part by Brian Anderson (FS237.094). This submission point is noted, and I acknowledge the importance of achieving an appropriate balance in the proposed MINZ provisions. However, there is no specific relief that I can directly respond to.
125. Deb Langridge (S252.008) seeks to:
 - develop new appropriate sand mining rules - HMC mining should be a Discretionary activity;
 - Negate the possibility of reverse sensitivity arguments being used for existing consented mineral extraction operations where subsequent consents allow an unacceptable increase in heavy truck movements along the same stretch of road to a level which would generate a minor or more than minor effect on the communities or businesses along the road;
 - No night-time truck movements where the trucks pass within 40m of houses on RLZ properties. E.g. no heavy truck movements between 11 pm and 6 am [as currently for milk tankers];
 - Monitoring of cumulative effects of dust, noise, effects on wildlife and loss of amenity values from increasing numbers of articulated mining trucks along routes to the port;
 - Maximum allowable daily heavy truck movements be established for a road (or sections thereof) at the time of granting the first mining consent application using that road. Allowable truck movements for subsequent applications will be limited to the designated maximum allowable truck movements minus the existing consented daily truck movements from other mine sites;
 - Notification;
 - The Council should take a broad view when identifying affected parties and making notification decisions. E.g. considering whether the effects of heavy truck movements from a mine site to a port will affect commercial tourism and hospitality businesses on the trucking route, potentially many kilometres away from the mine site;
 - The Council should be proactive in consulting potentially affected parties along the transport routes from mine to port (where minor or more than minor

effects are anticipated) prior to making notification decisions in accordance with S95E of the RMA and associated point 6 under Notification rules in the pTTPP General Approach section (6. Are there any persons who are adversely affected in a minor or more than minor way in relation to the activity?).

126. This is supported by Inger Perkins (FS33.33). This is supported in part by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.061) and Brian Anderson (FS237.062). This is opposed by Grey District Council (FS1.064). I acknowledge this submission; however, I consider that it is broadly addressed in my assessment and recommendations in the sections below where I consider the specific rules within the MINZ Chapter.
127. Dean Mason (S356.004) seeks additional rules to incorporate new activities including but not limited to heavy mineral concentrate, small and large scale, monitoring cumulative impacts. This is supported in part by Brian Anderson (FS237.066). This submission is noted. However, there is insufficient detail within the relief sought for me to recommend that it be accepted.
128. Greenstone Retreat (S459.003) seeks the provisions that relate to mineral extraction be rewritten, so that the pTTPP identifies how mining activity will be managed to ensure the activity does not harm neighbours and communities. This is supported in part by Brian Anderson (FS237.075). This is opposed by Phoenix Minerals Limited (FS215.043) and Grey District Council (FS1.136). This submission is noted. However, there is insufficient detail within the relief sought for me to recommend that it be accepted.
129. Karen Lippiatt (S439.003) seeks to delete the zone or make Mineral Extraction in the Zone require a resource consent. This is supported by Brian Anderson (FS237.070). This is opposed by Grey District Council (FS1.295). I do not support the deletion of the MINZ from the pTTPP. The justification for the establishment of the MINZ is outlined within the s32 Report, and I accept that there is a basis under the National Planning Standards for the formation of a Special Purpose Zones for the MINZ. I also do not consider that all mineral extraction within the MINZ should require a resource consent. I consider that there is scope for a permitted activity status for some activities, subject to certain requirements being met. I address this further in Sections below.
130. Forest & Bird (S560.016) seeks to delete the MINZ and capture areas of lawfully established mineral extraction and ancillary activities as General Rural Zone (GRUZ) where they occur on private land, NOSZ if on private land but with high natural values, or where they occur on public conservation land, other than where zoning consistency with adjacent land is more appropriate. This is supported by Frida Inta (FS223.005), Buller Conservation Group (FS224.005), Inger Perkins (FS33.34) and Brian Anderson (FS237.086). This is opposed by Grey District Council (FS1.404) and Bathurst Resources Limited and BT Mining Limited (FS89.050). I do not support the deletion of the MINZ from the pTTPP. The justification for the establishment of the MINZ is outlined within the s32 Report, and I accept that there is a basis under the National Planning Standards for the formation of a Special Purpose Zones for the MINZ.
131. Minerals West Coast (S569.048) seeks to classify mineral extraction in zones as permitted, controlled, restricted discretionary or discretionary activities – except in towns and airports etc. This is opposed by Brian Anderson (FS237.087). This submission point is noted. I consider that there is scope for different activity statuses to be used for mineral extraction activities across the pTTPP. I address this further in other sections of this report.
132. Murray Stuart and Karen Jury Rob Lawrence (S455.003) seeks Mineral extraction to require a resource consent so that impacts on surrounding communities are able to be avoided, remedied or mitigated. This is supported by Inger Perkins (FS33.35). This is opposed by Grey District Council (FS1.135). A neutral position is held by

Brian Anderson (FS237.074). I do not consider that all mineral extraction within the MINZ should require a resource consent. I consider that there is scope for a permitted activity status for some mineral extraction activities, subject to certain requirements being met. I address this further in Sections below.

133. Davis Ogilvie & Partners Ltd (S465.009) seeks to amend the provisions of the MINZ to:
- ensure that the description of the zone is accurate and refers to current legislation as well as the historic legislation governing coal mines;
 - ensure that the zone overlay covers all appropriate permits in keeping with the purpose of the zone;
 - ensure that all appropriate land uses are permitted within the zone including provision for rural industries, and long-term land uses after mining is completed.
134. This is supported by Buller District Council (FS149.027) and supported in part by Brian Anderson (FS237.076). I acknowledge this submission; however, I consider that it is broadly addressed in my assessment and recommendations in the sections below where I consider the specific rules within the MINZ Chapter.
135. Rocky Mining Limited (S474.013) seeks to retain provisions as notified. This is opposed by Brian Anderson (FS237.080). This submission is noted; however, I have recommended changes to the MINZ provisions as outlined further below.
136. Department of Conservation (S602.220) seeks to delete the MINZ chapter in its entirety, rename 'Buller Coalfield Zone' to '*Mineral Extraction Zone*', integrate policies MINZ-P6-P8, and rule MINZ-R5 and any other inconsistent provisions into the one zone chapter. This is supported in part by Brian Anderson (FS237.090). This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.032) and Grey District Council (FS1.375). I do not support the deletion of the MINZ from the pTTPP. The justification for the establishment of the MINZ is outlined within the s32 Report, and I accept that there is a basis under the National Planning Standards for the formation of a Special Purpose Zones for the MINZ.
137. Forest & Bird (S560.398) seeks to amend the mapping of the MINZ and the Buller Coalfield Zone overlay to exclude any areas in the zone that do not have current authorisation for mining activity through the Coal Mining Act 1979 or resource consent under the RMA. This is opposed by Buller District Council (FS149.075), Bathurst Resources Limited and BT Mining Limited (FS89.033) and Grey District Council (FS1.408). As outlined previously, I have recommended changes to MINZ-P1 to confirm the criteria of what is captured within the MINZ. This captures areas where there are discrete, long term mineral extraction activities that are currently authorised from three different mechanisms:
- Coal mining licences under the Coal Mines Act (1979);
 - Ancillary coal mining licences under the Coal Mines Act (1979); or
 - Resource consents issued under the Resource Management Act (1991).
138. The submitter has not identified specific areas proposed to be zoned MINZ where this does not apply. If there are areas currently proposed to be included in the MINZ identified that do not have existing authorisation in accordance with the above, then I will need to revisit this recommendation.
139. Richard Arlidge (S419.002) seeks to question why not make all the West Coast a MINZ and let those who wish to dig do it in a carbon neutral and low impact manual way. Change the rules to encourage the manual method of gold mining and for the extraction of other minerals. This is supported by Katherine Crick (FS68.025) and Brian Anderson (FS237.054). I consider it inappropriate to rezone the entirety of the West Coast as MINZ. I consider this will have significant negative implications, with no obvious benefit. Furthermore, I note that provisions

are included within other zones regarding mineral extraction to acknowledge that mineral resources are located across the West Coast, not necessarily within areas currently subject to the proposed MINZ zoning. I also do not consider that specific amendments are made to encourage manual methods of gold mining and extraction. These are already suitably provided for within the proposed MINZ provisions.

140. Alvin & Kay Godfrey (S580.001) seeks to retain as the quarry provides local employment. This is opposed by Brian Anderson (FS237.058). This submission is noted, and I have recommended the retention of the MINZ, subject to changes to the provisions outlined elsewhere in this report.

141. Trevor Hayes (S377.010) seeks to develop the new MINZ rules relating to the management of sand mining activities in support of MINZ - O2.

- Rules should provide for HMC mining as a Discretionary activity.
- Rules should include No night-time truck movements where the trucks pass within 40m of houses on RLZ properties. E.g. no heavy truck movements between 11 pm and 6 am [as currently for milk tankers].
- Maximum allowable daily heavy truck movements be established for a road (or sections thereof) at the time of granting the first mining consent application using that road.
- Allowable truck movements for subsequent applications will be limited to the designated maximum allowable truck movements minus the existing consented daily truck movements from other mine sites.
- Consent applications should be widely notified.

This is supported by Marie Elder (FS77.7), Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.062) and Brian Anderson (FS237.053).

142. I acknowledge this submission; however, I consider that it is broadly addressed in my assessment and recommendations in the sections below where I consider the specific rules within the MINZ Chapter.

143. Suzanne Hills (S443.052) seeks to remove this zoning designation from the plan. This is supported by Katheirne Crick (FS68.028) and Brian Anderson (FS237.056). This is opposed by Grey District Council (FS1.126). As outlined above, I consider that the MINZ should be retained.

Recommendations

144. It is recommended that no amendments are made to the proposed provisions in **Appendix 1**.

145. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

10.2 Overview Section

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Michael Hill	S70.006	Support	Retain the criteria for identifying a land parcel as a Mineral Extraction Zone.

Birchfield Ross Mining Limited	S604.091	Support	Retain the MINZ
Brian Anderson	FS237.091	Oppose	Not Stated
Peter Langford	S615.211	Amend	Amend to add a 4th point to include existing use rights
Koiterangi Lime Co LTD	S577.123		
Catherine Smart-Simpson	S564.156		
William McLaughlin	S567.694		
Geoff Volckman	S563.147		
Davis Ogilvie & Partners Ltd	S465.004		
New Zealand Coal & Carbon Limited	S472.038	Support	3rd para, 2nd sentence: <ul style="list-style-type: none"> • delete "is from three different" and insert "includes the". • delete "and includes" and insert "of".
Rocky Mining Limited	S474.045	Amend	that the overlays do not apply to the MEZ zoning
Brian Anderson	FS237.096	Oppose	Without the overlays, there would be essentially no protection of natural and built values from mining in the pTTPP at all.
Terra Firma Mining Limited	S537.024	Support in part	Amend Para 3 of Overview to include mining permits as instruments that can authorise mineral extraction activities.
Straterra	S536.014	Support	Retain the statement and approach of enablement of mineral extraction
Brian Anderson	FS237.098	Oppose	Not Stated
Straterra	S536.068	Support	In the third paragraph, second sentence, replace "is from three different mechanisms and includes" with "includes the

			mechanisms of”.
Straterra	S536.069	Amend	In the third paragraph, add a fourth point, “Minerals permits under the Crown Minerals Act (1991)”.
Stevenson Mining Limited	S502.002	Support	retain
Brian Anderson	FS237.097	Oppose	Coal mining is not a long-term, discrete mineral activity.
Ross Wildbore	S389.002	Support	Only zone areas MINZ where they fit with the approach outlined in the overview.
Grey District Council	FS1.103	Support in part	Allow in part
Brian Anderson	FS237.095	Support in part	Not Stated
Laura Coll McLaughlin	S574.664	Amend	Add a 4th point to include existing use rights .

Analysis

146. Michael Hill (S70.006) seeks to retain the criteria for identifying a land parcel as a Mineral Extraction Zone. This submission is noted. In my opinion and experience, it is uncommon for the criteria of what constitutes a zone to be outlined solely within an overview section of zone chapter. I consider it would be more suitable if the criteria used to identify the MINZ was located within a policy (more specifically Policy MINZ P1). I address this further below in Section 10.7.
147. Birchfield Ross Mining Limited (S604.091) seeks to retain the MINZ. This is opposed by Brian Anderson (FS237.091). This submission is noted, and I agree the MINZ should be retained, notwithstanding any further amendments to the provisions that I outline below.
148. Peter Langford (S615.211), Koiterangi Lime Co LTD (S577.123), Catherine Smart-Simpson (S564.156), William McLaughlin (S567.694), Geoff Volckman (S563.147) and Laura Coll McLaughlin (S574.664) seek to add a fourth point to include existing use rights. I consider that this change is unnecessary. Existing use rights are already confirmed by section 10 of the RMA, and do not need to be included within the criteria for confirming the MINZ which focus on existing authorisations from Coal Mining Licences and resource consents.
149. Davis Ogilvie & Partners Ltd (S465.004) seeks to amend the Overview to more accurately describe how the zone has been defined and refer to the Crown Minerals Act. I agree that it is necessary to provide clarity within the MINZ chapter on the zone criteria has been applied to determine the location and extent of the MINZ. However, as outlined above, I recommend that the criteria used to identify the MINZ is more appropriately located within a policy (more specifically Policy MINZ P1 – see Section 10.7 below). As I outline further below in Section 10.7, I do

not consider that reference to the Crown Minerals Act 1991 should be included within the zoning criteria policy.

150. Rocky Mining Limited (S474.045) seeks that the overlays do not apply to the MINZ zoning. This is opposed by Brian Anderson (FS237.096). In my opinion, it is inappropriate that the overlays are excluded from applying to the MINZ zoning. These overlays relate to matters of national importance and sensitive environments and features (e.g., Natural Features and Landscapes, Ecosystems and Indigenous Vegetation) that need to apply District Wide, irrespective of the zone or activity that is applied to a piece of land.
151. Terra Firma Mining Limited (S537.024) seeks to amend paragraph 3 of the Overview to include mining permits as instruments that can authorise mineral extraction activities. Similarly, Straterra (S536.069) seeks to amend the third paragraph by adding a fourth point, "Minerals permits under the Crown Minerals Act (1991)". As outlined above, I recommend that the criteria used to identify the MINZ is more appropriately located within a policy (more specifically Policy MINZ P1 – see Section 10.7 below). With regard to the specific request in this submission point, while mining permits can authorise mineral extraction activities under the Crown Minerals Act 1991, as I understand it, this does not constitute approval under the RMA (and therefore, in my opinion, should not be used as the basis for the zoning of MINZ, as any property right in a Crown Minerals Act permit operates separately to resource management matters – I discuss in more detail in Section 10.7 below).
152. Straterra (S536.014) seeks to retain the statement and approach of enablement of mineral extraction. This is opposed by Brian Anderson (FS237.098). This submission point is noted, however there is no specific relief sought that I can respond to.
153. Straterra (S536.068) and New Zealand Coal & Carbon Limited (S472.038) seek to amend the third paragraph, second sentence by replacing "is from three different mechanisms and includes" with "*includes the mechanisms of*". As outlined above, I recommend that the criteria used to identify the MINZ is more appropriately located within a policy (more specifically Policy MINZ P1 – see Section 10.7 below). However, I agree that the current wording within the overview section is unclear, as the use of the term "three different mechanisms and include" seems to contradict itself. Therefore, within the revised policy wording that I propose I recommend deleting the "include" component as the list is clearly three mechanisms.
154. Stevenson Mining Limited (S502.002) seeks to retain the Overview Section as notified. This is opposed by Brian Anderson (FS237.097). This submission point is noted, however I have outlined some changes to the Overview above.
155. Ross Wildbore (S389.002) seeks to only zone areas as MINZ where they fit with the approach outlined in the overview. This is supported in part by Grey District Council (FS1.103) and Brian Anderson (FS237.095). This submission point is noted. As outlined above, I recommend that the criteria used to identify the MINZ is more appropriately located within a policy (more specifically Policy MINZ P1 – see Section 10.7 below).

Recommendations

156. It is recommended that the Overview Section is amended as follows:

Mineral extraction has a functional need to occur where the mineral resource is located, and the MINZ - Mineral Extraction Zone recognises this requirement, and that mineral extraction will continue to be an important activity in the West Coast/Te Tai o Poutini.

~~The MINZ—Mineral Extraction Zone covers areas where there are discrete, long term mineral extraction activities that are currently authorised. This authorisation is from three different mechanisms and includes:~~

- ~~1. Coal mining licences under the Coal Mines Act (1979);~~
- ~~2. Ancillary coal mining licences under the Coal Mines Act (1979); and~~
- ~~3. Resource consents issued under the Resource Management Act (1991).~~

Because of its size and significance, and particular operational requirements, the BCZ - Buller Coalfield Zone is a separate Special Zone.

157. It is recommended that MINZ-P1 is also consequentially amended as outlined in Section 10.7 below.

10.3 MINZ Objectives Generally

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Koiterangi Lime Co LTD	S577.125	Support	Retain
Catherine Smart-Simpson	S564.159		
William McLaughlin	S567.698		
Geoff Volckman	S563.150		
New Zealand Coal & Carbon Limited	S472.039		
Stevenson Mining Limited	S502.003		
Chris & Jan Coll	S558.668		
Chris J Coll Surveying Limited	S566.668		
Laura Coll McLaughlin	S574.668		
Buller District Council	S538.607		
Bathurst Resources Limited and BT Mining Limited	FS89.013	Support	Support this position as it is consistent with the intent of BRL's submission
Brian Anderson	FS237.099	Oppose	Not Stated

Analysis

158. Koiterangi Lime Co LTD (S577.125), Catherine Smart-Simpson (S564.159), William McLaughlin (S567.698), Geoff Volckman (S563.150), New Zealand Coal & Carbon

Limited (S472.039), Stevenson Mining Limited (S502.003), Chris & Jan Coll (S558.668), Chris J Coll Surveying Limited (S566.668), Laura Coll McLaughlin (S574.668) and Buller District Council (S538.607) seek to retain the objectives. This is supported by Bathurst Resources Limited and BT Mining Limited (FS89.013). This is opposed by Brian Anderson (FS237.099). I acknowledge these submissions seeking to retain the objectives as notified, however I note that I have recommended a number of changes to the MINZ Objectives as outlined further below.

Recommendations

159. It is recommended that no amendments are made to the proposed provisions in **Appendix 1**.
160. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

10.4 MINZ-O1

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.125	Support	Retain
TiGa Minerals and Metals Limited	S493.110		
Annie Inwood	FS147.015	Oppose	Disallow
Suzanne Hill	FS72.015		
Melissa McLuskie	FS144.015		
Brian Anderson	FS237.0101		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1154	Support	Retain objective
Birchfield Coal Mines Ltd	S601.102		
BRM Developments Limited	S603.053		
Birchfield Ross Mining Limited	S604.092		
Phoenix Minerals Limited	S606.077		
Whyte Gold Limited	S607.077		

Peter Langford	S615.214		
Karamea Lime Company	S614.214		
Terra Firma Mining Limited	S537.025		
Brian Anderson	FS237.0102	Oppose	Not Stated
	FS237.0103		
	FS237.0104		
	FS237.0105		
	FS237.0106		
	FS237.0107		
Karen Lippiatt	S439.040	Oppose	Remove all references to the social wellbeing brought about by the Mineral Extraction
Brian Anderson	FS237.0100	Support	Not Stated

Analysis

161. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.125) and TiGa Minerals and Metals Limited (S493.110) seeks to retain this objective to enable mineral extraction activities in the MINZ. This is opposed by Annie Inwood (FS147.015), Suzanne Hill (FS72.015), Melissa McLuskie (FS144.015) and Brian Anderson (FS237.0101). Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1154), Birchfield Coal Mines Ltd (S601.102), BRM Developments Limited (S603.053), Birchfield Ross Mining Limited (S604.092), Phoenix Minerals Limited (S606.077), Whyte Gold Limited (S607.077), Peter Langford (S615.214), Karamea Lime Company (S614.214) and Terra Firma Mining Limited (S537.025) seeks to retain the objective. This is opposed by Brian Anderson (FS237.0102, FS237.0103, FS237.0104, FS237.0105, FS237.0106 and FS237.0107). This support within these submission points for MINZ-O1 is acknowledged and I agree that MINZ-O1 should be retained, however I recommend some minor grammatical changes as outlined below.
162. Karen Lippiatt (S439.040) seeks to remove all references to the social wellbeing brought about by the Mineral Extraction. This is supported by Brian Anderson (FS237.0100). I consider it inappropriate to remove references to social wellbeing in MINZ-O1. It is clear in my opinion, that mineral extraction does contribute to the social wellbeing of the West Coast. This is also consistent with the direction within the RPS, in particularly Section 5, which the pTTPP provisions must "give effect" to.

Recommendations

163. It is recommended that the following amendments are made to MINZ-O1:
- Mineral extraction activities in the MINZ - Mineral Extraction Zone are enabled recognising the ir scale and operational characteristics, and the contribution that these activities make to the economic and social wellbeing of the region and districts.

10.5 MINZ-02

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.126	Amend	To ensure exploration, extraction and processing of minerals within the MINZ minimises manages adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga."
Buller District Council	FS149.083	Support in part	Council supports the amendment but suggests that the objective refers to the 'Effects Management Hierarchy' specifically.
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.196	Oppose	Managed effects can still be quite significant. Minimise requires as little effects as possible, which could include the use of managing effects.
Brian Anderson	FS237.0112	Oppose	If we are to allow for the full affects management hierarchy, the wording should be 'to avoid, remedy, or mitigate', rather than the rather meaningless 'manage'
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.261	Support	Retain notified version
TiGa Minerals and Metals Limited	S493.111	Amend	To ensure exploration, extraction and processing of minerals within the MINZ minimises manages adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga."
Katheirne Crick	FS68.20	oppose	Disallow

Melissa McLuskie	FS144.016	Oppose	Disallow
Brian Anderson	FS237.0110	Oppose	If we are to allow for the full affects management hierarchy, the wording should be 'to avoid, remedy, or mitigate', rather than the rather meaningless 'manage'
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1155	Support	Retain objective
Birchfield Coal Mines Ltd	S601.103	Amend	To ensure exploration, extraction and processing of minerals within the MINZ minimises manages adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga."
Brian Anderson	FS237.0113	Oppose	If we are to allow for the full affects management hierarchy, the wording should be 'to avoid, remedy, or mitigate', rather than the rather meaningless 'manage'
BRM Developments Limited	S603.054	Amend	To ensure exploration, extraction and processing of minerals within the MINZ minimises manages adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga."
Brian Anderson	FS237.0114	Oppose	If we are to allow for the full affects management hierarchy, the wording should be 'to avoid, remedy, or mitigate', rather than the rather meaningless 'manage'
Birchfield Ross Mining Limited	S604.093	Support in part	To ensure exploration, extraction and processing of minerals within the MINZ minimises manages adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu

			and other taonga."
Brian Anderson	FS237.0115	Oppose	If we are to allow for the full affects management hierarchy, the wording should be 'to avoid, remedy, or mitigate', rather than the rather meaningless 'manage'
Phoenix Minerals Limited	S606.078	Amend	Amend MINZ - O2 as follows: To ensure exploration, extraction and processing of minerals within the MINZ minimises manages adverse effects on
Brian Anderson	FS237.0116	Oppose	If we are to allow for the full affects management hierarchy, the wording should be 'to avoid, remedy, or mitigate', rather than the rather meaningless 'manage'
Whyte Gold Limited	S607.078	Support in part	To ensure exploration, extraction and processing of minerals within the MINZ minimises manages adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga."
Brian Anderson	FS237.0117	Oppose	If we are to allow for the full affects management hierarchy, the wording should be 'to avoid, remedy, or mitigate', rather than the rather meaningless 'manage'
Peter Langford	S615.215	Support	Retain
Karamea Lime Company	S614.215	Support	Retain
Brian Anderson	FS237.0118	Oppose	If we are to allow for the full affects management hierarchy, the wording should be 'to avoid, remedy, or mitigate', rather than the rather meaningless 'manage'
Lindy Mason	S355.006	Amend	Include management of HMC mineral concentrate in the objective recognising that sand mining rules are required to provide for appropriate extraction where the balance of benefits to harms is in favour.

Brian Anderson	FS237.0108	Support	Agree that better rules around HMC mining are required
Terra Firma Mining Limited	S537.026	Support	Amend MINZ-O2 to refer to the effects hierarchy.
Brian Anderson	FS237.0111	Oppose	Not Stated
Waka Kotahi NZ Transport Agency	S450.295	Support	Retain as proposed
Brian Anderson	FS237.0109	Support in part	Agree that the impacts on the environment need to be recognised, but further submit that this objective is not strong enough.

Analysis

164. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.126) seeks to replace "minimises" with "*manages*". This is supported in part by Buller District Council (FS149.083) who suggest that the objective refers to the 'Effects Management Hierarchy' specifically. This is opposed by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.196) and Brian Anderson (FS237.0112). TiGa Minerals and Metals Limited (S493.111), Birchfield Coal Mines Ltd (S601.103), BRM Developments Limited (S603.054), Birchfield Ross Mining Limited (S604.093), Phoenix Minerals Limited (S606.078) and Whyte Gold Limited (S607.078) seek to replace "minimises" with "*manages*". This is opposed by Katherine Crick (FS68.20), Melissa McLuskie (FS144.016) and Brian Anderson (FS237.0110, FS237.0113, FS237.0114, FS237.0115, FS237.0116 and FS237.0117).
165. Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620.261) seek to retain the notified version. Peter Langford (S615.215), Karamea Lime Company (S614.215) seek to retain this objective. This is opposed by Brian Anderson (FS237.0118). Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1155) seek to retain the objective to ensure adverse effects on the environment, community and Poutini Ngāi Tahu's relationship with their ancestral lands, sites, water, wāhi tapu and other taonga are minimised. Waka Kotahi NZ Transport Agency (S450.295) seek to retain as proposed. This is supported in part by Brian Anderson (FS237.0109).
166. Terra Firma Mining Limited (S537.026) seek to amend MINZ-O2 to refer to the effects hierarchy of avoid, remedy, mitigate, offset or compensate. This opposed by Brian Anderson (FS237.0111).
167. I have considered all of the above submission points in the round as it relates to Objective MINZ-O2. In my opinion, the notified wording of "minimise" is too narrow and unclear in its interpretation. I consider that "manage" is a better term as it allows the full effects management hierarchy to be used. I do not consider it is necessary to include "avoid, remedy, mitigate, offset and compensate" within the objective as I consider that this is all encompassed within the term "manage."
168. Lindy Mason (S355.006) seeks to include management of HMC mineral concentrate in the objective recognising that sand mining rules are required to provide for appropriate extraction where the balance of benefits to harms is in favour. This is supported by Brian Anderson (FS237.0108). This submission point is noted. In my opinion, the wording of the objective covers the exploration, extraction and

processing minerals within the MINZ. I do not see the need to specifically refer to HMC heavy mineral concentrate within the proposed wording.

Recommendations

169. It is recommended that MINZ-O2 is amended as follows:

To ensure that the exploration, extraction and processing of minerals within the MINZ - Mineral Extraction Zone minimises manage adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga.

10.6 MINZ Policies Generally

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Peter Langford	S615.216	Support	Retain
Karamea Lime Company	S614.216		
Koiterangi Lime Co LTD	S577.126		
Catherine Smart-Simpson	S564.160		
William McLaughlin	S567.699		
Geoff Volckman	S563.151		
New Zealand Coal & Carbon Limited	S472.040		
Stevenson Mining Limited	S502.004		
Chris & Jan Coll	S558.669		
Chris J Coll Surveying Limited	S566.669		
Laura Coll McLaughlin	S574.669		
Buller District Council	S538.608		
Bathurst Resources Limited and BT Mining Limited	FS89.014	Support	Support this position as it is consistent with the intent of BRL's submission
Deb Langridge	S252.002	Amend	Mining applications (or any heavy fossil fuel use industry) should be including offsetting.

Brian Anderson	FS237.0119	Support in part	Allow in part
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Analysis

170. Peter Langford (S615.216), Karamea Lime Company (S614.216), Koiterangi Lime Co LTD (S577.126), Catherine Smart-Simpson (S564.160), William McLaughlin (S567.699), Geoff Volckman (S563.151), New Zealand Coal & Carbon Limited (S472.040), Stevenson Mining Limited (S502.004), Chris & Jan Coll (S558.669), Chris J Coll Surveying Limited (S566.669), Laura Coll McLaughlin (S574.669) and Buller District Council (S538.608) seek to retain the policies as notified. This is supported by Bathurst Resources Limited and BT Mining Limited (FS89.014). The support for the policies is noted, however I have recommended changes to the specific MINZ policies for the reasons outlined below.
171. Deb Langridge (S252.002) seeks that mining applications (or any heavy fossil fuel use industry) should be including offsetting. This is supported in part by Brian Anderson (FS237.0119). This submission point is noted; however I do not consider that offsetting can be required in every instance.

Recommendations

172. It is recommended that no amendments to the MINZ policies are made in response to these submissions.

10.7 MINZ-P1

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.127	Support	Retain
Brian Anderson	FS237.0121	Oppose	Mineral resources do not need recognition, they need strong and appropriate regulations and rules
TiGa Minerals and Metals Limited	S493.112	Support	Retain as notified
John Caygill	FS44.10	Oppose	Disallow
Brian Anderson	FS237.0120		Mineral resources do not need recognition, they need strong and appropriate regulations and rules
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1156	Support	Retain

Birchfield Coal Mines Ltd	S601.104		
BRM Developments Limited	S603.055		
Birchfield Ross Mining Limited	S604.094		
Phoenix Minerals Limited	S606.079		
Whyte Gold Limited	S607.079		
Brian Anderson	FS237.0122	Oppose	Mineral resources do not need recognition, they need strong and appropriate regulations and rules
	FS237.0123		
	FS237.0124		
	FS237.0125		
	FS237.0126		

Analysis

173. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.127) seeks to retain. This is opposed by Brian Anderson (FS237.0121).
174. TiGa Minerals and Metals Limited (S493.112) seeks to retain as notified. This is opposed by John Caygill (FS44.10) and Brian Anderson (FS237.0120).
175. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1156), Birchfield Coal Mines Ltd (S601.104), BRM Developments Limited (S603.055), Birchfield Ross Mining Limited (S604.094), Phoenix Minerals Limited (S606.079) and Whyte Gold Limited (S607.079) seek to retain. This is opposed by Brian Anderson (FS237.0122, FS237.0123, FS237.0124, FS237.0125 and FS237.0126).
176. I acknowledge the above submissions that seek to retain MINZ-P1 as notified. However, as identified in Section 10.2 in regard to the criteria used to identify the MINZ within the Overview section, I consider that it is more appropriate that this is included in a policy, and more specifically MINZ-P1. This is because, in my opinion, the wording of an Overview Section is generally given less weighting when compared to a policy. I consider it is important to have the criteria used to identify where the MINZ should apply within a policy as it makes this clear and consistent on its application for plan users. This is even more important given the raft of rezoning requests that have been received, which I address below. I acknowledge that there may be an issue as to the scope of the change I recommend to MINZ-P1, however I have recommended it anyway, as I consider this to be an issue with the MINZ Chapter that needs to be resolved, and note that there are some submissions seeking consequential changes, and that a number of submissions did address the criteria in general.⁷ Alternatively, use of clause 16(1) of Schedule 1 to

⁷ See discussion on submissions in Section 10.2. In particular the submission from Davis Ogilvie & Partners Ltd (S465.004) seeks clarity on the application of the zoning criteria.

effect this change may be an option if the Hearings Panel determine that the change is necessary. .

177. In making my recommendation, I highlight the following key considerations:
- Crown Minerals Act 1991 – I have not recommended the inclusion of authorisations under the Crown Minerals Act 1991 within the zoning criteria policy. This is because I understand that property rights and resource management matters operate separately from each other, with property rights not being able to be exercised unless they are also authorised under the RMA. In this circumstance, I understand that a mining permit under the Crown Minerals Act 1991 is more akin to a property right than a resource consent. I understand that this is reinforced because the Crown Minerals Act 1991 (more specifically section 9) provides that compliance with the Crown Minerals Act 1991 does not remove the need to comply with all other applicable legislation. As such, in respect to a minerals licence under the Crown Minerals Act 1991, I understand that the grant of a minerals licence does not remove the requirement to obtain a resource consent (if a resource consent is required under an applicable district or regional plan).
 - Coal Mines Act 1979 – I understand that the situation for permits granted under the Coal Mines Act 1979 is different. As such, I understand that such permits are considered to be “an existing privilege” under the Crown Minerals Act, and to some extent override the provisions of the RMA. As such I have recommended the inclusion of “coal mining licences under the
 - Resource consents – I recommend the inclusion of a requirement “where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).” This covers potential MINZ sites or areas that may not have historic coal mining licences, but have been authorised under resource consents under the RMA.

Recommendations

178. It is recommended that MINZ-P1 is amended as follows:

To ~~identify and~~ provide for significant mineral resources ~~(where these are found in a discrete location)~~ by identifying MINZ - Mineral Extraction Zones and applying provisions to facilitate mineral extraction activities, in areas:

- a. where there are discrete, long term mineral extraction activities that are currently authorised by three different mechanisms:
 - i. Coal mining licences under the Coal Mines Act (1979); or
 - ii. Ancillary coal mining licences under the Coal Mines Act (1979); or
 - iii. Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).

10.8 MINZ-P2

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.128	Support	Retain

TiGa Minerals and Metals Limited	S493.113		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1157		
Birchfield Coal Mines Ltd	S601.105		
BRM Developments Limited	S603.056		
Birchfield Ross Mining Limited	S604.095		
Phoenix Minerals Limited	S606.080		
Whyte Gold Limited	S607.080		
Terra Firma Mining Limited	S537.027		
Brian Anderson	FS237.0129	Oppose	Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like to restrict the lawful activities of landowners, then it should just buy the land in question, rather than imposing costs and impacts on people and communities.
	FS237.0127		
	FS237.0130		
	FS237.0131		
	FS237.0132		
	FS237.0133		
	FS237.0134		
	FS237.0128		

Analysis

179. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.128), TiGa Minerals and Metals Limited (S493.113), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1157), Birchfield Coal Mines Ltd (S601.105), BRM Developments Limited (S603.056), Birchfield Ross Mining Limited (S604.095), Phoenix Minerals Limited (S606.080), Whyte Gold Limited (S607.080) and Terra Firma Mining Limited (S537.027) seek to retain. This is opposed by Brian Anderson

(FS237.0129, FS237.0127, FS237.0130, FS237.0131, FS237.0132, FS237.0133, FS237.0134 and FS237.0128). These submissions are noted, and I recommend no changed to MINZ-P2.

Recommendations

180. It is recommended that no amendments to the MINZ-P2 are made in response to these submissions.

10.9 MINZ-P3

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.129	Amend	amendment is sought to refer to the best practicable environmental outcome
Brian Anderson	FS237.0137	Oppose	'best practice' is not an unobtainable goal. Rather, best practice is the minimum requirement and should be retained in MINZ-P3.
TiGa Minerals and Metals Limited	S493.114	Amend	Amend: To ensure that after mineral extraction, all mine sites in the MINZ are rehabilitated to the best practicable practice environmental standards.
Katherine Crick	FS68.21	Oppose	Disallow
Brian Anderson	FS237.0137	Oppose	'best practice' is not an unobtainable goal. Rather, best practice is the minimum requirement and should be retained in MINZ-P3.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1158	Support	Retain policy.
Birchfield Coal Mines Ltd	S601.106	Amend	Amend: To ensure that after mineral extraction, all mine sites in the MINZ are rehabilitated to the best practicable practice environmental standards.
BRM Developments Limited	S603.057		
Birchfield Ross Mining Limited	S604.096		
Phoenix Minerals Limited	S606.081		

Whyte Gold Limited	S607.081		
Straterra	S536.070	Amend	Replace "best practice" with "best practicable option".
Brian Anderson	FS237.0138	Oppose	'best practice' is not an unobtainable goal. Rather, best practice is the minimum requirement and should be retained in MINZ-P3.
	FS237.0139		
	FS237.0140		
	FS237.0141		
	FS237.0142		
Terra Firma Mining Limited	S537.028	Support in part	Amend MINZ-P3 to allow for rehabilitation to occur both during and after mining activities
Brian Anderson	FS237.0136	Support in part	yes, rehabilitation should be provided for during mining operations
Alistair Cameron	S452.001	Amend	Amend to give effect to Policy Min-P3 and provide provision for "future use and activities" throughout the plan
Grey District Council	FS1.131	Support	Allow

Analysis

181. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.129) seeks to amend to refer to the best practicable environmental outcome. This is opposed by Brian Anderson (FS237.0137). Similarly, TiGa Minerals and Metals Limited (S493.114) seeks the following amendment "To ensure that after mineral extraction, all mine sites in the MINZ are rehabilitated to **the best practicable practice** environmental standards." This is opposed by Katherine Crick (FS68.21) and Brian Anderson (FS237.0137). Furthermore, Birchfield Coal Mines Ltd (S601.106), BRM Developments Limited (S603.057), Birchfield Ross Mining Limited (S604.096), Phoenix Minerals Limited (S606.081) and Whyte Gold Limited (S607.081) seek the following amendment "to ensure that after mineral extraction, all mine sites in the MINZ are rehabilitated to **the best practicable practice** environmental standards." This is opposed by Brian Anderson (FS237.0138, FS237.0139, FS237.0140 and FS237.0141). Straterra (S536.070) seeks to replace "best practice" with "best practicable option". This is opposed by Brian Anderson (FS237.0142). I acknowledge these submissions that all essentially seek the same amendment and agree that it should be made. In my opinion, "best practice" is meaningless within the context of the policy, as the immediate question I have is, "best practice" to whom and what standard. I also consider that the term "best practicable" environmental standards is equally murky and unclear for plan users. In my opinion, it would be more suitable to remove the reference to environmental standards entirely within the policy and focus it to the rehabilitation.
182. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1158) seeks to retain the policy. This submission is noted; however, I have

recommended an amendment to the policy in response to the above submissions for the reasons outlined above.

183. Terra Firma Mining Limited (S537.028) seeks to amend MINZ-P3 to allow for rehabilitation to occur both during and after mining activities. This is supported in part by Brian Anderson (FS237.0136). In my opinion, MINZ-P3 does not restrict the ability for rehabilitation to occur prior to mineral extraction being complete. Rather it requires that this is done once it is complete. To clarify this, I have recommended the addition of "is complete" within the policy.
184. Alistair Cameron (S452.001) seeks an amendment to give effect to Policy Min-P3 and provide provision for "future use and activities" throughout the plan. This is supported by Grey District Council (FS1.131). This submission is noted; however, there is no specific change to the policy requested that I can respond to.

Recommendations

185. It is recommended that MINZ-P3 is amended as follows:

To ensure that after mineral extraction is complete, all mine sites in the MINZ - Mineral Extraction Zone are rehabilitated to ~~best practice environmental standards and to provide for~~ enable future use and activities appropriate to the area.

10.10 MINZ-P4

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Buller Conservation Group	S552.193	Support	b. air pollution d. Managing impacts on natural character and significant indigenous vegetation and significant habitats of indigenous fauna;
Brian Anderson	FS237.0145	Support	air pollution is an adverse impact of mining and should be included
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.130	Amend	Maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the MINZ ... d. Managing adverse effects impacts on significant indigenous vegetation and significant habitats of indigenous fauna; "
Buller District Council	FS149.084	Support in part	Council supports the amendment but suggests that the policy refers to the 'Effects Management Hierarchy' specifically.

Brian Anderson	FS237.0147	Oppose	MINZ-P4 does not adequately protect the environment and should be strengthened.
Frida Inta	S553.193	Support	b. air pollution d. Managing impacts on natural character and significant indigenous vegetation and significant habitats of indigenous fauna;
Brian Anderson	FS237.0146	Support	air pollution is an adverse impact of mining and should be included
TiGa Minerals and Metals Limited	S493.115	Amend	Maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the MINZ... d. Managing adverse effects impacts on significant indigenous vegetation and significant habitats of indigenous fauna; "
Brian Anderson	FS237.0143	Oppose	MINZ-P4 does not adequately protect the environment and should be strengthened.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1159	Support in part	Maintain the quality of the environment, landscape, ecological values, Poutini Ngāi Tahu cultural values , character and amenity of the areas surrounding the MINZ as far as practical by: a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool; ... i. Ensuring that the Drinking Water Source Protection Zones (SPZ) are excluded from MINZ - Mineral Extraction Zone.
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te	FS41.063	Support	Cultural values are part of the purpose of the Act and the definition of environment and therefore should be a consideration.

Rūnanga o Ngāi Tahu			
Brian Anderson	FS237.0153	Support in part	air pollution is an adverse impact of mining and should be included.
Birchfield Coal Mines Ltd	S601.107	Amend	Amend MINZ - P4 as follows: Maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the MINZ as far as practicable by: a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool; b. Managing dust, noise, vibration, access and lighting to maintain amenity values; c. Managing traffic generation, load type and vehicle characteristics on the operation and maintenance of the transport network; d. Managing adverse effects impacts on significant indigenous vegetation and significant habitats of indigenous fauna;
BRM Developments Limited	S603.058		
Birchfield Ross Mining Limited	S604.097		
Phoenix Minerals Limited	S606.082		
Whyte Gold Limited	S607.082		
Brian Anderson	FS237.0148 FS237.0149 FS237.0150 FS237.0151 FS237.0152	Oppose	MINZ-P4 does not adequately protect the environment and should be strengthened.
Terra Firma Mining Limited	S537.029	Support	Retain
Waka Kotahi NZ Transport Agency	S450.296		
Grey District Council	S608.797		
Brian Anderson	FS237.0144	Oppose	MINZ-P4 does not adequately protect the environment and should be strengthened.

Analysis

186. Buller Conservation Group (S552.193), Frida Inta (S553.193) seeks to include 'air pollution' in point b. and add '..natural character and..' into point d. This is supported by Brian Anderson (FS237.0145, FS237.0146). I consider it is inappropriate to incorporate "air pollution" with clause b of this policy as air pollution is not managed within the pTTPP. This is something addressed by the West Coast Regional Council within the Regional Plan.
187. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.130), TiGa Minerals and Metals Limited (S493.115), Birchfield Coal Mines Ltd (S601.107), BRM Developments Limited (S603.058), Birchfield Ross Mining Limited (S604.097), Phoenix Minerals Limited (S606.082) and Whyte Gold Limited (S607.082) seek to replace "impacts" with "adverse effects" in point d. This is supported in part by Buller District Council (FS149.084). This is opposed by Brian Anderson (FS237.0147, FS237.0143, FS237.0148, FS237.0149, FS237.0150, FS237.0151 and FS237.0152). In my opinion, clause d of Policy MINZ-P4 should be deleted entirely because:
- A policy in this regard is more appropriately addressed within the Ecosystems and Indigenous Biodiversity chapter which specifically addresses Significant Natural Areas that contain significant indigenous vegetation and fauna;
 - There are no rules within the MINZ as notified relating to indigenous vegetation clearance, with these being in the ECO Chapter; and
 - Since this provision was notified, the NPS-IB has been gazetted which includes specific direction on this matter, including provisions relevant to mineral extraction in Section 3.11. I understand that the hearing on the ECO Chapter has been delayed, due to the uncertainty of the NPS-IB. I consider it would be inappropriate for me to suggest new wording pending the hearing on this topic.
188. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1159) seeks to make the following amendment:
- "Maintain the quality of the environment, landscape, ecological values, **Poutini Ngāi Tahu cultural values**, character and amenity of the areas surrounding the MINZ as far as practical by:
- a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool;
- ...
- i. **Ensuring that the Drinking Water Source Protection Zones (SPZ) are excluded from MINZ - Mineral Extraction Zone.**
- This is supported by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.063). This is supported in part by Brian Anderson (FS237.0153). I acknowledge the request to insert Poutini Ngāi Tahu cultural values, however I note that MINZ-P6 already provides specific direction on these matters. I consider it unnecessary to duplicate direction regarding Ngāi Tahu cultural values within MINZ-P4. Furthermore, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.
189. Terra Firma Mining Limited (S537.029), Waka Kotahi NZ Transport Agency (S450.296) and Grey District Council (S608.797) seek to retain. This is opposed by Brian Anderson (FS237.0144). These submissions are noted; however, I have recommended changes to MINZ-P4 as outlined above.

Recommendations

190. It is recommended that MINZ-P4 is amended as follows:

Maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the MINZ - Mineral Extraction Zone as far as practicable by:

- i. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool;
- ii. Managing dust, noise, vibration, access and lighting to maintain amenity values;
- iii. Managing traffic generation, load type and vehicle characteristics on the operation and maintenance of the transport network;
- ~~iv. Managing impacts adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna;~~
- v. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;
- vi. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;
- vii. Undertaking remediation alongside extraction operations; and
- viii. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.

10.11 MINZ-P5

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Craig Schwitzer	S96.007	Oppose	No Mineral extraction in areas of significant indigenous vegetation or significant fauna habitat
Karen Lippiatt	S439.041		Delete the Policy
Brian Anderson	FS237.0154	Support	Agree, and this should be backed up by a requirement for an assessment of ecological significance
	FS237.0155	Support in part	Not Stated
Buller Conservation Group	S552.194	Amend	adverse effects should use the adverse effects hierarchy be mitigated, remedied, offset or compensated to achieve no net loss and preferably a net gain in biodiversity values.
Frida Inta	S553.194		
Brian Anderson	FS237.0158	Support in	

	FS237.0159	part	The proposed wording is an improvement, but really there should be no mining in area of significant indigenous vegetation or significant indigenous fauna habitat
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.131	Support	Retain
TiGa Minerals and Metals Limited	S493.116		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1160		
Birchfield Coal Mines Ltd	S601.108		
BRM Developments Limited	S603.059		
Birchfield Ross Mining Limited	S604.098		
Phoenix Minerals Limited	S606.083		
Terra Firma Mining Limited	S537.030		
Whyte Gold Limited	S607.083		
Brian Anderson	FS237.0160		
	FS237.0156		
	FS237.0161		
	FS237.0162		
	FS237.0163		
	FS237.0164		
	FS237.0165		
	FS237.0157		
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te	FS41.198	Support in part	We support the submitter in stating that the policy provides clarity towards considering vegetation and habitat, but note

Rūnanga o Ngāi Tahu			that SASM is managed primarily by Policy 6.
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Analysis

191. Craig Schwitzer (S96.007) seeks there be no Mineral Extraction in areas of significant indigenous vegetation or significant fauna habitat. This is supported by Brian Anderson (FS237.0154). This submission is noted; however, this is not a matter I consider can or should be addressed within the MINZ Chapter. This is more appropriately addressed in regards to the with regards to ecosystems and indigenous biodiversity and the proposed Significant Natural Areas that are to be mapped within the Ecosystems and Indigenous Biodiversity (ECO) chapter.
192. Karen Lippiatt (S439.041) seeks to delete the Policy. This is supported in part by Brian Anderson (FS237.0155). I agree that MINZ-P5 should be deleted because:
- A policy in this regard is more appropriately addressed within the Ecosystems and Indigenous Biodiversity chapter which specifically addresses Significant Natural Areas that contain significant indigenous vegetation and fauna;
 - There are no rules within the MINZ as notified relating to indigenous vegetation clearance, with these being in the ECO Chapter; and
 - Since this provision was notified, the NPS-IB has been gazetted which includes specific direction on this matter, including provisions relevant to mineral extraction in Section 3.11. I understand that the hearing on the ECO Chapter has been delayed, due to the uncertainty of the NPS-IB. I consider it would be inappropriate for me to suggest new wording pending the hearing on this topic.
193. Buller Conservation Group (S552.194) and Frida Inta (S553.194) seek to replace “be mitigated, remedied, offset or compensated” with “use the adverse effects hierarchy” and to add “and preferably a net gain”. This is supported in part by Brian Anderson (FS237.0158 and FS237.0159). For the reasons outlined above, I recommend that MINZ-P5 be deleted.
194. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.131), TiGa Minerals and Metals Limited (S493.116), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1160), Birchfield Coal Mines Ltd (S601.108), BRM Developments Limited (S603.059), Birchfield Ross Mining Limited (S604.098), Phoenix Minerals Limited (S606.083), Terra Firma Mining Limited (S537.030) and Whyte Gold Limited (S607.083) seek to retain. This is supported in part by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.198). This is opposed by Brian Anderson (FS237.0160, FS237.0156, FS237.0161, FS237.0162, FS237.0163, FS237.0164, FS237.0165 and FS237.0157). For the reasons outlined above, I recommend that MINZ-P5 be deleted.

Recommendations

195. It is recommended that MINZ-P5 be deleted as follows:
- ~~Where the removal of an area of significant indigenous vegetation or significant fauna habitat in whole or in part is necessary to provide for mineral extraction and processing activities and cannot be avoided, adverse effects should be mitigated, remedied, offset or compensated to achieve no net loss in biodiversity values.~~
196. It is recommended that the above submission points are reallocated to the Ecosystems and Biodiversity Topic so they can be considered in terms of policy direction regarding indigenous vegetation removal associated with mineral extraction activities.

10.12 MINZ-P6

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.132	Support	Retain
TiGa Minerals and Metals Limited	S493.117		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1161		
Birchfield Coal Mines Ltd	S601.109		
BRM Developments Limited	S603.060		
Birchfield Ross Mining Limited	S604.099		
Phoenix Minerals Limited	S606.084		
Whyte Gold Limited	S607.084		
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.262		

Analysis

197. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.132), TiGa Minerals and Metals Limited (S493.117), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1161), Birchfield Coal Mines Ltd (S601.109), BRM Developments Limited (S603.060), Birchfield Ross Mining Limited (S604.099), Phoenix Minerals Limited (S606.084) and Whyte Gold Limited (S607.084) seek to

retain. These submissions are noted; however, I have recommended an amendment to MINZ-P6 in response to the below submissions.

198. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.262) seeks to amend the policy by removing 'cultural resources' from part b and 'Poutini Ngāi Tahu' from part c. I agree with these changes, and consider that they clarify the application of the policy.

Recommendations

199. It is recommended that MINZ-P6 is amended as follows:

Protect the relationship and mana of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga within the MINZ - Mineral Extraction Zone by:

- a. Ensuring Poutini Ngāi Tahu input to any resource consenting processes;
- b. Requiring ongoing liaison and communication where Poutini Ngāi Tahu ~~cultural resources~~ values may be affected by mineral extraction, processing or rehabilitation activities;
- c. Recognising the ownership of the pounamu resource lies with ~~Poutini Ngāi Tahu~~ Te Rūnanga o Ngāi Tahu; and
- d. Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.

10.13 MINZ-P7

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.133	Amend	Manage conflicts between mineral extraction activities and other land uses by ensuring that: <ol style="list-style-type: none"> a. Performance standards to manage adverse effects minimise impacts on the amenity, rural character and natural values of adjacent areas are met; and
Brian Anderson	FS237.0168	Oppose	Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like

			to restrict the lawful activities of landowners, then it should just buy the land in question, rather than imposing costs and impacts on people and communities.
TiGa Minerals and Metals Limited	S493.118	Amend	<p>Manage conflicts between mineral extraction activities and other land uses by ensuring that:</p> <p>a. Performance standards to manage adverse effects minimise impacts on the amenity, rural character and natural values of adjacent areas are met; and</p>
Katherine Crick	FS68.22	Oppose	<p>I oppose any change in wording from "minimise" to "manage".</p> <p>It is important to retain the importance on minimising adverse effects, not opening the door to allow a type of "management" by mining companies.</p>
Annie Inwood	FS147.017	Oppose	Management of effects would likely lead to very different outcomes from that of minimisation of effects. It puts biodiversity, community wellbeing and culture at risk and is contrary to the RMA and RPS.
Suzanne Hill	FS72.017		
Melissa McLuskie	FS144.017		
Brian Anderson	FS237.0166	Oppose	Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like to restrict the lawful activities of landowners, then it should just buy the land in question, rather than

			imposing costs and impacts on people and communities.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1162	Support	Retain Policy
Birchfield Coal Mines Ltd	S601.110	Amend	Amend MINZ - P7 as follows: Manage conflicts between mineral extraction activities and other land uses by ensuring that: a. Performance standards to manage adverse effects minimise impacts on the amenity, rural character and natural values of adjacent areas are met; and b. Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.
Brian Anderson	FS237.0169	Oppose	Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like to restrict the lawful activities of landowners, then it should just buy the land in question, rather than imposing costs and impacts on people and communities.
BRM Developments Limited	S603.061	Amend	Amend MINZ - P4 as follows: Maintain the quality of the environment, landscape,

			<p>ecological values, character and amenity of the areas surrounding the MINZ as far as practicable by:</p> <p>a. ...</p> <p>d. Managing adverse effects impacts on significant indigenous vegetation and significant habitats of indigenous fauna;</p>
Brian Anderson	FS237.0170	Oppose	<p>Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like to restrict the lawful activities of landowners, then it should just buy the land in question, rather than imposing costs and impacts on people and communities.</p>
Birchfield Ross Mining Limited	S604.100	Amend	<p>Amend MINZ - P4 as follows:</p> <p>Maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the MINZ as far as practicable by:</p> <p>a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool;</p> <p>b. Managing dust, noise, vibration, access and lighting to maintain amenity values;</p> <p>c. Managing traffic generation, load type and vehicle characteristics on the operation</p>

			<p>and maintenance of the transport network;</p> <p>d. Managing adverse effects impacts on significant indigenous vegetation and significant habitats of indigenous fauna;</p>
Brian Anderson	FS237.0171	Oppose	<p>Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like to restrict the lawful activities of landowners, then it should just buy the land in question, rather than imposing costs and impacts on people and communities.</p>
Phoenix Minerals Limited	S606.085	Support in part	<p>Amend:</p> <p>Maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the MINZ as far as practicable by:</p> <p>a. ...</p> <p>d. Managing adverse effects impacts on significant indigenous vegetation and significant habitats of indigenous fauna;</p>
Brian Anderson	FS237.0172	Oppose	<p>Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this</p>

			rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like to restrict the lawful activities of landowners, then it should just buy the land in question, rather than imposing costs and impacts on people and communities.
Whyte Gold Limited	S607.085	Amend	Amend MINZ - P4 as follows: Maintain the quality of the environment... MINZ as far as practicable by: ...k; d. Managing adverse effects impacts on significant indigenous vegetation and significant habitats of indigenous fauna;
Brian Anderson	FS237.0173	Oppose	Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like to restrict the lawful activities of landowners, then it should just buy the land in question, rather than imposing costs and impacts on people and communities.
Terra Firma Mining Limited	S537.031	Support in part	Amend MINZ-P7 a. to read as follows: a. Performance standards to maintain amenity, character

			and natural values of adjacent areas are met;
Brian Anderson	FS237.0167	Oppose	Reverse sensitivity is an overstated concept. What it really means is that property owners and other members of the community have the right to quiet enjoyment of the land or place of residence, and the mining industry objects to this rather strongly. The response of the pTTPP, primarily through this objective, is to remove many of the property rights of people living in or adjacent to MEZ, and indeed in the wider General Rural and other zones. If the mining industry would like to restrict the lawful activities of landowners, then it should just buy the land in question, rather than imposing costs and impacts on people and communities.

Analysis

200. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.133), TiGa Minerals and Metals Limited (S493.118), Birchfield Coal Mines Ltd (S601.110) seek to amend MINZ- P7 part a by replacing "minimise impacts" with "manage adverse effects". This is opposed by Brian Anderson (FS237.0168, FS237.0166, FS237.0169), Katherine Crick (FS68.22), Annie Inwood (FS147.017), Suzanne Hill (FS72.017), Melissa McLuskie (FS144.017)
201. Terra Firma Mining Limited (S537.031) seeks to amend MINZ- P7 part a to read as "Performance standards to maintain amenity, character and natural values of adjacent areas are met;". This is opposed by Brian Anderson (FS237.0167).
202. I have assessed all of the above submission points in the round. In my opinion, I consider the changes sought by Terra Firma Mining Limited to "maintain" rather than "minimise" or "manage" to be the most suitable as the terminology is more consistent with the higher order direction. For instance, section 7(c) of the RMA requires "particular regard to - the maintenance and enhancement of amenity values".
203. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1162) seeks to retain the policy. This submission is noted; however, I have recommended changes as outlined above.
204. BRM Developments Limited (S603.061), Birchfield Ross Mining Limited (S604.100), Phoenix Minerals Limited (S606.085) and Whyte Gold Limited (S607.085) seek to amend MINZ- P4 to replace "impacts" with "adverse effects" in part d. This is opposed by Brian Anderson (FS237.0170, FS237.0171, FS237.0172 and FS237.0173). I have recommended the deletion of the term "minimise impacts on the" in response to the submissions above for the reasons I have previously stated.

Recommendations

205. It is recommended that MINZ-P7 is amended as follows:

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

- a. Performance standards to ~~minimise impacts on the~~ maintain amenity, rural character and natural values of adjacent areas are met; and
- b. Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.

10.14 MINZ-P8

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.134	Support	Retain
TiGa Minerals and Metals Limited	S493.119		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1163		
Birchfield Coal Mines Ltd	S601.111		
BRM Developments Limited	S603.062		
Birchfield Ross Mining Limited	S604.101		
Phoenix Minerals Limited	S606.086		
Whyte Gold Limited	S607.086		
Brian Anderson	FS237.0175	Oppose	The WCRC has a different set of rules to apply, and it is inappropriate for the overly permissive approach of the pTTPP MEZ to leach into the WCRC approach to mining
	FS237.0174		
	FS237.0176		
	FS237.0177		
	FS237.0178		
	FS237.0179		
	FS237.0180		

Analysis

206. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.134), TiGa Minerals and Metals Limited (S493.119), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1163), Birchfield Coal Mines Ltd (S601.111), BRM Developments Limited (S603.062), Birchfield Ross Mining Limited (S604.101), Phoenix Minerals Limited (S606.086) and Whyte Gold Limited (S607.086) seek to retain the policy. This is opposed by Brian Anderson (FS237.0175, FS237.0174, FS237.0176, FS237.0177, FS237.0178, FS237.0179 and FS237.0180). These submissions are noted. I agree that MINZ-P8 should be retained as notified, although I recommend a minor change to state “mineral extraction activity resource consents” to clarify that this relates to resource consents, and not to other consents (e.g., building consents).

Recommendations

207. It is recommended MINZ-P8 is amended as follows:

Co-ordinate the approach to mineral extraction activity resource consents with the West Coast/Te Tai o Poutini Regional Council, particularly where water resources and soil conservation are affected.

10.15 MINZ Rules Generally

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Katherine Crick	S101.004	Amend	<p>Add new rules to mitigate any future and as yet unproven, adverse effects of large scale heavy mineral concentrate mining.</p> <ul style="list-style-type: none"> • Heavy Mineral Concentrate mining should be a Discretionary activity • Negate the possibility of reverse sensitivity arguments being used for existing consented mineral extraction operations where subsequent consents allow an increase in heavy truck movements along the same stretch of road to a level which would generate a minor or more than minor effect on the communities or businesses along the road. • Restrict the movements of trucks at night between the hours of 11pm and 6am. • Monitoring of cumulative effects of dust, noise, effects on wildlife and loss of

			<p>amenity values from increasing numbers of articulated mining trucks along routes to the port.</p> <ul style="list-style-type: none"> • Maximum allowable daily heavy truck movements be established for a road (or sections) at the time of granting the first mining consent application using that road. Allowable truck movements for subsequent applications will be limited to the designated maximum allowable truck movements minus the existing consented daily truck movements from other mine sites. • Notification Decisions should consider whether the effects of heavy truck movements from a mine site to a port will affect commercial tourism and hospitality businesses on the trucking route, potentially many kilometres away from the mine site.
Michael Hill	S70.007	Amend	<p>Develop new MINZ rules relating to the management of HMC sand mining activities in support of MINZ - O2. HMC mining should be a Discretionary activity. Key considerations in the rules should be:</p> <ul style="list-style-type: none"> • the cumulative effects of heavy truck movements along the same stretch of road, night time movements, • cumulative effects of dust, noise, effects on wildlife and loss of amenity values from increasing numbers of articulated mining trucks along routes to the port. • Notification: should include considering whether the effects of heavy truck movements from a mine site

			to a port will affect commercial tourism and hospitality businesses on the trucking route, potentially many kilometres away from the mine site.
Katherine Crick	S101.025	Amend	Ensure that all resource consents in the future regarding large-scale mining on the Barrytown flats be publicly notified.
Grey District Council	FS1.274	Neutral	Public notification by default is considered overly onerous and un-necessary
Laura Garber	S278.008	Amend	Develop new MINZ rules relating to the management of sand mining activities to be consistent with MINZ - O2
Marie Elder	FS77.35	Support	Reasons as given by s278
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Taha	FS41.064	Support in part	Sand mining should be considered on a case by case basis in order to take into account the values and effects on the environment and the people.
Riarnne Klempel	S296.004	Oppose	Create greater provisions and definitions for regulation of large-scale industry including mineral extraction. Consider every large-scale proposal on a case-by-case basis.
Alistair Cameron	S452.003	Amend	<p>Add Rule MINZ – Rx: Activities after Mining Works Completed</p> <p>Activity Status Permitted</p> <p>Where:</p> <p>1. All mineral extraction works have been completed on a site, and the land fully rehabilitated in accordance with the mine closure plan and rehabilitation programme in the Mineral Extraction Management Plan required by Rule MINZ – R2;</p>

			<p>2. The Permitted Activity rules for the GRUZ – General Rural Zone shall apply as if the site were located in that zone, except that:</p> <p>(a) No sensitive activities shall be located within [xx] metres of land in the MINZ that has not been mined.</p> <p>Proposed Rule MINZ – Rx: Activities after Mining Works Completed not meeting Permitted Activity Standards</p> <p>Activity Status Discretionary</p>
Grey District Council	FS1.132	Support	Mineral extraction does have a finite timeframe. It would be appropriate to make provision for the use of land post mineral extraction.
Davis Ogilvie & Partners Ltd	S465.005	Amend	Amend the rules for land use in the MINZ to allow for long term development of land that has been mined.
Buller District Council	FS149.024	Support	Council agrees that the focus of the rule framework is on land uses that are compatible with mining activities while mining activities are occurring and there is limited provision for appropriate land uses post mining. Council agrees that consideration should be given to providing for rural industries and rural-residential development following mining activities rather than having these activities default to non-complying status.
Davis Ogilvie & Partners Ltd	S465.006	Amend	That a new Permitted Activity rule should be included in the pTTPP allowing the establishment of rural industries (defined in the pTTPP as “an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production”) in the Mineral Extraction Zone.

			<p>Proposed wording for this rule, as follows, is similar to that for ancillary mining activities</p> <p>Proposed Rule MINZ – Rx: Rural Industries</p> <p>Activity Status Permitted Where:</p> <p>(a) Maximum building height above ground level is 10m;</p> <p>(b) Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;</p> <p>(c) There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);</p> <p>(d) There shall be no offensive or objectionable dust nuisance at or beyond the property boundary as a result of the activity;</p> <p>(e) Noise meets the Permitted Activity Standards in Rule NOISE - R7; and</p> <p>(f) Light and glare meet the Permitted Activity standards in Rule LIGHT - R4.</p>
Buller District Council	FS149.025	Support	Council supports the requested amendment to the rules for the Zone.
Grey District Council	FS1.149	Support in part	Submission point has merit. Particularly prior to and after mineral has occurred.
Davis Ogilvie & Partners Ltd	S465.007	Amend	<p>That provision should be made within the MINZ rules to allow appropriate land uses (similar to the General Rural Zone) to establish in the zone after mining is completed for example:</p> <p>Proposed Rule MINZ – Rx: Activities after Mining Works Completed</p>

			<p>Activity Status Permitted</p> <p>Where:</p> <p>1. All mineral extraction works have been completed on a site, and the land fully rehabilitated in accordance with the mine closure plan and rehabilitation programme in the Mineral Extraction Management Plan required by Rule MINZ – R2;</p> <p>2. The Permitted Activity rules for the GRUZ – General Rural Zone shall apply as if the site were located in that zone, except that:</p> <p>(a) No sensitive activities shall be located within [xx] metres of land in the that has not been mined.</p> <p>Proposed Rule MINZ – Rx: Activities after Mining Works Completed not meeting Permitted Activity Standards</p> <p>Activity Status Discretionary</p>
Buller District Council	FS149.026	Support	Council supports the requested amendment to the rules for the Zone.
Katherine Gilbert	S473.005	Oppose	Remove all permitted activities within the zone.
Grey District Council	FS1.154	Oppose	<p>The availability of natural resources is important for the West Coast’s economy. It enables people and communities to provide for their economic, social and cultural wellbeing. Council considers that a robust set of Rules have been developed that will result in less than minor effects as a result of mining activities.</p> <p>Any activities that will breach permitted Activity Rules are subject to a consenting pathway.</p>
Karen and Dana Vincent	S591.004	Amend	Amend rules to manage adverse effects from dust, noise, traffic,

			etc.
Straterra	S536.013	Amend	Amend the provisions for ancillary activities to make more enabling

Analysis

208. Katherine Crick (S101.004) seeks to add the following new rules to mitigate any future and as yet unproven, adverse effects of large scale heavy mineral concentrate mining:
- Heavy Mineral Concentrate mining should be a Discretionary activity;
 - Negate the possibility of reverse sensitivity arguments being used for existing consented mineral extraction operations where subsequent consents allow an increase in heavy truck movements along the same stretch of road to a level which would generate a minor or more than minor effect on the communities or businesses along the road;
 - Restrict the movements of trucks at night between the hours of 11pm and 6am;
 - Monitoring of cumulative effects of dust, noise, effects on wildlife and loss of amenity values from increasing numbers of articulated mining trucks along routes to the port;
 - Maximum allowable daily heavy truck movements be established for a road (or sections) at the time of granting the first mining consent application using that road. Allowable truck movements for subsequent applications will be limited to the designated maximum allowable truck movements minus the existing consented daily truck movements from other mine sites;
 - Notification Decisions should consider whether the effects of heavy truck movements from a mine site to a port will affect commercial tourism and hospitality businesses on the trucking route, potentially many kilometres away from the mine site.
209. Michael Hill (S70.007) seeks to develop new MINZ rules relating to the management of HMC sand mining activities in support of MINZ - O2. HMC mining should be a Discretionary activity and key considerations in the rules should be:
- the cumulative effects of heavy truck movements along the same stretch of road, night time movements;
 - The cumulative effects of dust, noise, effects on wildlife and loss of amenity values from increasing numbers of articulated mining trucks along routes to the port;
 - Notification should include considering whether the effects of heavy truck movements from a mine site to a port will affect commercial tourism and hospitality businesses on the trucking route, potentially many kilometres away from the mine site.
210. I have considered the above submissions concurrently, as they seek similar relief. In my opinion, it is inappropriate to have a separate resource consenting regime for "heavy mineral concentrate mining." This is not a defined term within the pTTPP and nor is a definition sought by the submitter. As such, I am unable to determine what "heavy mineral concentrate mining" is intended to capture, nor at this stage can I find any reason why this should be treated differently to mineral extraction generally within the MINZ. For these reasons, I recommend these submissions are rejected.

211. Katherine Crick (S101.025) seeks to ensure that all resource consents in the future regarding large-scale mining on the Barrytown flats be publicly notified. A neutral position on this is held by Grey District Council (FS1.274) as public notification by default is considered overly onerous and un-necessary. I consider it inappropriate to include a notification rule requiring full public notification of any large-scale mining on the Barrytown Flats. First, I am unable to determine what would reasonably constitute "large-scale mining". Secondly, I consider it inappropriate to require this specifically to the Barrytown flats area, different to other mineral extraction activities elsewhere within the West Coast within the MINZ. In my opinion, the standard notification tests under the RMA should apply, and notification should be determined on a case-by-case basis.
212. Laura Garber (S278.008) seeks to develop new MINZ rules relating to the management of sand mining activities to be consistent with MINZ - O2. This is supported by Marie Elder (FS77.35). This is supported in part by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.064) who add that sand mining should be considered on a case-by-case basis in order to take into account the values and effects on the environment and the people. In my opinion, sand would be captured within the definition of "mineral" which has the same meaning as in the Crowns Mineral Act 1991 (as set out below).
- "means a naturally occurring inorganic substance beneath or at the surface of the earth, whether or not under water; and includes all metallic minerals, non-metallic minerals, fuel minerals, precious stones, industrial rocks and building stones, and a prescribed substance within the meaning of the Atomic Energy Act 1945."
213. As such, I consider that sand mining, would fall within the definition of "mineral extraction" and therefore be subject to the applicable rules within the MINZ Chapter. Therefore, I see no reason to develop specific rules relating to the management of sand mining, as I consider that the existing rules for mineral extraction will already apply.
214. Riarnne Klempel (S296.004) seeks to create greater provisions and definitions for regulation of large-scale industry including mineral extraction and to consider every large-scale proposal on a case-by-case basis. This submission is acknowledged; however, there is no specific relief that I can respond to. In my opinion, mineral extraction is addressed in the MINZ and any proposal requiring resource consent will be assessed on a case-by-case basis.
215. Alistair Cameron (S452.003) seeks to add:
- "Rule MINZ – Rx: Activities after Mining Works Completed - Activity Status Permitted where:
1. All mineral extraction works have been completed on a site, and the land fully rehabilitated in accordance with the mine closure plan and rehabilitation programme in the Mineral Extraction Management Plan required by Rule MINZ – R2;
 2. The Permitted Activity rules for the GRUZ – General Rural Zone shall apply as if the site were located in that zone, except that:
 - a. No sensitive activities shall be located within [xx] metres of land in the MINZ that has not been mined.
- Proposed Rule MINZ – Rx: Activities after Mining Works Completed not meeting Permitted Activity Standards - Activity Status Discretionary".
- This is supported by Grey District Council (FS1.132).
216. Davis Ogilvie & Partners Ltd (S465.005) seeks to amend the rules for land use in the MINZ to allow for long term development of land that has been mined. This is supported by Buller District Council (FS149.024).

217. Davis Ogilvie & Partners Ltd (S465.006) seeks that a new Permitted Activity rule should be included in the pTTPP allowing the establishment of rural industries (defined in the pTTPP as “an industry or business undertaken in a rural environment that directly supports, services, or is dependent on primary production”) in the Mineral Extraction Zone. They propose the following wording:
- “Proposed Rule MINZ – Rx: Rural Industries - Activity Status Permitted Where:
- a. Maximum building height above ground level is 10m;
 - b. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;
 - c. There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);
 - d. There shall be no offensive or objectionable dust nuisance at or beyond the property boundary as a result of the activity;
 - e. Noise meets the Permitted Activity Standards in Rule NOISE - R7; and
 - f. Light and glare meet the Permitted Activity standards in Rule LIGHT - R4.”
218. This is supported by Buller District Council (FS149.025). This is supported in part by Grey District Council (FS1.149).
219. Davis Ogilvie & Partners Ltd (S465.007) seeks that that provision should be made within the MINZ rules to allow appropriate land uses (similar to the General Rural Zone) to establish in the zone after mining is completed and give the following examples
- “Proposed Rule MINZ – Rx: Activities after Mining Works Completed - Activity Status Permitted where:
1. All mineral extraction works have been completed on a site, and the land fully rehabilitated in accordance with the mine closure plan and rehabilitation programme in the Mineral Extraction Management Plan required by Rule MINZ – R2;
 2. The Permitted Activity rules for the GRUZ – General Rural Zone shall apply as if the site were located in that zone, except that:
 - a. No sensitive activities shall be located within [xx] metres of land in the MINZ that has not been mined.
- Proposed Rule MINZ – Rx: Activities after Mining Works Completed not meeting Permitted Activity Standards - Activity Status Discretionary”.
- This is supported by Buller District Council (FS149.026).
220. I have considered the above submission points from Alistair Cameron and Davis Ogilvie & Partners collectively. These activities are not currently anticipated or provided for within the policy framework for the MINZ, and are therefore considered non-complying activities. I accept that there may be some merit to the relief requested, but note that this is symptomatic of applying a MINZ Zone rather than a mineral extraction overlay. Such an approach would allow for an underlying zone to be applied, which could provide for the types of activities that are sought. However, on the basis that the MINZ is primarily designed for the provision of mineral extraction activities, and applies over a wide area spatially, I consider it is appropriate that these activities remain activities not provided for within the MINZ, and therefore retain their non-complying activity status.
221. Katherine Gilbert (S473.005) seeks to remove all permitted activities within the zone. This is opposed by Grey District Council (FS1.154) as the availability of natural resources is important for the West Coast’s economy and it enables people and communities to provide for their economic, social and cultural wellbeing.

Council considers that a robust set of Rules have been developed that will result in less than minor effects as a result of mining activities. Any activities that will breach permitted Activity Rules are subject to a consenting pathway. I consider that there is scope for permitted activities within the MINZ and address this further below.

222. Karen and Dana Vincent (S591.004) seeks to amend rules to manage adverse effects from dust, noise, traffic, etc. This submission is acknowledged; however, there is no specific relief that I can respond to.
223. Straterra (S536.013) seeks to amend the provisions for ancillary activities to make it more enabling. This submission is acknowledged; however, there is no specific relief that I can respond to.
224. Notwithstanding my response to the above submissions, there are a number of submissions with regard to the MINZ rules (which I address below under the relevant rule title) that relate to the advice notes within the MINZ Chapter. In response to these submissions, and to achieve a more efficient approach to the MINZ chapter, I recommend that the notes are redrafted as follows:
- General Note – there is a “Note” within the Rules Section that relates to the application of the provisions and other rules within the pTTPP. While not specifically requested in submissions, I consider that this note is confusing and in some respects duplicates what is already stated within the Overview Section under the heading “Other Relevant Te Tai o Poutini Plan Provisions”. My recommendation, would be to delete this note, and rely on the existing direction within the Overview section of the MINZ chapter. This section clearly states the application of other chapters, in particular the Overlay Chapters and General District Wide Matters.
 - There are a number of advice notes repeated in the majority of rules within the MINZ Chapter. These include:
 - “1. Where an activity subject to this rule is located within an Overlay Chapter area, compliance with the relevant Overlay Chapter rules is required.
 2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.
 3. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.”
225. In my opinion, these advice notes duplicate what is already stated in the Overview Section. They are also inconsistent in terms of their application to all of the MINZ rules. It is unnecessary, and unhelpful in my opinion, to inconsistently repeat these advice notes within the MINZ rules with slightly different drafting. Rather than repeating them for every rule, I recommend that they too are deleted, with reliance placed on what is stated in the Overview Section.

Recommendations

226. It is recommended that the Note: underneath the “Rules” heading in the MINZ Chapter is deleted as follows:

~~Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity is provided in General Approach~~

227. It is recommended that the duplicated advice notes under Rules MINZ-R1, R2, R3, R5, R6 and R7 are deleted as follows:

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

10.16 MINZ Permitted Activities Generally

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
TiGa Minerals and Metals Limited	S493.120	Amend	Include GRUZ-R1 as Permitted Activity in MINZ.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1170	Support	Retain rule
Alistair Cameron	S452.002	Amend	<p>Add Rule MINZ – Rx: Rural Industries</p> <p>Activity Status Permitted</p> <p>Where:</p> <p>(a) Maximum building height above ground level is 10m;</p> <p>(b) Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;</p> <p>(c) There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);</p> <p>(d) There shall be no offensive or objectionable dust nuisance at or beyond the property boundary as a result of the activity;</p>

			<p>(e) Noise meets the Permitted Activity Standards in Rule NOISE - R7; and</p> <p>(f) Light and glare meet the Permitted Activity standards in Rule LIGHT - R4.</p>
Grey District Council	FS1.133	Support in part	Mineral extraction does have a finite timeframe. It would be appropriate to make provision for the use of land post mineral extraction.
Karen and Dana Vincent	S591.002	Oppose	Amend permitted activities to discretionary
Grey District Council	FS1.206	Oppose	Disallow - The availability of natural resources is important for the West Coast's economy. It enables people and communities to provide for their economic, social and cultural wellbeing. Council considers that a robust set of Rules have been developed that will result in less than minor effects as a result of mining activities. Any activities that will breach permitted Activity Rules are subject to a consenting pathway.
Brian Anderson	S576.004	Oppose	Delete
Brian Anderson	S576.010	Oppose	Fossil fuel must be phased out by 2030 for thermal use
Rocky Mining Limited	S474.047	Amend	that rural activities are provided for as a permitted activity in the MEZ
Lynley Hargreaves	FS65.006	Support	Allow - Several submitters have noted that no consideration has been given to land use after mining and at least two (Rocky Mining Limited, TiGA Minerals and Metals Limited) has also noticed that the MINZ does not allow for normal rural activities.

Analysis

228. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1170) seeks to retain the rule. This submission is noted; although I have recommended changes to the MINZ rules for the reasons I outline in other Sections below.

229. TiGa Minerals and Metals Limited (S493.120) seeks to include GRUZ-R1 as Permitted Activity in MINZ.
230. Alistair Cameron (S452.002) seeks to add a new rule with example wording as follows:
- “Rule MINZ – Rx: Rural Industries Activity Status Permitted where:
- (a) Maximum building height above ground level is 10m;
 - (b) Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;
 - (c) There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);
 - (d) There shall be no offensive or objectionable dust nuisance at or beyond the property boundary as a result of the activity;
 - (e) Noise meets the Permitted Activity Standards in Rule NOISE - R7; and
 - (f) Light and glare meet the Permitted Activity standards in Rule LIGHT - R4”.
231. This is supported in part by Grey District Council (FS1.133).
232. Rocky Mining Limited (S474.047) seeks that rural activities are provided for as a permitted activity in the MEZ. This is supported by Lynley Hargreaves (FS65.006).
233. I have considered the above submission points collectively. These activities are not currently anticipated or provided for within the policy framework for the MINZ, and are therefore considered non-complying activities. I accept that there may be some merit to the relief requested, but note that this is symptomatic of applying a MINZ Zone rather than a mineral extraction overlay (I note that approach applied elsewhere in the Country). Such an approach would allow for an underlying zone to be applied, which could provide for the types of activities that that are sought. However, on the basis that the MINZ is primarily designed for the provision of mineral extraction activities, and applies over a wide area spatially, I consider it is appropriate that these activities remain activities not provided for within the MINZ, and therefore retain their non-complying activity status.
234. Karen and Dana Vincent (S591.002) seeks to amend permitted activities to discretionary. This is opposed by Grey District Council (FS1.206). I do not support a blanket discretionary status for all current permitted activity rules. In my opinion, there is scope for permitted activity rules within the MINZ as I outline further below.
235. Brian Anderson (S576.004) seeks to delete this rule as the permitted activity rule for mining in Historically Mined areas is ideologically-driven and unworkable. This submission is noted; however, there is no specific relief which I can respond to in the context of the MINZ Chapter.
236. Brian Anderson (S576.010) seeks that fossil fuel must be phased out by 2030 for thermal use. This submission is noted; however, there is no specific relief which I can respond to in the context of the MINZ Chapter.

Recommendations

237. It is recommended that no changes are made to the provisions in **Appendix 1** in response to these submissions.
238. It is recommended that these submissions are either accepted, accepted in part or rejected as per **Appendix 2**.

10.17 MINZ-R1 Mineral Prospecting and Exploration

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Buller Conservation Group	S552.195	Amend	<p>5. Any prospecting activities as defined by the Crown Minerals Act 1991 and all reconnaissance exploration activities up to and including drilling, scout trenching and geophysical surveys, subject to:</p> <p>a. All drilling limited to 150mm diameter and a density of one drill site per hectare.</p> <p>b. Scout trenching or sampling by hand methods, or by mechanical means where there is existing access to the area to be trenched or sampled, or by the use of explosives where the aggregate length of the samples taken using explosives does not exceed 50 linear metres of sample per hectare.</p> <p>c. Geophysical surveys not using explosives.</p> <p>d. For prospecting activities as per 5.3.2.1.4, where areas are disturbed, topsoil shall be stockpiled and replaced over such areas, and the site shall be rehabilitated and restored generally to its original condition.</p> <p>6. Vegetation also needs to be stockpiled to be reinstated after the works finish.</p>
Frida Inta	S553.195		
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.263	Support in part	Retain advice note regarding SASM - R7 application

Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1164	Support in part	Amend MINZ-R1 as follows: Activity Status Permitted Where: 5. The site is not within a Drinking Water Source Protection Zone (SPZ).
Peter Langford	S615.217	Amend	Delete point 2.
Karamea Lime Company	S614.217		
Koiterangi Lime Co LTD	S577.127		
Catherine Smart- Simpson	S564.161		
William McLaughlin	S567.700		
Geoff Volckman	S563.152		
Lynley Hargreaves	S481.011	Oppose	Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan
Birchfields Ross ltd	FS150.040	Oppose	Birchfields Ross supports the MINZ over the Ross goldfields and the MINZ provisions as notified, except where otherwise specified in Birchfields Ross's original submission. Disallow.
New Zealand Coal & Carbon Limited	S472.041	Support in part	At Item 2. increase the timeframe to 1 year.
Straterra	S536.071	Support	Under 2. increase the timeframe to one year.
Stevenson Mining Limited	S502.008	Amend	Amend Advice Note from compliance with to have regard to.
Chris & Jan Coll	S558.671	Amend	Delete point 2.
Chris J Coll Surveying Limited	S566.671		
Laura Coll McLaughlin	S574.671		

Buller District Council	S538.609	Support in part	<p>Amend Rule 1 as follows:</p> <p>Activity Status Permitted</p> <p>Where:</p> <p>This is authorised under a prospecting or exploration permit from NZPAM where legally required;</p> <p>3. Notice is provided to the relevant District Council Consent Authority 10 working days prior to the works commencing;</p> <p>4. Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible but no later than 3 months after the disturbance has occurred.</p> <p>Earthworks are not within 20m of the site boundary;</p> <p>5. The site shall be is progressively rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 3 months after activities cease;</p> <p>6. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.</p>
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Analysis

239. Buller Conservation Group (S552.195) and Frida Inta (S553.195) seek to add the following amendment:

"5. Any prospecting activities as defined by the Crown Minerals Act 1991 and all reconnaissance exploration activities up to and including drilling, scout trenching and geophysical surveys, subject to:

- a. All drilling limited to 150mm diameter and a density of one drill site per hectare;
- b. Scout trenching or sampling by hand methods, or by mechanical means where there is existing access to the area to be trenched or sampled, or by the use of explosives where the aggregate length of the samples taken using explosives does not exceed 50 linear metres of sample per hectare;
- c. Geophysical surveys not using explosives;

- d. For prospecting activities as per 5.3.2.1.4, where areas are disturbed, topsoil shall be stockpiled and replaced over such areas, and the site shall be rehabilitated and restored generally to its original condition.
6. Vegetation also needs to be stockpiled to be reinstated after the works finish.”
240. “Mineral Prospecting” and “Mineral Exploration” are both proposed to be defined in the pTTP adopting the same definition as in the Crown Minerals Act 1991. I note that the rule title is currently “Mineral Prospecting and Exploration”. In my opinion, this should be updated to “Mineral Prospecting and Mineral Exploration” to be consistent with the proposed defined terms in the pTTP. With regard to the additional criteria requested by the submitters, I understand that these relate to an existing provision within the Buller District Plan. However, no technical information has been provided for me to justify why these additional restrictions should be applied. On this basis, I recommend that these submissions be rejected, however I welcome further information through evidence to support the relief sought as needed.
241. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.263) seeks to retain advice note regarding SASM - R7 application. I acknowledge the submitter’s desire to retain this advice note, however for the reasons outlined in Section 10.15 above, I consider that this advice note should be deleted as it duplicates what is already stated in the Overview Section. In particular, with regard to this submission point, I note that “sites and areas of significance to Māori” are specifically referenced in the Overview section which relates to all provisions within the SASM chapter, including SASM-R7.
242. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1164) seeks to amend MINZ-R1 as follows: “Activity Status Permitted Where: ... 5. *The site is not within a Drinking Water Source Protection Zone (SPZ).*” As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.
243. Peter Langford (S615.217), Karamea Lime Company (S614.217), Koiterangi Lime Co LTD (S577.127), Catherine Smart-Simpson (S564.161), William McLaughlin (S567.700), Geoff Volckman (S563.152), Chris & Jan Coll (S558.671), Chris J Coll Surveying Limited (S566.671), Laura Coll McLaughlin (S574.671) seek to delete point 2. I note that limited justification has been provided to justify the deletion of point 2 of this rule, other than it being “restrictive”. On this basis, I consider there is insufficient information available, and I recommend that these submissions be rejected, however I welcome further information through evidence to support the relief sought as needed.
244. Lynley Hargreaves (S481.011) seeks that Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan. This is opposed by Birchfields Ross Ltd (FS150.040). This submission is noted; however, no specificity has been provided on what limits should be applied. On this basis, I consider there is insufficient information available, and I recommend that these submissions be rejected, however I welcome further information through evidence to support the relief sought as needed.
245. New Zealand Coal & Carbon Limited (S472.041) and Straterra (S536.071) seek to increase the timeframe in point 2. to a year. I note that the justification given relates to drill programmes potentially being longer than 3 months. I consider that there is insufficient justification provided, and I recommend that these submissions be rejected, however I welcome further information through evidence to support the relief sought as needed.

246. Stevenson Mining Limited (S502.008) seek to replace "compliance with" with "*have regard to*" in the Advice Note. I disagree with this requested amendment. The application of the overlay provisions is required. For the reasons outlined in Section 10.15 above, I consider that this advice note should be deleted as it duplicates what is already stated in the Overview Section.
247. Buller District Council (S538.609) seeks to amend R1 as follows:
 "Activity Status Permitted Where:
 This is authorised under a prospecting or exploration permit from NZPAM where legally required;
 3. Notice is provided to the relevant District Council 10 working days prior to the works commencing;
 4. Earthworks are not within 20m of the site boundary;
 5. The site is progressively rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 3 months after activities cease."
248. I have broken down my response to this submission as follows:
- New MINZ-RX – I agree that it is useful to add an additional clause regarding authorisation under a prospecting or exploration permit from New Zealand Petroleum and Minerals (NZPAM). I also note that an equivalent provision already exists within the similar rule within the Open Space Zone (OSZ-R11). I therefore recommend this is included for consistency. I reference this as clause X below, so as not to confuse the numbering references;
 - MINZ-R1.1: I'm unsure of the specific justification for increasing the notice period to the relevant District Council from "5 working days" to "10 working days." However, I note that this is currently "10 working days" within the equivalent rule within the Open Space Zone (OSZ-R11). I therefore recommend this increased to "10 working days" to be consistent. I have also added some further terms to this rule to clarify its application.
 - MINZ-R1.2: I agree with the deletion of clause 2, given the suggested redrafting of the following clauses which I address below. I have agreed to a new clause 2 regarding a 20m setback from the site boundary, to manage potential adverse effects associated with adjoining properties. I have however specifically excluded sites within the MINZ. This is to avoid this setback applying to land also located within the MINZ, which in my opinion would not require the setback.
 - MINZ-R1.3: - I agree with the deletion of this clause as I do not consider that it could be reasonably confirmed or enforced as a provision.
 - MINZ-R1.4: I have accepted the redrafting of this clause which brings in elements of existing clause 2, and in my opinion, is a clearer provision in my opinion.
 - New MINZ-R1.5: I have recommended the inclusion of a 5,000m³ limit of excavation material per calendar year per site for consistency across the various zones. In my opinion, it is inappropriate to have no excavation limit for excavation associated with mineral prospecting or mineral exploration.
 - New MINZ-R1.6: I have recommended a clause to control mineral extraction in sensitive environments including Outstanding Natural Landscapes; Outstanding Natural Features; Historic Heritage sites; a Site or Area of Significance to Māori; a Significant Natural Area; or an area of High or Outstanding Coastal Natural Character. Given the values that are to be protected within these sensitive areas, I consider it inappropriate to have a

permitted activity status for mineral prospecting and mineral exploration within these sensitive environments.

- Deletion of advice notes: for reasons outlined previously above, I have recommended the deletion of the advice notes within this rule.
- Activity status where compliance is not achieved – I recommend that this is amended from “Controlled” to “Restricted Discretionary”. A controlled activity must be granted, with Council only able to impose conditions of consent relating to the matters of control. Given the scope and breadth of matters to be considered and addressed, I consider that there needs to be an ability for Council to decline resource consent as it relates to the matters of discretion that I outline below.
- Activity status where compliance not achieved with new Rule MINZ-RX – in my opinion, the activity status where the standards in the New Restricted Discretionary Activity Rule MINZ-RX is not achieved would be discretionary. In my opinion, full discretion should be provided for where a Mineral Extraction Management Plan is not provided, or occur within sensitive environments, given the breadth of matters that would need to be considered and assessed in such instances.

Recommendations

249. It is recommended that MINZ-R1 is amended as follows:

Mineral Prospecting and [Mineral](#) Exploration

Activity Status Permitted

Where:

X. [It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required;](#)

1. ~~Written~~ Notice is provided to the relevant ~~d~~District ~~e~~Council at least 5-10 working days ahead of ~~work~~ [any Mineral Prospecting or Mineral Exploration](#) being undertaken;
2. ~~Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible, and no later than 3 months after the disturbance has occurred;~~ [Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary \(excluding sites that are also within the MINZ – Mineral Extraction Zone\);](#)
3. ~~All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat; and~~
4. The site ~~shall be~~ [is progressively](#) rehabilitated as far as practicable to its original condition, ~~with rehabilitation being completed no more than three months after Mineral Prospecting or Mineral Exploration ceases;~~
5. [No more than 5,000m³ of material is excavated in a calendar year per site;](#) and
6. [The mineral prospecting or mineral exploration does not occur within:](#)
 - a. [An Outstanding Natural Landscape;](#)
 - b. [An Outstanding Natural Feature;](#)
 - c. [A Historic Heritage site;](#)
 - d. [A Site or Area of Significance to Māori;](#)

- e. [A Significant Natural Area; or](#)
- f. [An area of High or Outstanding Coastal Natural Character.](#)

Advice Note:

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

Activity status where compliance not achieved: ~~Controlled~~ [Restricted](#) [Discretionary](#)

10.18 MINZ-R2 Mineral Extraction and Processing

Submissions

Submitter	Submission Point & Point Number	Position	
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.135	Support	An additional advice note is sought as follows: This rule does not override the protection of consented activities under Section 9(3)(a) of the Resource Management Act 1991 or existing use rights provided for under Section 10 of the Act.
Lynley Hargreaves	FS65.0010	Support	We support for the reasons set out in the submission.
Karamea Community Incorporated	FS125.015		
William McLaughlin	FS148.015		
Catherine Jane Smart-Simpson	FS155.014		
Nathan Simpson	FS156.014		
Geoff Volckman	FS157.014		
Kathleen Beveridge	FS158.014		
Maurice Beveridge	FS159.014		
Frans Volckman	FS160.014		
Tom Murton	FS161.014		

Maryann Volckman	FS162.014		
Kylie Volckman	FS163.014		
Barbara Bjerring	FS164.014		
Brian Patrick Jones	FS165.014		
Bryan Rhodes	FS166.014		
Frank Bjerring	FS167.014		
Jane Garrett	FS168.014		
Allwyn Gourley	FS169.014		
Bevan Langford	FS170.014		
Shaun Rhodes	FS171.014		
Jack Simpson	FS172.014		
Roger Gibson	FS173.014		
Rachel Shearer	FS174.014		
Gareth Guglebreten	FS175.014		
Charlotte Aitken	FS176.014		
Glen Kingan	FS177.014		
Hayden Crossman	FS178.014		
Susan Waide	FS179.014		
Desirae Bradshaw	FS180.014		
Andrew Bruning	FS181.014		
Marty Syron	FS182.014		
Kelvin Jeff Neighbours	FS183.014		
J & M Syron Farms	FS184.014		
Michelle Joy Stevenson	FS185.014		
Marnie Stevenson	FS186.014		
Sophie Fox	FS187.014		
Ed Tinomana	FS188.014		

Dave Webster	FS189.014		
Aidan Corkill	FS190.014		
Shanae Douglas	FS191.014		
Danielle O'Toole	FS192.014		
Aimee Milne	FS193.014		
Michael O'Regan	FS194.014		
Neal Gallagher	FS195.014		
Arthur Neighbours	FS196.014		
Mat Knudsen	FS197.014		
Brendon Draper	FS198.014		
Matthew Thomas	FS199.014		
Philip O'Connor	FS200.014		
Tracy Moss	FS201.014		
James Dunlop Stevenson	FS202.014		
Murray Aitken	FS203.014		
Joel Hands	FS204.014		
Peter Hands	FS205.014		
Patrick John Hands	FS206.014		
Jackie O'Connor	FS207.014		
Maurice Douglas	FS208.014		
Gary Donaldson	FS209.014		
Joy Donaldson	FS210.014		
Selwyn Lowe	FS211.014		
Sheryl Marie Rhind	FS212.014		
Stewart James Rhind	FS213.014		
Oparara Valley Project Trust	FS124.014		
Rosalie Sampson	FS123.014		

John Milne	FS225.014		
Jo-Anne Milne	FS226.014		
Jessie Gallagher	FS227.014		
Cheryl Gallagher	FS228.014		
Margaret Jane Milne	FS229.014		
Chris Lowe	FS238.014		
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.264	Support in part	Retain advice note regarding SASM - R7 application
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1165	Support in part	Amend MINZ-R2 as follows: Activity Status Permitted Where: 9. The site is not within a Drinking Water Source Protection Zone (SPZ).
TiGa Minerals and Metals Limited	S493.121	Amend	An additional advice note is sought as follows: This rule does not override the protection of consented activities under Section 9(3)(a) of the Resource Management Act 1991 or existing use rights provided for under Section 10 of the Act.
Birchfield Coal Mines Ltd	S601.112		
BRM Developments Limited	S603.063		
Birchfield Ross Mining Limited	S604.102		
Phoenix Minerals Limited	S606.087		
Whyte Gold Limited	S607.087		
Lynley Hargreaves	FS65.011	Support	I support the submission point of a large number of mining companies who all state that MIN-R2 appears to be unnecessary duplication of permissions.
	FS65.012		
	FS65.013		
	FS65.014		
	FS65.015		
Peter Langford	S615.218	Support	Retain
Peter Langford	S615.220	Support	Amend rule to allow for non-compliance for existing activity

Karamea Lime Company	S614.218	Support	Retain
Karamea Lime Company	S614.220	Support	Amend rule to allow for non-compliance for existing activity
Lynley Hargreaves	FS65.017	Oppose	I note that two of the submissions who do support MIN-R2 are asking for existing non-compliance to also become a permitted activity. I especially do not support
	FS65.016		
Aggregate and Quarry Association	S521.009	Amend	Amend Item 3. - Mineral Extraction Management Plan.
Koiterangi Lime Co LTD	S577.128	Amend	Retain
Catherine Smart-Simpson	S564.162	Support	Retain
William McLaughlin	S567.701	Support	Retain
Geoff Volckman	S563.153	Support	Retain
Lynley Hargreaves	S481.017	Oppose	Delete the rule
Birchfield Ross ltd	FS150.041	Oppose	Disallow
New Zealand Coal & Carbon Limited	S472.042	Support	At Item 2. a. delete "coal mining licence or resource consent" and insert "existing authorisations".
New Zealand Coal & Carbon Limited	S472.043	Support in part	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 ... "this process of certification is not to relitigate matters rather to c
New Zealand Coal & Carbon Limited	S472.044	Support in part	At Item 6. Insert "or evidence that the bond is in place with another regulatory authority or land administrator".
Terra Firma Mining Limited	S537.032	Support in part	Amend MINZ-R2 2a and 2b to include "mine permit" in the list of requirements that may require plans to be developed
Straterra	S536.009	Amend	Amend the rule so that ral extraction and processing that is lawfully established at the date the Plan was proposed has a

			permitted activity status
Straterra	S536.072	Amend	At Item 2. a. delete, "coal mining licence or resource consent" and insert "existing authorisations".
Straterra	S536.073	Amend	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 ... 'this process of certification is not to relitigate matters rather to check that what is required is there'.
Straterra	S536.074	Support	At Item 6. Insert, "or evidence that the bond is in place with another regulatory authority or land administrator".
Stevenson Mining Limited	S502.009	Amend	Amend Advice Note from compliance with to have regard to.
Chris & Jan Coll	S558.672	Support	Retain
Chris J Coll Surveying Limited	S566.672	Support	Retain
Laura Coll McLaughlin	S574.672	Support	Retain
Buller District Council	S538.610	Support	Amend rule 2 as follows: 3. Where the site is active, or intended to be active within the next 12 months: 2. To the extent not already required by any coal mining Licence....These Plans will be required until the relevant district council certifies that rehabilitation mine closure is complete. 7. A bond is in place with the relevant district council; To the extent not already required by any coal mining licence or resource consent, an independent bond assessment prepared by a suitably qualified and experienced person has been provided to the

			<p>relevant district council a minimum of 20 working days prior to activities commencing and the recommended bond sum is lodged with the relevant District Council</p> <p>Council seeks provision of a mechanism that provides for on-going review of bonds and adjustment of bond sums when needed.</p>
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Analysis

Retain

250. Peter Langford (S615.218), Karamea Lime Company (S614.218), Koiterangi Lime Co LTD (S577.128), Catherine Smart-Simpson (S564.162), William McLaughlin (S567.701), Geoff Volckman (S563.153), Chris & Jan Coll (S558.672), Chris J Coll Surveying Limited (S566.672) and Laura Coll McLaughlin (S574.672) seek to retain the Rule as notified. These submissions are noted; however, I have recommended amendments to the MINZ-R2 as outlined below.

Delete

251. Lynley Hargreaves (S481.017) seeks to delete the rule. This is opposed by Birchfield Ross Ltd (FS150.041). I do not consider that MINZ-R2 should be deleted in its entirety, however I do consider that significant amendments are required for the reasons outlined below.

Amend – Existing Use Rights

252. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.135) seeks that an additional advice note is sought as follows: "*This rule does not override the protection of consented activities under Section 9(3)(a) of the Resource Management Act 1991 or existing use rights provided for under Section 10 of the Act.*" This is supported by Lynley Hargreaves (FS65.0010), Karamea Community Incorporated (FS125.015), William McLaughlin (FS148.015), Catherine Jane Smart-Simpson (FS155.014), Nathan Simpson (FS156.014), Geoff Volckman (FS157.014), Kathleen Beveridge (FS158.014), Maurice Beveridge (FS159.014), Frans Volckman (FS160.014), Tom Murton (FS161.014), Maryann Volckman (FS162.014), Kylie Volckman (FS163.014), Barbara Bjerring (FS164.014), Brian Patrick Jones (FS165.014), Bryan Rhodes (FS166.014), Frank Bjerring (FS167.014), Jane Garrett (FS168.014), Allwyn Gourley (FS169.014), Bevan Langford (FS170.014), Shaun Rhodes (FS171.014), Jack Simpson (FS172.014), Roger Gibson (FS173.014), Rachel Shearer (FS174.014), Gareth Gulebreten (FS175.014), Charlotte Aitken (FS176.014), Glen Kingan (FS177.014), Hayden Crossman (FS178.014), Susan Waide (FS179.014), Desirae Bradshaw (FS180.014), Andrew Bruning (FS181.014), Marty Syron (FS182.014), Kelvin Jeff Neighbours (FS183.014), J & M Syron Farms (FS184.014), Michelle Joy Stevenson (FS185.014), Marnie Stevenson (FS186.014), Sophie Fox (FS187.014), Ed Tinomana (FS188.014), Dave Webster (FS189.014), Aidan Corkill (FS190.014), Shanae Douglas (FS191.014), Danielle O'Toole (FS192.014), Aimee Milne (FS193.014), Michael O'Regan (FS194.014), Neal Gallagher (FS195.014), Arthur Neighbours (FS196.014), Mat Knudsen (FS197.014), Brendon Draper (FS198.014), Matthew Thomas (FS199.014), Philip O'Connor (FS200.014), Tracy Moss (FS201.014), James Dunlop Stevenson (FS202.014), Murray Aitken (FS203.014), Joel Hands (FS204.014), Peter Hands (FS205.014), Patrick John Hands (FS206.014), Jackie O'Connor (FS207.014), Maurice Douglas

(FS208.014), Gary Donaldson (FS209.014), Joy Donaldson (FS210.014), Selwyn Lowe (FS211.014), Sheryl Marie Rhind (FS212.014), Stewart James Rhind (FS213.014), Oparara Valley Project Trust (FS124.014), Rosalie Sampson (FS123.014), John Milne (FS225.014), Jo-Anne Milne (FS226.014), Jessie Gallagher (FS227.014), Cheryl Gallagher (FS228.014), Margaret Jane Milne (FS229.014) and Chris Lowe (FS238.014).

253. Similarly, TiGa Minerals and Metals Limited (S493.121), Birchfield Coal Mines Ltd (S601.112), BRM Developments Limited (S603.063), Birchfield Ross Mining Limited (S604.102), Phoenix Minerals Limited (S606.087) and Whyte Gold Limited (S607.087) seek an additional advice note as follows: *"This rule does not override the protection of consented activities under Section 9(3)(a) of the Resource Management Act 1991 or existing use rights provided for under Section 10 of the Act."* This is supported by Lynley Hargreaves (FS65.011, FS65.012, FS65.013, FS65.014 and FS65.015).
254. Furthermore, Straterra (S536.009) seeks to amend the rule so that ral extraction and processing that is lawfully established at the date the Plan was proposed has a permitted activity status.
255. With regard to the above submissions, I note that there is a proposed definition of "lawfully established" which refers to existing use rights under the RMA. This is referred to in clause 1 of MINZ-R2. As such, I consider that the additional advice note and amendments requested are unnecessary. Existing use rights are guaranteed under the relevant provisions of the RMA, and MINZ-R2, which I recommend is retained, subject to some minor amendments that I outline further below.

Amend / retain – Advice Notes

256. Stevenson Mining Limited (S502.009) seeks to amend the Advice Note to replace "compliance" with *"have regard to"*.
257. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.264) seeks to retain advice note regarding SASM - R7 application.
258. New Zealand Coal & Carbon Limited (S472.043) and Straterra (S536.073) seek to edit item 2.a. with respect to the Mineral Extraction Management Plan (Appendix 7) by inserting an Advice Note to say something along the lines of *"this process of certification is not to relitigate matters rather to check that what is required is there"*.
259. I acknowledge the above submissions which seek additions, amendments or retention of the advice notes. For the reasons I have already outlined in Section 10.15 above, I consider that all the advice notes in MINZ-R2 should be deleted as they duplicate what is already stated in the Overview Section. In particular, with regard to this submission from Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio, I note that "sites and areas of significance to Māori" are specifically referenced in the Overview section which relates to all provisions within the SASM chapter, including SASM-R7.

Amend – Other

260. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1165) seeks to amend MINZ-R2 as follows: *"Activity Status Permitted Where: ... 9. The site is not within a Drinking Water Source Protection Zone (SPZ)."* As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.

261. Peter Langford (S615.220) and Karamea Lime Company (S614.220) seek to amend the rule to allow for non-compliance for an existing activity. This is opposed by Lynley Hargreaves (FS65.017 and FS65.016).
262. Aggregate and Quarry Association (S521.009) seeks to amend item 3. - Mineral Extraction Management Plan to ensure that there is not duplication of regulation requirements.
263. New Zealand Coal & Carbon Limited (S472.042) and Straterra (S536.072) seek to edit item 2.a. by replacing "coal mining licence or resource consent" with "*existing authorisations*".
264. Terra Firma Mining Limited (S537.032) seeks to amend MINZ-R2 2a and 2b to include "*mine permit*" in the list of requirements that may require plans to be developed.
265. New Zealand Coal & Carbon Limited (S472.044) and Straterra (S536.074) seek to edit item 6 by inserting "*or evidence that the bond is in place with another regulatory authority or land administrator*".
266. Buller District Council (S538.610) seeks to amend rule 2 as follows:
 "2. Where the site is active, or intended to be active within the next 12 months:
 b. To the extent not already required by any coal mining Licence.... These Plans will be required until the relevant district council certifies that mine closure is complete.

6. To the extent not already required by any coal mining licence or resource consent, an independent bond assessment prepared by a suitably qualified and experienced person has been provided to the relevant district council a minimum of 20 working days prior to activities commencing and the recommended bond sum is lodged with the relevant District Council"
- Council seeks provision of a mechanism that provides for on-going review of bonds and adjustment of bond sums when needed.
267. I acknowledge all of the above submissions which seek to amend MINZ-R2 in one way or another. Noting these submissions alongside earlier submissions to delete this Rule, I consider that there is broad scope to amend this rule and the overall approach to mineral extraction and mineral prospecting activities within the MINZ.
268. I have significant concerns regarding the current drafting of MINZ-R2. In my opinion and experience, a permitted activity rule needs to be clear and measurable, with no judgement afforded as to whether or not compliance is achieved or not. For example, it must be black and white whether a proposed activity complies with the permitted standard or. An element of judgement or assessment being required by Council can mean that it becomes "ultra vires."
269. As currently drafted, I have significant concerns about the "vires" of MINZ-R2 as a permitted activity. In particular I am concerned with:
- Mineral Extraction Management Plan (MINZ-R2.2.a) – I consider that this requirement is simply unworkable as a permitted activity standard. There is significant ambiguity within this requirement and how Council would be able to reasonably determine, without an element of discretion or judgement, that an activity complies with this clause. The scope and breadth of matters that would be required to be addressed is wide, and in my opinion, it is appropriate that an assessment is made as to the suitability of the management plan in terms of the management of adverse effects on the Environment as directed in the MINZ objectives and policies (namely MINZ-O2 and MINZ-P4 and MINZ-P6).

- Environmental Monitoring Report and Annual Work Plan (MINZ-R2.2.b) – I have similar concerns regarding this requirement, to those already outlined above. As a permitted activity standard, there is no clear and measurable detail as to what an acceptable Report and Plan would be. Under this requirement, it is perceivable that a brief and potentially inadequate document with the title “Environmental Monitoring Report and Annual Work Plan” could be submitted, with no ability for Council to assess its completeness or suitability. I have similar concerns regarding clauses MINZ-R2.3 and MINZ-R2.4 as it relates to rehabilitation and mine closure.
- Bond requirement (MINZ-R2.6) - clause 6 simply states that “a bond is in place with the relevant district council.” No detail is provided as to what a suitable bond amount is, or how it is implemented. Therefore perceivably, a bond amount of \$1 could be in place with the District Council, with no ability for the Council to determine whether that amount is suitable. I am not aware of a bond requirement being a permitted activity standard, nor can I think of a method to include such a requirement in the scope of a permitted activity rule.

270. Considering this in the above in the round, I consider that the whole approach to mineral extraction and mineral processing activities within the MINZ needs to be amended. In my opinion, the following approach would be more appropriate in the context of the direction within the MINZ objectives and policies:

- MINZ-R2.1 – I recommend that this existing clause is retained with some minor amendments to the terminology for consistency and including an “[insert date].” While I consider that is arguably not needed given that existing use rights are already protected under the relevant provisions of the RMA, this is consistent with other similar provisions and the definition of “lawfully established” which I have recommended is retained.
- MINZ-R2.2 – MINZ-R2.4 & MINZ-R.6 – I recommend the deletion of these clauses. As outlined above, these matters do not work as permitted activity standards, and in my opinion, this needs to be addressed in a restricted discretionary activity rule framework which I detail further below.
- MINZ-R2.5 – I recommend that this is retained as a permitted activity standard. In my opinion, it is clear and measurable and a reasonable standard to include to limit the hours of blasting or vibration associated with mineral extraction and mineral processing.
- MINZ-R2.7 & MINZ-R2.8 – I recommend that these provisions are deleted as they are unnecessary. These rules apply as outlined in the relevant Noise and Light Chapters, which is confirmed within the MINZ Overview section.
- Advice notes – I recommend the deletion of the advice notes for the reasons already outlined above.
- Activity status where compliance is not achieved – I recommend that this is amended from “Controlled” to “Restricted Discretionary”. A controlled activity must be granted, with Council only able to impose conditions of consent relating to the matters of control. Given the scope and breadth of matters to be considered and addressed in the Mineral Extraction Management Plan in accordance with Appendix 7, I consider that there needs to be an ability for Council to decline resource consent as it relates to the matters of discretion that I outline below.
- New Restricted Discretionary Activity Rule MINZ-RX⁸ Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity

⁸ For any new rules, or new clauses within existing rules that I have recommended as part of this s42A Report, I have generally referenced them with an X (e.g., MINZ-RX) within this report and the relevant provision in Appendix 1. This is to avoid creating new rule numbers

Standards – further to the above, I recommend that a new Rule be included. For any mineral extraction, mineral processing and ancillary not meeting the permitted activity standards, this would be a restricted discretionary activity where a Mineral Extraction Management Plan is provided in accordance with the relevant matters in Appendix Seven. This will allow the relevant District Council the ability to receive and assess the plan, and provide scope and discretion to request further information, and decline the application if it does not suitably address relevant matters. This recommended rule also includes a new clause regarding the mineral extraction or mineral processing not occurring within sensitive environments (e.g., Outstanding Natural Landscapes).

- Activity status where compliance not achieved with new Rule MINZ-RX – in my opinion, the activity status where the standards in the New Restricted Discretionary Activity Rule MINZ-RX is not achieved would be discretionary. In my opinion, full discretion should be provided for where a Mineral Extraction Management Plan is not provided, or occur within sensitive environments, given the breadth of matters that would need to be considered and assessed in such instances.

Recommendations

271. It is recommended that MINZ-R2 is amended as follows:

Mineral Extraction and [Mineral](#) Processing

Activity Status Permitted

Where:

1. The ~~m~~Mineral ~~e~~Extraction and [Mineral](#) ~~p~~Processing are lawfully established at the date the Plan becomes operative [\[insert date\]](#); ~~and~~
- ~~2.—Where the site is active, or intended to be active within the next 12 months:~~
 - ~~a.—To the extent not already required by any coal mining licence or resource consent, a Mineral Extraction Management Plan shall be prepared in accordance with the outline provided in Appendix Seven and be submitted to the relevant district council within 12 months for certification. This plan will;~~
 - ~~i.—Provide an outline of the issues and values that need to be managed at the site;~~
 - ~~ii.—Provide the detail of how these issues and values will be managed;~~
 - ~~iii.—Set out a schedule of annual monitoring to be undertaken; and~~
 - ~~iv.—Outline the rehabilitation and mine closure process for the site;~~
 - ~~b.—To the extent not already required by any coal mining licence or resource consent, an annual Environmental Monitoring Report and Annual Work Plan shall be prepared and submitted to the Consent Authority by 30 March of each calendar year. These Plans will be required until the relevant district council certifies that rehabilitation is complete;~~
- ~~3.—During mineral extraction activity, progressive rehabilitation of all disturbed areas is undertaken in accordance with the rehabilitation programme in the Mineral Extraction Management Plan;~~
- ~~4.—Upon ceasing of mineral extraction and processing activity, a programme of mine closure shall be undertaken in accordance with the mine closure programme in the Mineral Extraction Management Plan;~~

that confuse existing rule references.

5. No blasting or vibration shall occur outside the hours of 0700 to 2200 hours weekdays and 0800 to 1800 hours on weekends and public holidays.

~~6. A bond is in place with the relevant district council;~~

~~7. Noise meets the Permitted Activity Standards in Rule NOISE—R7; and~~

~~8. Light and glare meet the Permitted Activity standards in Rule LIGHT—R4.~~

Advice Note:

~~1. Only active mineral extraction sites, or those expected to be active within 12 months are required to prepare a Mineral Extraction Management Plan, Annual Work Plan or Environmental Monitoring Report.~~

~~2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM—R7.~~

~~3. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~

~~4. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.~~

Activity status where compliance not achieved: ~~Controlled~~ [Restricted](#) [Discretionary](#)

272. It is recommended that a new Restricted Discretionary Activities Rule MINZ-RX is created as follows:

[MINZ – RX](#)

[Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards](#)

[Activity Status Restricted Discretionary](#)

[Where:](#)

1. [A Mineral Extraction Management Plan is prepared and provided to Council in accordance with the relevant matters outlined in Appendix Seven; and](#)
2. [The mineral prospecting or mineral exploration does not occur within:](#)
 - a. [An Outstanding Natural Landscape;](#)
 - b. [An Outstanding Natural Feature;](#)
 - c. [A Historic Heritage site;](#)
 - d. [A Site or Area of Significance to Māori;](#)
 - e. [A Significant Natural Area; or](#)
 - f. [An area of High or Outstanding Coastal Natural Character.](#)

[Discretion is restricted to:](#)

- a. [The relevant matters within Appendix 7; and](#)
- b. [Suitable bond requirements;](#)

[Activity status where compliance not achieved: Discretionary](#)

273. It is recommended that a new Discretionary Activities Rule MINZ-RX is created as follows:

[MINZ – RX](#)

[Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Restricted Discretionary Standards](#)

[Activity Status Discretionary](#)

Activity status where compliance not achieved: N/A

10.19 MINZ-R3 Activities ancillary to lawfully established mineral extraction and processing

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Buller Conservation Group	S552.197	Amend	5. There shall be no offensive or objectionable dust nuisance, odour or air pollution at or beyond the zone boundary
Frida Inta	S553.197		
Te Mana Ora (Community and Public Health) of the NPWS/ Te Whatu Ora	S190.1166	Support in part	Amend MINZ-R3 as follows: Activity Status Permitted Where: 9. The site is not within a Drinking Water Source Protection Zone (SPZ).
Peter Langford	S615.219	Amend	Delete point 2.
Karamea Lime Company	S614.219		
Koiterangi Lime Co LTD	S577.129		
Catherine Smart-Simpson	S564.163		
William McLaughlin	S567.702		
Geoff Volckman	S563.154		
Chris & Jan Coll	S558.673		
Chris J Coll Surveying Limited	S566.673		
Laura Coll McLaughlin	S574.673		
Koiterangi Lime Co LTD	S577.130		
Catherine Smart-Simpson	S564.164		
William McLaughlin	S567.703		
Geoff Volckman	S563.155		

Chris & Jan Coll	S558.674		
Chris J Coll Surveying Limited	S566.674		
Laura Coll McLaughlin	S574.674		
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.136	Support	Retain
TiGa Minerals and Metals Limited	S493.122		
Birchfield Coal Mines Ltd	S601.113		
BRM Developments Limited	S603.064		
Birchfield Ross Mining Limited	S604.103		
Phoenix Minerals Limited	S606.088		
Whyte Gold Limited	S607.088		
Aggregate and Quarry Association	S521.010	Oppose	Delete Item 4. - Truck movement restricted to 30 per day.
Lynley Hargreaves	S481.018	Oppose	Oppose activities ancillary to mineral extraction that is lawfully established at the date when the Plan becomes operative being Permitted Activities.
Birchfields Ross ltd	FS150.042	Oppose	Disallow
New Zealand Coal & Carbon Limited	S472.045	Support in part	At Item 4. increase the heavy vehicle movement to 100. At Item 6. Insert "or evidence that the bond is n place with another regulatory authority or land administrator".
Waka Kotahi NZTA	FS62.016	Oppose	Disallow

Papahaua Resources Limited	S500.014	Support	Retain the provisions for 30 heavy vehicle movements per day as a Permitted Activity
Straterra	S536.075	Amend	At Item 6. Insert, "or evidence that the bond is in place with another regulatory authority or land administrator".
Straterra	S536.076	Amend	At Item 4. increase the heavy vehicle movement to 100.
Stevenson Mining Limited	S502.010	Amend	Amend Advice Note from compliance with to have regard to.
Waka Kotahi NZ Transport Agency	S450.297	Support in part	Amend the rule to include reference to the transport rules and standards to ensure safe access is achieved with appropriate vehicle crossing design.
Buller District Council	FS149.023	Support	Council agrees that the permitted level of vehicle movements associated with mining activity could have adverse effects on the safety and function of the roading network. Council supports amending the rule to require consideration of safe access.
Buller District Council	S538.611	Support	Amend Rule 3 as follows: 7. There shall be offensive or objectionable dust nuisance at or beyond the property boundary of the mineral extraction site as a result of the activity. 8. A bond is in place with the relevant district council; To the extent not already required by any coal mining licence or resource consent, an independent bond assessment prepared by a suitably qualified and experienced person is provided to the relevant district council a minimum of 20 working days prior to activities commencing and the recommended bond sum is lodged with the relevant District Council;

			<p>.....</p> <p>Council seeks provision of a mechanism that provides for on-going review of bonds and adjustment of bond sums when needed.</p> <p>Council seeks that the relationship between Rules 2 and 3 is clarified.</p>
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Analysis

Retain

274. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.136), TiGa Minerals and Metals Limited (S493.122), Birchfield Coal Mines Ltd (S601.113), BRM Developments Limited (S603.064), Birchfield Ross Mining Limited (S604.103), Phoenix Minerals Limited (S606.088) and Whyte Gold Limited (S607.088) seek to retain this Rule as notified. These submissions are noted; however, I have recommended amendments to the MINZ-R3 as outlined below.

Amend

275. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1166) seeks to amend the rule to add "Activity Status Permitted – Where...9. *The site is not within a Drinking Water Source Protection Zone (SPZ).*" As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.
276. Stevenson Mining Limited (S502.010) seeks to replace "compliance with" in the Advice note with "have regard to". I disagree with this requested amendment. The application of the overlay provisions is required. For the reasons outlined in Section 10.15 above, I consider that this advice note should be deleted as it duplicates what is already stated in the Overview Section.
277. Buller Conservation Group (S552.197) and Frida Inta (S553.197) seek to *add "odour or air pollution"* to point 5.
278. Peter Langford (S615.219), Karamea Lime Company (S614.219), Koiterangi Lime Co LTD (S577.129), Catherine Smart-Simpson (S564.163), William McLaughlin (S567.702), Geoff Volckman (S563.154), Chris & Jan Coll (S558.673). Chris J Coll Surveying Limited (S566.673) and Laura Coll McLaughlin (S574.673) seek to delete point 2 from the rule.
279. Koiterangi Lime Co LTD (S577.130), Catherine Smart-Simpson (S564.164), William McLaughlin (S567.703), Geoff Volckman (S563.155), Chris & Jan Coll (S558.674), Chris J Coll Surveying Limited (S566.674) and Laura Coll McLaughlin (S574.674) seek to amend the rule so that existing non-compliance with points 2 and 3 does not preclude the application of this rule.
280. Aggregate and Quarry Association (S521.010) seeks to delete Item 4.
281. Lynley Hargreaves (S481.018) seeks to oppose activities ancillary to mineral extraction that is lawfully established at the date when the Plan becomes operative being Permitted Activities. This is opposed by Birchfields Ross Ltd (FS150.042).

282. New Zealand Coal & Carbon Limited (S472.045) and Straterra (S536.075 and S536.076) seek to increase the heavy truck movement to 100 in point 4 and insert *"or evidence that the bond is in place with another regulatory authority or land administrator"* into point 6. This is opposed by Waka Kotahi NZTA (FS62.016).
283. Papahaua Resources Limited (S500.014) seeks to retain the provisions for 30 heavy vehicle movements per day as a Permitted Activity.
284. Waka Kotahi NZ Transport Agency (S450.297) seeks to amend the rule to include reference to the transport rules and standards to ensure safe access is achieved with appropriate vehicle crossing design. This is supported by Buller District Council (FS149.023).
285. Buller District Council (S538.611) seeks the removal of Clause 5 relating to dust nuisance. Air discharges are a Regional Council responsibility and inclusion of dust performance standards could cause confusion for plan users on which Council has ultimate responsibility for air discharges and has the potential to be problematic for enforcement. Council also has the same issues with Clause 6 relating to bonds as for Rule 2 above, and seeks the same amendment.
286. I acknowledge all of the above submissions which seek to amend MINZ-R3 in one way or another. Noting these submissions, I consider that there is broad scope to amend this rule. On this basis, I consider that the following amendments should be made:
- MINZ-R3.1 – I recommend that this clause is retained subject to some minor amendments to clarify the wording. I also recommend that "existing at the date of notification of the Plan be deleted" and replaced with "that are lawfully established at the date the Plan becomes operative [insert date]." This is consistent with the wording in MINZ-R2.1 that I outlined above in Section 10.18.
 - MINZ-R3.2 & MINZ-R3.3 – I recommend that these clauses are deleted. In my opinion, these are more appropriate as standalone "building rules" that apply to any buildings within the MINZ, not just those associated with "Activities ancillary to lawfully established mineral extraction and processing".
 - MINZ-R3.4 – I recommend that this clause is deleted in its entirety. In my opinion, this is already addressed in the Transport Chapter, and in particular Rule TRN-R12, which links to standard TRN-S14. This includes a 30-movement trigger which would apply given that the Overlay Chapters apply to the MINZ. To include an additional requirement within MINZ-R
 - MINZ-R3.5 – I recommend that this clause is deleted as it is not clear nor measurable in terms of its application within a permitted activity rule.
 - MINZ-R3.6 – I recommend the deletion of this clause. As outlined above in Section 10.18, I consider that a permitted activity bond requirement does not work as permitted activity standard, and in my opinion, this needs to be addressed in a restricted discretionary activity rule framework which I detail further below.
 - MINZ-R3.7 & MINZ-R3.8 – I recommend that these provisions are deleted as they are unnecessary. These rules apply as outlined in the relevant Noise and Light Chapters, which is confirmed within the MINZ Overview section.
 - Advice notes - I recommend the deletion of the advice note as this repeats what is already clearly stated in the Overview Section.
 - Activity status where compliance is not achieved – I recommend that this is amended from "Controlled" to "Restricted Discretionary". A controlled activity must be granted, with Council only able to impose conditions of consent relating to the matters of control. Given the scope and breadth of matters to be considered and addressed in the Mineral Extraction Management Plan in

accordance with Appendix 7, I consider that there needs to be an ability for Council to decline resource consent as it relates to the matters of discretion that I outline below.

- New Permitted Activity Rule MINZ-RX Any Buildings – as indicated above, I recommend the inclusion of a new rule for buildings within the MINZ. This simply includes the building height and setback requirement in existing clause MINZ-R3.2 & MINZ-R3.3 with some slight rewording. This includes making the building setback requirement only relevant to any boundary located outside of the MINZ. I have recommended this because I consider that the setback should not apply to boundaries within the MINZ to avoid the unnecessary triggering of resource consents across areas zoned MINZ which may include multiple cadastral allotment boundaries within it. It may be necessary to include other building controls (e.g., building coverage), but for now, I have kept this to the existing clauses given the nature of requests made in submissions.
- New Restricted Discretionary Activity Rule MINZ-RX Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards – further to the above, I recommend that a new Rule be included. For any mineral extraction, mineral processing and ancillary not meeting the permitted activity standards, this would be a restricted discretionary activity where a Mineral Extraction Management Plan is provided in accordance with the relevant matters in Appendix Seven. This will allow the relevant District Council the ability to receive and assess the plan, and provide scope and discretion to request further information, and decline the application if it does not suitably address relevant matters. This recommended rule also includes a new clause regarding the mineral extraction or mineral processing not occurring within sensitive environments (e.g., Outstanding Natural Landscapes).
- Activity status where compliance not achieved with new Rule MINZ-RX – in my opinion, the activity status where the standards in the New Restricted Discretionary Activity Rule MINZ-RX is not achieved would be discretionary. In my opinion, full discretion should be provided for where a Mineral Extraction Management Plan is not provided, or occur within sensitive environments, given the breadth of matters that would need to be considered and assessed in such instances.

Recommendations

287. It is recommended that MINZ-R3 is amended as follows:

Activities ancillary to lawfully established ~~m~~Mineral ~~e~~Extraction and Mineral
pProcessing

Activity Status Permitted

Where:

1. ~~This~~ The activities includes the maintenance and operation of all roads, parking, buildings, water treatment facilities, storage facilities, railway loadout areas and structures ~~existing at the date of notification of the Plan that are lawfully established at the date the Plan becomes operative [insert date];~~
2. ~~Maximum building height above ground level is 10m;~~
3. ~~Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;~~
4. ~~There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);~~
5. ~~There shall be no offensive or objectionable dust nuisance at or beyond the property boundary of the mineral extraction site as a result of the activity;~~

6. ~~A bond is in place with the relevant district council;~~
7. ~~Noise meets the Permitted Activity Standards in Rule NOISE—R7; and~~
8. ~~Light and glare meet the Permitted Activity standards in Rule LIGHT—R4.~~

Advice Note:

1. ~~Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~

Activity status where compliance not achieved: ~~Controlled~~ [Restricted](#) [Discretionary](#)

288. It is recommended that a new Rule MINZ-RX is created as follows:

[Any Buildings](#)

[Activity Status Permitted](#)

[Where:](#)

1. [The maximum building height above ground level is 10m; and](#)
2. [Any buildings are setback a minimum of 10m from any road boundaries, and 10m from any boundary outside of the Mineral Extraction Zone – MINZ.](#)

[Activity status where compliance not achieved: Discretionary](#)

10.20 MINZ-R4 Conservation, Recreation and Research Activities

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1167	Support	Retain
William McLaughlin	S567.704	Support	Retain
Chris & Jan Coll	S558.675		
Chris J Coll Surveying Limited	S566.675		
Laura Coll McLaughlin	S574.675		

Analysis

289. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1167) William McLaughlin (S567.704), Chris & Jan Coll (S558.675), Chris J Coll Surveying Limited (S566.675) and Laura Coll McLaughlin (S574.675) seeks to retain this rule. I acknowledge that these submissions seek that this rule be retained, however it is my opinion that MINZ-R4 should be deleted for the following reasons:

- MINZ-R4.1 and MINZ-R4.2 – as outlined in Section 10.19 above, I consider that these clauses are more suitable within a standalone “Any Buildings” rule that I have recommended in MINZ-RX.
- I have significant reverse sensitivity concerns regarding having these activities as permitted activities within the MINZ. The proposed definitions of

“Conservation Activities”, “Recreation Activities” and “Research Activities” are broad and include components which in my opinion, are incompatible with mineral extraction and ancillary activities, which are a key focus within the MINZ. In my opinion, retaining MINZ-R4 outlining these defined terms as permitted activities, would be contrary to the direction in MINZ-P2 and MINZ-P7. Furthermore, there is no specific policy direction regarding the promotion of these activities within the MINZ objectives and policies. As such, I consider that these activities are not anticipated and provided for within the MINZ, and therefore are more suitably considered as non-complying activities pursuant to MINZ-R10 Any activity not otherwise provided for.

290. Given that there are only submissions seeking that this rule be retained as notified, I acknowledge that there may be an issue as to the scope my recommendation to delete MINZ-R4 as outlined above and below. However, I have recommended this anyway, as I consider this to be an issue with the provisions that needs to be resolved, and I consider that there is broad scope from submissions that seek that the MINZ be deleted in its entirety.⁹

Recommendations

291. It is recommended that MINZ-R4 is deleted as follows:

~~Conservation, Recreation and Research Activities~~

~~Activity Status Permitted~~

~~Where:-~~

~~g.—Maximum building height above ground level is 10m; and~~

~~h.—Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries.~~

~~Activity status where compliance not achieved: Discretionary~~

10.21 MINZ-R5 Grazing of Animals

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1168	Support	Retain
Peter Langford	S615.221		
Karamea Lime Company	S614.221		
Koiterangi Lime Co LTD	S577.131		
Catherine Smart-Simpson	S564.165		

⁹ See for instance the submission from Forest & Bird (S560.050) which seeks to delete all Special Purpose Zones, including the MINZ and BCZ.

William McLaughlin	S567.705		
William McLaughlin	S567.706		
Geoff Volckman	S563.156		
Chris & Jan Coll	S558.676		
Chris & Jan Coll	S558.677		
Chris J Coll Surveying Limited	S566.676		
Chris J Coll Surveying Limited	S566.677		
Laura Coll McLaughlin	S574.676		
Laura Coll McLaughlin	S574.677		
Buller District Council	S538.612	Support	Remove the Advice Note for Rule 5.
Buller District Council	S538.613	Support	Remove the Advice Note for Rule 5.

Analysis

292. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1168), Peter Langford (S615.221), Karamea Lime Company (S614.221), Koiterangi Lime Co LTD (S577.131), Catherine Smart-Simpson (S564.165), William McLaughlin (S567.705), William McLaughlin (S567.706), Geoff Volckman (S563.156), Chris & Jan Coll (S558.676), Chris & Jan Coll (S558.677), Chris J Coll Surveying Limited (S566.676), Chris J Coll Surveying Limited (S566.677), Laura Coll McLaughlin (S574.676) and Laura Coll McLaughlin (S574.677) seeks to retain this rule. I agree that this rule should remain as notified, with the exception of the deletion of the note as outlined below.
293. Buller District Council (S538.612 and S538.613) seeks to remove the Advice Note from Rule 5. I have already accepted that this advice note should be deleted for the reasons outlined previously.

Recommendations

294. It is recommended that MINZ-R5 is amended as follows:

Grazing of Animals

Activity Status Permitted

~~Advice Note:~~

~~Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~

Activity status where compliance not achieved: N/A

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

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.137	Support	Retain
TiGa Minerals and Metals Limited	S493.123		
Birchfield Coal Mines Ltd	S601.114		
BRM Developments Limited	S603.065		
Birchfield Ross Mining Limited	S604.104		
Phoenix Minerals Limited	S606.089		
Whyte Gold Limited	S607.089		
Peter Langford	S615.222		
Karamea Lime Company	S614.222		
Koiterangi Lime Co LTD	S577.132		
Catherine Smart-Simpson	S564.166		
William McLaughlin	S567.707		
Geoff Volckman	S563.157		
New Zealand Coal & Carbon Limited	S472.046		
Chris & Jan Coll (S558)	S558.678		
Chris J Coll Surveying Limited	S566.678		

Laura Coll McLaughlin	S574.678		
Waka Kotahi NZ Transport Agency	S450.298		
Grey District Council	S608.798		
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.265	Support	Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards Discretion is restricted to: e. Historic and cultural heritage Poutini Ngāi Tahu values requirements;
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1169	Support in part	Amend MINZ-R6 as follows: Activity Status Controlled Matters of control are: m. The site being not within a Drinking Water Source Protection Zone (SPZ) . Noting the addition of Water Source Protection Zone Overlay rules is recommended.
Stevenson Mining Limited	S502.011	Amend	Amend Advice Note from compliance with to have regard to .
Buller District Council	S538.614	Support in part	Amend Rule 6 as follows: 3. This does not occur within: i. An area of indigenous vegetation greater than 5000m² in size that has not been assessed for its significance; A significant Natural Area

Analysis

295. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.137), TiGa Minerals and Metals Limited (S493.123), Birchfield Coal Mines Ltd (S601.114), BRM Developments Limited (S603.065), Birchfield Ross Mining Limited (S604.104), Phoenix Minerals Limited (S606.089), Whyte Gold Limited (S607.089), Peter Langford (S615.222), Karamea Lime Company (S614.222), Koiterangi Lime Co LTD (S577.132), Catherine Smart-Simpson (S564.166), William McLaughlin (S567.707), Geoff Volckman (S563.157), New Zealand Coal & Carbon Limited (S472.046), Chris & Jan Coll (S558.678), Chris J Coll Surveying Limited (S566.678), Laura Coll McLaughlin (S574.678), Waka Kotahi NZ Transport Agency (S450.298) and Grey District Council (S608.798) seek to retain the rule as notified.
296. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1169) seeks to add to the rule as follows "Matters of control are: ... *m. The*

site being not within a Drinking Water Source Protection Zone (SPZ). "Noting the addition of Water Source Protection Zone Overlay rules is recommended.

297. Stevenson Mining Limited (S502.011) seeks amend the Advice Note from "compliance with" to *"have regard to"*.
298. Buller District Council (S538.614) seeks to replace "1. i. An area of indigenous vegetation greater than 5000m² in size that has not been assessed for its significance" with *"1. i. A significant Natural Area"*
299. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.265) seeks to replace "cultural heritage" in part e. with *"Poutini Ngāi Tahu values"*.
300. I acknowledge the above submissions that seek to retain this rule as notified or amend it in the manner specified within the submissions. However, due to amendments I have recommended in Sections 10.17 – 10.19 above, I consider that MINZ-R6 should be deleted in its entirety, as I have recommended that there be a restricted discretionary activity status that apply in MINZ-RX for Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Permitted Activity Standards.
301. Given that there are only submissions seeking that this rule be retained or amend this rule as notified, I acknowledge that there may be an issue as to the scope my recommendation to delete MINZ-R6 as outlined above. However, I have recommended this anyway, as I consider this to be an issue with the provisions that needs to be resolved, and I consider that there is broad scope from submissions that seek that the MINZ be deleted in its entirety.¹⁰

Recommendations

302. It is recommended that MINZ-R6 is deleted as outlined below.

~~Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards~~

~~Activity Status Controlled~~

~~Where:~~

~~4.—This does not occur within:~~

~~i.—An area of indigenous vegetation greater than 5000m² in size that has not been assessed for its significance;~~

~~2.—This includes all earthworks associated with the mineral extraction activity; and~~

~~3.—This includes ancillary activities, buildings, structures and infrastructure required to enable the mineral extraction activity.~~

~~Matters of control are:~~

~~i.—Management of access, parking, traffic generation and transport of minerals from the site;~~

~~j.—Noise, glare, light, dust, blasting and vibration management;~~

~~k.—Hours of operation;~~

~~l.—Hazardous substances and waste management;~~

~~m.—Historic heritage and cultural heritage requirements;~~

¹⁰ See for instance the submission from Forest & Bird (S560.050) which seeks to delete all Special Purpose Zones, including the MINZ and BCZ.

- n.—Extent and design of earthworks and indigenous vegetation clearance;
- o.—Effects on ecological values including any threatened fauna or their habitats;
- p.—Design and location of ancillary buildings, structures and infrastructure;
- q.—Overburden management;
- r.—Monitoring, reporting and community liaison requirements;
- s.—Financial contributions and any requirement for bonds; and
- t.—Site rehabilitation and mine closure requirements.

Advice Note:

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

Activity status where compliance not achieved: Restricted Discretionary

10.23 MINZ-R7 Mineral Extraction and Ancillary Activities not meeting Controlled Activity Standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.138	Support	Retain
TiGa Minerals and Metals Limited	S493.124		
Birchfield Coal Mines Ltd	S601.115		
BRM Developments Limited	S603.066		
Birchfield Ross Mining Limited	S604.105		
Phoenix Minerals Limited	S606.090		
Whyte Gold Limited	S607.090		
Peter Langford	S615.223		
Karamea Lime Company	S614.223		
Koiterangi Lime Co LTD	S577.133		

Catherine Smart-Simpson	S564.167		
William McLaughlin	S567.708		
Geoff Volckman	S563.158		
New Zealand Coal & Carbon Limited	S472.047		
Chris & Jan Coll	S558.679		
Chris J Coll Surveying Limited	S566.679		
Laura Coll McLaughlin	S574.679		
Waka Kotahi NZ Transport Agency	S450.299		
Buller District Council	S538.615		
Grey District Council	S608.799		
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.266	Amend	Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards Discretion is restricted to: e. Historic and cultural heritage Poutini Ngāi Tahu values requirements;
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1171	Support in part	Amend MINZ-R7 as follows: Activity Status Restricted Discretionary Discretion is restricted to: m. The site being not within a Drinking Water Source Protection Zone (SPZ) . Noting the addition of Water Source Protection Zone Overlay rules is recommended.
Stevenson Mining Limited	S502.012	Amend	Amend Advice Note from compliance with to have regard to.

Analysis

303. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.138), TiGa Minerals and Metals Limited (S493.124), Birchfield Coal Mines Ltd (S601.115), BRM Developments Limited (S603.066), Birchfield Ross Mining Limited (S604.105),

Phoenix Minerals Limited (S606.090), Whyte Gold Limited (S607.090), Peter Langford (S615.223), Karamea Lime Company (S614.223), Koiterangi Lime Co LTD (S577.133), Catherine Smart-Simpson (S564.167), William McLaughlin (S567.708), Geoff Volckman (S563.158), New Zealand Coal & Carbon Limited (S472.047), Chris & Jan Coll (S558.679), Chris J Coll Surveying Limited (S566.679), Laura Coll McLaughlin (S574.679), Waka Kotahi NZ Transport Agency (S450.299), Buller District Council (S538.615) and Grey District Council (S608.799) seeks to retain the rule as notified.

304. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.266) seeks to replace "cultural heritage" in part e. with "*Poutini Ngāi Tahu values*".
305. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1171) seeks to add to the rule as follows "Discretion is restricted to:.. *m. The site being not within a Drinking Water Source Protection Zone (SPZ)*". Noting the addition of Water Source Protection Zone Overlay rules is recommended.
306. Stevenson Mining Limited (S502.012) seeks amend the Advice Note from "compliance with" to "*have regard to*".
307. I acknowledge the above submissions that seek to retain this rule as notified or amend it in the manner specified within the submissions. However, due to amendments I have recommended in Sections 10.17 – 10.19 above, I consider that MINZ-R7 should be deleted in its entirety, as I have recommended that there be a restricted discretionary activity status that apply in MINZ-RX for Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Permitted Activity Standards.
308. Given that there are only submissions seeking that this rule be retained or amend this rule as notified, I acknowledge that there may be an issue as to the scope my recommendation to delete MINZ-R7 as outlined above. However, I have recommended this anyway, as I consider this to be an issue with the provisions that needs to be resolved, and I consider that there is broad scope from submissions that seek that the MINZ be deleted in its entirety.¹¹

Recommendations

309. It is recommended that MINZ-R7 be deleted as follows:
- ~~Mineral Extraction and Ancillary Activities not meeting Controlled Activity Standards~~
- ~~Activity Status Restricted Discretionary~~
- ~~Where:~~
- ~~1.— This includes all earthworks associated with the mineral extraction activity;~~
- ~~and~~
- ~~2.— This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral extraction activity.~~
- ~~Discretion is restricted to:~~
- ~~a.— Management of access, parking and traffic generation from the site;~~
- ~~b.— Noise, glare, light, dust, blasting and vibration management;~~
- ~~c.— Hours of operation;~~
- ~~d.— Hazardous substances and waste management;~~
- ~~e.— Historic and cultural heritage requirements;~~

¹¹ See for instance the submission from Forest & Bird (S560.050) which seeks to delete all Special Purpose Zones, including the MINZ and BCZ.

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

~~Advice Note:~~

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

~~Activity status where compliance not achieved: N/A~~

10.24 MINZ-R8 Conservation, research and recreation activities not meeting Permitted Activity Standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1172	Support	Retain
William McLaughlin	S567.709		
Stevenson Mining Limited	S502.005		
Chris & Jan Coll	S558.680		
Chris J Coll Surveying Limited	S566.680		
Laura Coll McLaughlin	S574.680		
Buller District Council	S538.616		

Analysis

310. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1172), William McLaughlin (S567.709), Stevenson Mining Limited (S502.005), Chris & Jan Coll (S558.680), Chris J Coll Surveying Limited (S566.680), Laura Coll McLaughlin (S574.680), and Buller District Council (S538.616). I acknowledge that these submissions seek that this rule be retained, however it is my opinion that MINZ-R8 should be deleted for the following reasons:

- As outlined in Section 10.20 above, I have significant reverse sensitivity concerns regarding having these activities as permitted activities within the

MINZ. With regard to the discretionary activity status in MINZ-R8, I consider that there is no specific policy direction regarding the promotion of these activities within the MINZ objectives and policies. As such, I consider that these activities are not anticipated and provided for within the MINZ, and therefore are more suitably considered as non-complying activities pursuant to MINZ-R10 Any activity not otherwise provided for.

311. Given that there are only submissions seeking that this rule be retained as notified, I acknowledge that there may be an issue as to the scope my recommendation to delete MINZ-R8 as outlined above. However, I have recommended this anyway, as I consider this to be an issue with the provisions that needs to be resolved, and I consider that there is broad scope from submissions that seek that the MINZ be deleted in its entirety.¹²

Recommendations

312. It is recommended that MINZ-R8 be deleted as follows:

~~Conservation, research and recreation activities not meeting Permitted Activity Standards~~

~~Activity Status Discretionary~~

~~Activity status where compliance not achieved: N/A~~

10.25 MINZ-R9 Residential Activities

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1173	Support	Retain
Peter Langford	S615.224		
Karamea Lime Company	S614.224		
Koiterangi Lime Co LTD	S577.134		
Catherine Smart-Simpson	S564.168		
Geoff Volckman	S563.159		
Stevenson Mining Limited	S502.006		
Buller District Council	S538.617		

¹² See for instance the submission from Forest & Bird (S560.050) which seeks to delete all Special Purpose Zones, including the MINZ and BCZ.

Alistair Cameron	S452.004	Amend	Consequential amendment: MINZ - R9 Residential Activities not meeting Permitted Activity Standard MINZ – Rx
Davis Ogilvie & Partners Ltd	S465.008	Amend	Amend the Rule title to read MINZ - R9 Residential Activities not meeting Permitted Activity Standard MINZ – Rx” referring back to the new rule proposed but retaining the non-complying status for residential activity until mining has been completed.
William McLaughlin	S567.710	Support	Retain

Analysis

313. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1173), Peter Langford (S615.224), Karamea Lime Company (S614.224), Koiterangi Lime Co LTD (S577.134), Catherine Smart-Simpson (S564.168), Geoff Volckman (S563.159), Stevenson Mining Limited (S502.006) and Buller District Council (S538.617) seek to retain the rule. William McLaughlin (S567.710) also seeks to retain this rule. I agree that this rule should be retained.
314. Alistair Cameron (S452.004) seeks the consequential amendment as follows “MINZ - R9 Residential Activities not meeting Permitted Activity Standard MINZ – Rx. Davis Ogilvie & Partners Ltd (S465.008) also seek to amend the Rule title to read “MINZ - R9 Residential Activities not meeting Permitted Activity Standard MINZ – Rx” referring back to the new rule proposed but retaining the non-complying status for residential activity until mining has been completed. I disagree with this amendment, and consider that a non-complying activity status for residential activities should be retained, given the potential reverse sensitivity effects associated with establishing residential activities within the MINZ.

Recommendations

315. It is recommended that no amendments are made to MINZ-R9 in response to these submissions.

10.26 MINZ-R10 Any activity not provided for in another rule in the zone

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
William McLaughlin	S567.710	Support	Retain
Stevenson Mining Limited	S502.007	Support	Retain
Geoff Volckman	S563.160	Oppose	Delete

Buller District Council	S538.618	Support	Retain as notified
Catherine Smart-Simpson	S564.169	Support	Retain
Koiterangi Lime Co LTD	S577.135	Amend	Retain
Karamea Lime Company	S614.225	Oppose	Delete
Peter Langford	S615.225	Oppose	Delete
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1174	Support	Retain

Analysis

316. William McLaughlin (S567.710), Stevenson Mining Limited (S502.007), Buller District Council (S538.618), Catherine Smart-Simpson (S564.169), Koiterangi Lime Co LTD (S577.135) and Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1174) seek to retain this rule. I agree that MINZ-R10 should be retained as notified. I agree that this rule should be retained.
317. Geoff Volckman (S563.160), Karamea Lime Company (S614.225) and Peter Langford (S615.225) seek to delete the rule. I consider that the rule should be retained as it is necessary to include a catch all for activities that are not anticipated or provided for within the MINZ.

Recommendations

318. It is recommended that no amendments are made to MINZ-R10 in response to these submissions.

11.0 Plan Section - Buller Coalfield Zone

11.1 Buller Coalfield Zone

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
John Caygill	S290.005	Oppose	Delete the Buller Coalfield Zone from the Plan.
Mark Pitchfork	FS85.001	Support	Oppose of the re-zoning directly behind my house.
Brian Anderson	FS237.006	Support	the pTTPP needs to recognise the biodiversity value of the Buller Coal Plateax, and that emissions from the burning of coal (including in steel making) is incompatible with maintaining the

			life supporting processes of land, air and water. The pTTPP should include a rapid phase out of coal production on the West Coast. Historically, much of the coal mined in the proposed BCZ area has been burnt in NZ. Now that the ... (remainder of this sentence missing) Remove BCZ
Heather Muir	S385.002	Oppose	Delete the Buller Coalfield Zone from the Plan.
Mark Pitchfork	FS85.002	Support	Oppose of the re-zoning directly behind my house.
Brian Anderson	FS237.007	Support	The pTTPP needs to recognise the biodiversity value of the Buller Coal Plateax, and that emissions from the burning of coal (including in steel making) is incompatible with maintaining the life supporting processes of land, air and water. The pTTPP should include a rapid phase out of coal production on the West Coast. Remove BCZ
Buller Conservation Group	S552.189	Oppose	Delete provisions
Mark Pitchfork	FS85.003	Support	Oppose of the re-zoning directly behind my house.
Brian Anderson	FS237.014	Support	Agree: "A permissive approach will not address environmental issues adequately." Remove BCZ
Frida Inta	S553.189	Oppose	Delete provisions
Brian Anderson	FS237.015	Support	Agree: "This chapter is far too enabling of coal extraction." Remove BCZ
Karen Lippiatt	S439.002	Oppose	Include Buller Coalfield Zone area in Mineral Purpose Zone.
Brian Anderson	FS237.008	Support	agree this zone is superfluous, but the BCZ should just be removed rather than become a MEZ Remove BCZ

Forest & Bird	S560.015	Oppose	Delete the Buller Coalfield Zone (BCZ) and capture areas of lawfully established mineral extraction and ancillary activities as General Rural Zone (GRUZ) where they occur on private land, NOSZ if on private land but with high natural values, or where they occur on public conservation land, other than where zoning consistency with adjacent land is more appropriate.
Frida Inta	FS223.004	Support	The approach to mineral extraction and ancillary activities in the Plan is too permissive
Buller Conservation Group	FS224.004	Support	The approach to mineral extraction and ancillary activities in the Plan is too permissive
Bathurst Resources Limited and BT Mining Limited	FS89.049	Oppose	Contrary to BRL submission and intent of the plan
Brian Anderson	FS237.016	Support	Agree: "The approach to mineral extraction and ancillary activities in the Plan is too permissive."
Brian Anderson	S576.020	Oppose	Delete
Minerals West Coast	S569.047	Support	Retain
Bathurst Resources Limited and BT Mining Limited	FS89.041	Support	Support this position as it is consistent with BRL's submission
Brian Anderson	FS237.018	Oppose	This is a vacuous point, there is no debate that a coal resource exists. Remove BCZ
Suzanne Hills	S443.053	Oppose	Delete the Buller Coalfield Zone from the Plan.
Brian Anderson	FS237.009	Support	agree this zoning is unnecessary. Remove BCZ
Clare Backes	S444.014	Oppose	Delete the Buller Coalfield Zone from the Plan.
Brian Anderson	FS237.0010	Support	agree BCZ is unnecessary, and all mineral activities should be subject to resource consent. (a) Remove BCZ, (b) remove other permissive rules for mineral extraction

Katherine Gilbert	S473.006	Oppose	Delete the Buller Coalfield Zone from the Plan.
Brian Anderson	FS237.011	Support	agree BCZ is not necessary or appropriate, areas mapped are inappropriate for these zones. (a) Remove BCZ, (b) remove MEZ
Papahaua Resources Limited	S500.006	Support	Retain Buller Coalfield Zone and associated provisions
Brian Anderson	FS237.012	Oppose	no rational given by submitter, but the BCZ is not necessary or appropriate. Remove BCZ
Straterra	S536.010	Support	Retain the Buller Coalfield Zone
Bathurst Resources Limited and BT Mining Limited	FS89.090	Support	Support this position as it is consistent with BRL's submission
Brian Anderson	FS237.013	Oppose	Straterra suggests that regulation that ensures that environmental values are recognised and impacts are avoided is incompatible with mining and the generation of GDP. I disagree, and suggest that the externalisation of environmental impacts helps neither short-term GDP or long-term sustainability of the mining industry. Indeed, robust regulation increases GDP and widens the diversity of jobs in the minerals industry. Straterra should not be afraid of scrutiny. Remove BCZ
Forest & Bird	S560.392	Oppose	Delete the Buller Coalfield Zone and rezone the affected land as follows: <ul style="list-style-type: none"> • GRUZ for private land in pasture • NOSZ for private land that has high natural values • NOSZ for all public conservation land • In other cases, zone consistently with

			adjacent land zone as appropriate.
Buller District Council	FS149.074	Oppose	Council opposes the request.
Bathurst Resources Limited and BT Mining Limited	FS89.082	Oppose	Support this position as it is consistent with BRL's submission
Brian Anderson	FS237.017	Support	Straterra suggests that regulation that ensures that environmental values are recognised and impacts are avoided is incompatible with mining and the generation of GDP. I disagree, and suggest that the externalisation of environmental impacts helps neither short-term GDP or long-term sustainability of the mining industry. Indeed, robust regulation increases GDP and widens the diversity of jobs in the minerals industry. Straterra should not be afraid of scrutiny. Remove BCZ

Analysis

319. John Caygill (S290.005), Heather Muir (S385.002), Suzanne Hills (S443.053), Clare Backes (S444.014) and Katherine Gilbert (S473.006) seek to delete the Buller Coalfield Zone from the Plan. This is supported by Mark Pitchfork (FS85.001, FS85.002) and Brian Anderson (FS237.006, FS237.007, FS237.009, FS237.0010 and FS237.011)
320. Buller Conservation Group (S552.189) and Frida Inta (S553.189), seeks to delete these provisions. This is supported by Mark Pitchfork (FS85.003) and Brian Anderson (FS237.014, FS237.015).
321. Karen Lippiatt (S439.002) seeks to include Buller Coalfield Zone area in Mineral Purpose Zone. This is supported by Brian Anderson (FS237.008).
322. Forest & Bird (S560.015) seeks to delete the Buller Coalfield Zone (BCZ) and capture areas of lawfully established mineral extraction and ancillary activities as General Rural Zone (GRUZ) where they occur on private land, NOSZ if on private land but with high natural values, or where they occur on public conservation land, other than where zoning consistency with adjacent land is more appropriate. This is supported by Frida Inta (FS223.004), Buller Conservation Group (FS224.004) and Brian Anderson (FS237.016). This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.049).
323. Brian Anderson (S576.020) seeks to delete.
324. Forest & Bird (S560.392) seeks to delete the Buller Coalfield Zone and rezone the affected land as follows: GRUZ for private land in pasture; NOSZ for private land that has high natural values; NOSZ for all public conservation land and in other cases, zone consistently with adjacent land zone as appropriate. This is supported by Brian Anderson (FS237.017). This is opposed by Buller District Council (FS149.074) and Bathurst Resources Limited and BT Mining Limited (FS89.082).

325. The above submissions seek to delete the BCZ in one way or another. As outlined previously, I do not support the deletion of the Special Purpose Zone as it relates to the BCZ. The justification for the establishment of the BCZ is outlined within the s32 Report, and I accept that there is a basis under the National Planning Standards for the formation of a Special Purpose Zone for the BCZ.
326. Papahaua Resources Limited (S500.006) and Straterra (S536.010) seek to retain the Buller Coalfield Zone and associated provisions. This is supported by Bathurst Resources Limited and BT Mining Limited (FS89.090). This is opposed by Brian Anderson (FS237.012 and FS237.013).
327. Minerals West Coast (S569.047) seeks to retain. This is supported by Bathurst Resources Limited and BT Mining Limited (FS89.041). This is opposed by Brian Anderson (FS237.018).
328. The above submissions seek to retain the BCZ and its associated provisions. I agree that the BCZ should be retained, although I have recommended some changes to the provisions for the reasons outlined below.
329. No submissions have been made with regard to the Overview Section. However, I consider that amendments are required to the Overview Section as follows:
- Similar to the MINZ Chapter, the BCZ Overview section includes detail that the identification of the BCZ is identified based on authorisation from three different mechanisms. In my opinion and experience, it is uncommon for the criteria of what constitutes a zone to be outlined solely within an overview section of zone chapter. I consider it would be more suitable if the criteria used to identify the BCZ was located within a policy (more specifically Policy BCZ-P1). I address this further below in Section 11.6.
 - I consider that an additional section should be added regarding "Regional Consenting Requirements". I consider that this note should be added to achieve consistency between the BCZ and MINZ.
330. Given that there are no submissions on the BCZ Overview section, I acknowledge that there may be an issue as to the scope of the changes I recommend, however I have recommended these anyway, as I consider this to be an issue with the provisions that needs to be resolved and I consider that there is broad scope from submissions that seek that the BCZ be deleted in its entirety.¹³

Recommendations

331. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

332. It is recommended that the Overview Section is amended as follows:

Overview

The BCZ - Buller Coalfield Zone covers the area of the Buller Coalfield where coal mining is currently authorised. ~~The authorisation is from three different mechanisms and includes:~~

~~1.—Coal mining licences under the Coal Mines Act (1979);~~

~~2.—Ancillary coal mining licences under the Coal Mines Act (1979); and~~

~~3.—Resource consents issued under the Resource Management Act (1991).~~

....

Other relevant Te Tai o Poutini Plan provisions

¹³ See for instance the submission from Forest & Bird (S560.050) which seeks to delete all Special Purpose Zones, including the MINZ and BCZ.

....

[Regional Council Consenting Requirements - Alongside Te Tai o Poutini Plan provisions, often mineral extraction activity will require regional consents from the West Coast Regional Council, generally in relation to water takes, discharges and land disturbance activity.](#)

11.2 BCZ Objectives and Policies Generally

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Karen Lippiatt	S439.032	Not Stated	Remove all references to the social wellbeing brought about by the Mineral Extraction.
Buller District Council	S538.583	Support	The objectives and policies for the MINZ are supported. Retain as notified.
Bathurst Resources Limited and BT Mining Limited	FS89.012	Support	Support this position as it is consistent with BRL's submission
Brian Anderson	FS237.019	Oppose	No rationale is given by the submitter, but the BCZ is unnecessary and inappropriate, and all mineral activities should be subject to a robust resource consent process, commensurate with the large and often permanent impacts that mining causes. Remove BCZ

Analysis

333. Karen Lippiatt (S439.032) seeks to remove all references to the social wellbeing brought about by the Mineral Extraction. I consider it inappropriate to remove references to social wellbeing in the BCZ objectives. It is clear in my opinion, that mineral extraction does contribute to the social wellbeing of the West Coast. This is also consistent with the direction within the RPS, in particularly Section 5, which the pTTPP provisions must "give effect" to.
334. Buller District Council (S538.583) seeks to retain as notified as the objectives and policies for the MINZ are supported. This is supported by Bathurst Resources Limited and BT Mining Limited (FS89.012). This is opposed by Brian Anderson (FS237.019). This submission is noted; however, I have recommended changes to the BCZ objectives and policies below in response to other submissions.

Recommendations

335. It is recommended that submissions and further submissions are either accepted, accepted in part or rejected as shown in **Appendix 2**.

11.3 BCZ-O1

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1088	Support	Retain objective
Karen Lippiatt	S439.033	Amend	Remove reference to national significance.
Brian Anderson	FS237.020	Support	Remove mention of national significance (and remove BCZ)

Analysis

336. Karen Lippiatt (S439.033) seeks to remove reference to national significance. This is supported by Brian Anderson (FS237.020). I consider it inappropriate to delete the reference to "national significance". From the section 32 evaluation undertaken,¹⁴ I understand that the BCZ covers a discrete geographic area with the largest quantity of high-quality coal resource for steel making in New Zealand. This includes the Stockton Mine which is the largest mine in New Zealand and a complex site of over 1000ha with a range of mineral extraction and rehabilitation activities occurring across it.
337. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1088) seeks to retain the objective. This support for the objective is noted, although I have recommended changes to BCZ-O1 for the reasons outlined below.
338. I acknowledge the above submissions that seek to retain BCZ-O1 as notified. However, I consider that amendments are required to the objective as follows:
- I consider that "by inclusion of a special purpose zone" should be deleted. In my opinion, this wording is not appropriate in an objective as it is specifying the method (e.g., the application of a special purpose zone) that is being applied to achieve the objective which relates to the recognition of the national and regional significance of mineral extraction activities within the BCZ, and the contribution this makes to the region and Buller District.
 - Some consequential minor amendments to fix grammatical errors and improve the readability of the objective.
339. Given the nature of submissions specific to BCZ-O1, I acknowledge that there may be an issue as to the scope of the change I recommend to the objective, however I have recommended it anyway, as I consider this to be an issue with the provisions that needs to be resolved and I consider that there is broad scope from submissions that seek that the BCZ be deleted in its entirety.¹⁵

¹⁴ See page 7 of Te Tai o Poutini Plan Section 32 Report 14 Mineral Extraction.

¹⁵ See for instance the submission from Forest & Bird (S560.050) which seeks to delete all Special Purpose Zones, including the MINZ and BCZ.

Recommendations

340. It is recommended that BCZ-O1 is amended as follows:

Mineral extraction activities in the BCZ - Buller Coalfield Zone are enabled ~~by inclusion of a special purpose zone that recognises~~ **in recognition of** its national and regional significance, ~~their~~ **scale** and operational characteristics, and the contribution that these activities make to the economic and social wellbeing of the region and Buller District.

11.4 BCZ-O2

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Jacobus Wiskerke	S95.005	Oppose in part	Include time limits for coal mining exploration (to end by 2025) and for coal excavation (to end by 2030). For both a clause could be included to delay those dates if alternative steel production methodologies have not yet matured in first-world economies.
Brian Anderson	FS237.021	Support	Not Stated
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1089	Support	Retain objective.
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.065	Support	Support the submission in retaining Poutini Ngāi Tahu's relationship with their ancestral lands, sites, water, wāhi tapu and other taonga.
Karen Lippiatt	S439.034	Amend	Strength in terms of treatment of adverse effects.
Brian Anderson	FS237.022	Support	Not Stated

Analysis

341. Jacobus Wiskerke (S95.005) seeks to include time limits for coal mining exploration (to end by 2025) and for coal excavation (to end by 2030) and for both, a clause could be included to delay those dates if alternative steel production methodologies have not yet matured in first-world economies. This is supported by Brian Anderson (FS237.021). In my opinion, these are long term decisions that sit with central government, and I consider it inappropriate to make these changes within the context of the BCZ and pTTPP provisions more generally.
342. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1089) seeks to retain the objective. This is supported by Te Rūnanga o Ngāti

Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.065). This submission is noted; however, I have recommended amendments to BCZ-O2 as outlined below.

343. Karen Lippiatt (S439.034) seeks strength in terms of treatment of adverse effects as BCZ-O2 is very weak in the treatment of adverse effects, “minimises” seems loosely used, to really minimise would be to not go in at all. This is supported by Brian Anderson (FS237.022). In my opinion, the notified wording of “minimise” is too narrow and unclear in its interpretation. I consider that “manage” is a better term as it allows the full effects management hierarchy to be used. I have also suggested some minor changes to fix grammatical errors. This amendment also aligns the wording of BCZ-O2 with MINZ-O2.

Recommendations

344. It is recommended that BCZ-O2 is amended as follows:

To ensure that [the](#) exploration, extraction and processing of minerals within the BCZ - Buller Coalfield Zone [minimises](#) [manages](#) adverse effects on the environment, the community and the relationship of Ngāti Waewae with their ancestral lands, sites, water, wāhi tapu and other taonga.

11.5 BCZ Policies Generally

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Karen Lippiatt	S439.036	Amend	Add a new policy as follows: To prevent mine spoil covering the unique ancient bonsai forest in the unique gullies in the Buller Coalfield Zone.
Brian Anderson	FS237.023	Support	My primary submission is that the BCZ is unnecessary and inappropriate, and all mineral activities should be subject to a robust resource consent process, commensurate with the large and often permanent impacts that mining causes. The BCZ should be removed, but here and throughout the plan the negative impacts must be recognised so the effects hierarchy can be applied. a) Remove BCZ, (b) protect biodiversity, including in gullies on the Buller Plateaux from mining impacts
Buller District Council	S538.582	Support	The objectives and policies for the MINZ are supported. Retain as notified.

Bathurst Resources Limited and BT Mining Limited	FS89.011	Support	Support this position as it is consistent with BRL's submission
Brian Anderson	FS237.024	Oppose	No rationale is given by the submitter, but the BCZ is unnecessary and inappropriate, and all mineral activities should be subject to a robust resource consent process, commensurate with the large and often permanent impacts that mining causes. Remove BCZ

Analysis

345. Karen Lippiatt (S439.036) seeks to add a new policy as follows: *"To prevent mine spoil covering the unique ancient bonsai forest in the unique gullies in the Buller Coalfield Zone."* This is supported by Brian Anderson (FS237.023). This submission is noted; however, I consider there is insufficient justification provided as to why a specific policy needs to be included regarding the unique bonsai forest and gullies in the BCZ.
346. Buller District Council (S538.582) seeks to retain as notified as the objectives and policies for the MINZ are supported. This is supported by Bathurst Resources Limited and BT Mining Limited (FS89.011). This is opposed by Brian Anderson (FS237.024). This submission is noted; however, I have recommended changes to the BCZ objectives and policies above below in response to other submissions.

Recommendations

347. No changes to the BCZ Policies are recommended in response to these submission points.

11.6 BCZ-P1

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1090	Support	Retain policy
Karen Lippiatt	S439.035	Oppose	Delete the policy
Brian Anderson	FS237.025	Support	Agree that this policy should be removed (a) Remove BCZ, (b) remove PCZ – P1

Analysis

348. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1090) seeks to retain the policy. This support is noted; however, I recommend amendments to BCZ-P1 for the reasons I outline below.
349. Karen Lippiatt (S439.035) seeks to delete the policy. This is supported by Brian Anderson (FS237.025). I do not consider that BCZ-P1 should be deleted entirely, however I do consider that it should be amended. As outlined in Section 11.1 in regard to the criteria used to identify the BCZ within the Overview section, I consider that it is more appropriate that this is included in a policy, and more specifically BCZ-P1. This is because, in my opinion, the wording of an Overview Section is generally given less weighting when compared to a policy. I consider it is important to have the criteria used to identify where the BCZ should apply within a policy as it makes this clear and consistent on its application for plan users. I consider that this submission provides suitable scope to make the amendment to BCZ-P1.
350. In making my recommendation, I highlight the following key considerations:
- Crown Minerals Act 1991 – I have not recommended the inclusion of authorisations under the Crown Minerals Act 1991 within the zoning criteria policy. This is because I understand that property rights and resource management matters operate separately from each other, with property rights not being able to be exercised unless they are also authorised under the RMA. In this circumstance, I understand that a mining permit under the Crown Minerals Act 1991 is more akin to a property right than a resource consent. I understand that this is reinforced because the Crown Minerals Act 1991 (more specifically section 9) provides that compliance with the Crown Minerals Act 1991 does not remove the need to comply with all other applicable legislation. As such, in respect to a minerals licence under the Crown Minerals Act 1991, I understand that the grant of a minerals licence does not remove the requirement to obtain a resource consent (if a resource consent is required under an applicable district or regional plan).
 - Coal Mines Act 1979 – I understand that the situation for permits granted under the Coal Mines Act 1979 is different. As such, I understand that such permits are considered to be “an existing privilege” under the Crown Minerals Act, and to some extent override the provisions of the RMA. As such I have recommended the inclusion of “coal mining licences under the
 - Resource consents – I recommend the inclusion of a requirement “where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).” This covers potential MINZ sites or areas that may not have historic coal mining licences, but have been authorised under resource consents under the RMA.

Recommendations

351. It is recommended that BCZ-P1 be amended as follows:
352. To provide for the current lawfully established mineral extraction and processing activities ~~in~~ [at Stockton Mine and surrounding areas, by identifying the BCZ - Buller Coalfield Zone, and applying provisions to facilitate mineral extraction activities](#) and the opportunities for reasonable growth and expansion to meet future demands, while managing adverse effects on the environment, ~~where:~~ [where:](#)
- a. [This is currently authorised by:](#)
 - i. [Coal mining licences under the Coal Mines Act \(1979\); or](#)
 - ii. [Ancillary coal mining licences under the Coal Mines Act \(1979\); or](#)

- iii. [Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act \(1991\).](#)

11.7 BCZ-P2

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Jacobus Wiskerke	S95.006	Oppose	Adjust clause so it clearly defines the location, duration and quality of access sought, allowing other activities and developments to occur without risk of being struck out by the currently proposed wording of policy BCZ-P2. With respect to duration, I would propose a reasonable limit be used (say: until 31-12-2030) which could be reassessed with each future update of the pTTPP.
Brian Anderson	FS237.026	Support	(a) Remove BCZ, (b) adjust clause as submitter suggests
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1091	Support	Retain policy

Analysis

353. Jacobus Wiskerke (S95.006) seeks to adjust the clause so it clearly defines the location, duration and quality of access sought, allowing other activities and developments to occur without risk of being struck out by the currently proposed wording of policy BCZ-P2. With respect to duration, the submitter would propose a reasonable limit be used (say: until 31-12-2030) which could be reassessed with each future update of the pTTPP. This is supported by Brian Anderson (FS237.026). I consider the relief requested to be inappropriate. In my opinion, BCZ-2 addresses potential reverse sensitivity issues associated with activities (e.g., sensitive activities such as residential activities) locating within the BCZ that could compromise the ability to undertake mineral extraction activities.
354. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1091) seeks to retain the policy. This submission is acknowledged, and I have recommended no amendments to BCZ-P2.

Recommendations

355. It is recommended that no amendments are made to BCZ-P2 in response to these submissions.

11.8 BCZ-P3

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1092	Support	Retain policy
Minerals West Coast	S569.003	Amend	Amend to clarify the term best practice

Analysis

356. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1092) seeks to retain the policy. This support is noted, although, I have recommended changes to BCZ-P3 in response to the below submission.
357. Minerals West Coast (S569.003) seeks an amendment to clarify the term best practice. In my opinion, "best practice" is meaningless within the context of the policy, as the immediate question I have is, "best practice" to whom and what standard. In my opinion, it would be more suitable to remove the reference to environmental standards entirely within the policy and focus it to the rehabilitation. This is consistent with my recommendations on MINZ-P3 in Section 10.9.

Recommendations

358. It is recommended that BCZ-P3 is amended as follows:
 To ensure that after mineral extraction is complete, all mine sites in the BCZ - Buller Coalfield Zone are rehabilitated to ~~best practice environmental standards and to provide for~~ enable future use and activities appropriate to the area.

11.9 BCZ-P4

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.258	Amend	Maintain the quality of the environment, landscape, ecological values, Poutini Ngāi Tahu cultural values, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by: ... e. Managing and avoiding adverse effects on Poutini Ngāi Tahu cultural values;

Bathurst Resources Limited and BT Mining Limited	FS89.094	Support	Support this submission to give better recognition of all Poutini Ngai Tahu values.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1093	Support in part	Amend BCZ-P4 as follows: Maintain the quality of the environment, landscape, ecological values, Poutini Ngāi Tahu cultural values, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practical by: a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool; ... i. Ensuring that the Drinking Water Source Protection Zones (SPZ) are excluded from BCZ- Buller Coalfield Zone.
Karen Lippiatt	S439.037	Amend	May policy more stringent and protective.
Waka Kotahi NZ Transport Agency	S450.291	Support	Retain as proposed
Department of Conservation	S602.222	Amend	Amend: Maintain the quality of the environment, landscape, ecological values, Poutini Ngāi Tahu cultural values, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by: Utilising management, monitoring, rehabilitation and mine closure plans as a key tool; Managing dust, noise, vibration, access and lighting to maintain amenity values and avoid significant adverse effects; Managing traffic generation impacts on the operation, maintenance and safety of the

			<p>transport network and avoiding significant adverse effects;</p> <p>Managing impacts on significant indigenous vegetation and significant indigenous fauna habitat and associated ecological values natural character, landscape, historical values and biodiversity in accordance with the effects management hierarchy, and avoiding or mitigating other adverse effects;</p> <p>Managing and avoiding adverse effects on Poutini Ngāi Tahu cultural values;</p> <p>Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;</p> <p>Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;</p> <p>Undertaking remedial measures during extraction operations; and</p> <p>Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.</p>
Buller District Council	FS149.0145	Support	Council agrees with the suggested changes and inserting the effects management hierarchy.
Bathurst Resources Limited and BT Mining Limited	FS89.034	Oppose	Contrary to BRL submission and intent of the policy
Brian Anderson	FS237.027	Support	Agree, amend to include these adverse effects to be considered a) Remove BCZ,

			(b) adjust policy as submitter suggests
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Analysis

359. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.258) seeks to remove the term "cultural" from the P4 to ensure that all Poutini Ngāi Tahu values are taken into account. This better achieves objective BCZ-O2. This is supported by Bathurst Resources Limited and BT Mining Limited (FS89.094). This relief requested is noted, however I consider that a specific policy should be included within the BCZ to better achieve Objective BCZ-O2. I have recommended a new Policy BCZ-PX which I consider better provides for what the submitter is seeking and achieves consistency between the BCZ and MINZ. I have also subsequently deleted references to "Poutini Ngāi Tahu cultural values" in Policy BCZ-P4, as I consider these are better addressed in new Policy BCZ-PX.
360. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1093) seeks to Amend BCZ-P4 as follows:
- "a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool;
- ...
- i. Ensuring that the Drinking Water Source Protection Zones (SPZ) are excluded from BCZ- Buller Coalfield Zone."*
- As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.
361. Karen Lippiatt (S439.037) seeks the policy to be more stringent and protective. This submission is noted; however, there is no specific relief requested in terms of amendments to BCZ-P4 that I can respond to.
362. Waka Kotahi NZ Transport Agency (S450.291) seeks to retain as proposed. This submission is noted; however, I have recommended changes to BCZ-P4 for the reasons I have previously outlined.
363. Department of Conservation (S602.222) seeks to amend part d. to say "*Managing impacts on natural character, landscape, historical values and biodiversity in accordance with the effects management hierarchy, and avoiding or mitigating other adverse effects*". This is supported by Buller District Council (FS149.0145) and Brian Anderson (FS237.027). This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.034). I acknowledge this submission. However, consistent with my recommendation regarding MINZ-P5 in Section 10.11, I recommend that clause d is deleted because:
- A policy in this regard is more appropriately addressed within the Ecosystems and Indigenous Biodiversity chapter which specifically addresses Significant Natural Areas that contain significant indigenous vegetation and fauna;
 - There are no rules within the MINZ as notified relating to indigenous vegetation clearance, with these being in the ECO Chapter; and
 - Since this provision was notified, the NPS-IB has been gazetted which includes specific direction on this matter, including provisions relevant to mineral extraction in Section 3.11. I understand that the hearing on the ECO Chapter has been delayed, due to the uncertainty of the NPS-IB. I consider it would be inappropriate for me to suggest new wording pending the hearing on this topic.

Recommendations

364. It is recommended that Policy BCZ-P4 is amended as follows:

Maintain the quality of the environment, landscape, ecological values, ~~Poutini Ngāi Tahu cultural values~~, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by:

- a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool;
- b. Managing dust, noise, vibration, access and lighting to maintain amenity values and avoid significant adverse effects;
- c. Managing traffic generation impacts on the operation, maintenance and safety of the transport network and avoiding significant adverse effects;
- ~~d. Managing impacts on significant indigenous vegetation and significant indigenous fauna habitat and associated ecological values and avoiding or mitigating adverse effects;~~
- ~~e. Managing and avoiding adverse effects on Poutini Ngāi Tahu cultural values;~~
- f. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;
- g. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;
- h. Undertaking remedial measures during extraction operations; and
- i. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.

365. It is recommended that a new Policy BCZ-PX is added as follows:

Protect the relationship and mana of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga within the BCZ – Buller Coalfield Zone by:

1. Ensuring Poutini Ngāi Tahu input to any resource consenting processes;
2. Requiring ongoing liaison and communication where Poutini Ngāi Tahu values may be affected by mineral extraction, processing or rehabilitation activities;
3. Recognising the ownership of the pounamu resource lies with Te Rūnanga o Ngāi Tahu; and
4. Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.

11.10 BCZ-P5

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1094	Support	Retain policy
Karen Lippiatt	S439.038	Oppose	Delete the policy

Brian Anderson	FS237.029	Support	Agree, delete this policy (a) Remove BCZ, (b) delete policy as submitter suggests
Minerals West Coast	S569.004	Amend	Amend to clarify the meaning of "original condition".
Department of Conservation	S602.223	Amend	Amend Policy BCZ – P5: Where the removal of an area of significant indigenous vegetation or significant fauna habitat significant indigenous vegetation and significant habitats of indigenous fauna in whole or in part is necessary to provide for mineral extraction and processing activities and cannot be avoided, adverse effects should be mitigated, remedied, offset or compensated to achieve no net loss in biodiversity values addressed in accordance with the effects management hierarchy.
Buller District Council	FS149.0146	Support	Council agrees with the suggested changes and inserting the effects management hierarchy.

Analysis

366. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1094) seeks to retain the policy. This submission is noted; however, I recommend that Policy BCZ-P5 is deleted for the reasons I outline below.
367. Minerals West Coast (S569.004) seeks to amend to clarify the meaning of "original condition". This submission is noted; however, I recommend that Policy BCZ-P5 is deleted for the reasons I outline below.
368. Department of Conservation (S602.223) seeks to amend P5 to say "where the removal of an area of *significant indigenous vegetation and significant habitats of indigenous fauna* in whole or in part is necessary to provide for mineral extraction and processing activities and cannot be avoided, adverse effects should be *addressed in accordance with the effects management hierarchy.*" This is supported by Buller District Council (FS149.0146). This submission is noted; however, I recommend that Policy BCZ-P5 is deleted for the reasons I outline below.
369. Karen Lippiatt (S439.038) seeks to delete the policy. This is supported by Brian Anderson (FS237.029). I agree that BCZ-P5 should be deleted because:
- A policy in this regard is more appropriately addressed within the Ecosystems and Indigenous Biodiversity chapter which specifically addresses Significant Natural Areas that contain significant indigenous vegetation and fauna;

- There are no rules within the BCZ as notified relating to indigenous vegetation clearance, with these being in the ECO Chapter; and
- Since this provision was notified, the NPS-IB has been gazetted which includes specific direction on this matter, including provisions relevant to mineral extraction in Section 3.11. I understand that the hearing on the ECO Chapter has been delayed, due to the uncertainty of the NPS-IB. I consider it would be inappropriate for me to suggest new wording pending the hearing on this topic.

Recommendations

370. It is recommended that BCZ-P5 is deleted as follows:

~~Where the removal of an area of significant indigenous vegetation or significant fauna habitat in whole or in part is necessary to provide for mineral extraction and processing activities and cannot be avoided, adverse effects should be mitigated, remedied, offset or compensated to achieve no net loss in biodiversity values.~~

11.11 BCZ Rules Overall

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Patrick Cooper	S434.002	Support	Retain the general rules for mineral extraction
Katheirne Gilbert	S473.004	Oppose	Remove all permitted activities within the zone.
Paul Elwell-Sutton	FS75.6	Support	There can be no scope for permitted mining activities anywhere on the Coast. All mining activity consent applications must be subject to public notification and consents to be discretionary. Delete all so-called mining zones.
Paul Elwell-Sutton	FS81.4	Support	MNZs should be deleted, and all mining consent applications to be publicly notified. All applications for coal, natural gas or petroleum extraction to be subject to impacts on climate change assessments.
Brian Anderson	FS237.030	Support	My primary submission is that the BCZ is unnecessary and inappropriate, and all mineral activities should be subject to a robust resource consent process, commensurate with the large and often permanent

			<p>impacts that mining causes.</p> <p>Agree, delete all permitted activities in this zone</p> <p>(a) Remove BCZ,</p> <p>(b) delete permitted activities as submitter suggests</p>
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Analysis

371. Patrick Cooper (S434.002) seeks to retain the general rules for mineral extraction. This submission is noted; however, I have recommended changes to the BCZ rules in the proceeding sections.
372. Katheirne Gilbert (S473.004) seeks remove all permitted activities within the zone. This is supported by Paul Elwell-Sutton (FS75.6 and FS81.4) and Brian Anderson (FS237.030). As outlined previously, and in further detail below, I consider that there is scope for permitted activities within the BCZ.
373. Notwithstanding my response to the above submissions, there are a number of submissions with regard to the BCZ rules (which I address below under the relevant rule title) that relate to the advice notes within the BCZ Chapter. In response to these submissions, and to achieve a more efficient approach to the BCZ chapter (similar to that I have recommended in Section 10.15 above for the MINZ Chapter), I recommend that the notes are redrafted as follows:
- General Note – there is a “Note” within the Rules Section that relates to the application of the provisions and other rules within the pTTPP. While not specifically requested in submissions, I consider that this note is confusing and in some respects duplicates what is already stated within the Overview Section under the heading “Other Relevant Te Tai o Poutini Plan Provisions”. My recommendation, would be to delete this note, and rely on the existing direction within the Overview section of the MINZ chapter. This section clearly states the application of other chapters, in particular the Overlay Chapters and General District Wide Matters.
 - There are a number of advice notes repeated in the majority of rules within the MINZ Chapter. These include:
 - “1. Where an activity subject to this rule is located within an Overlay Chapter area, compliance with the relevant Overlay Chapter rules is required.
 2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.
 3. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.”

In my opinion, these advice notes duplicate what is already stated in the Overview Section. They are also inconsistent in terms of their application to all of the BCZ rules. It is unnecessary, and unhelpful in my opinion, to inconsistently repeat these advice notes within the BCZ rules with slightly different drafting. Rather than repeating them for every rule, I recommend that they too are deleted, with reliance placed on what is stated in the Overview Section.

Recommendations

374. It is recommended that the Note: underneath the "Rules" heading in the BCZ Chapter is deleted as follows:
- ~~Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach~~
375. It is recommended that the duplicated advice notes under Rule BCZ-R1 be deleted as follows:
- ~~1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~
- ~~2. The activity may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies.~~
376. It is recommended that the duplicated advice notes under Rule BCZ-R2 be deleted as follows:
- ~~2. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~
- ~~3. Mineral Extraction may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work which may affect waterbodies, taking and use of water and discharges to waterbodies.~~
377. It is recommended that the duplicated advice notes under Rule BCZ-R3 be deleted as follows:
- ~~1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~
378. It is recommended that the duplicated advice notes under Rule BCZ-R5 be deleted as follows:
- ~~1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~

11.12 BCZ-R1 Mineral Prospecting and Exploration

Submissions

Submitter	Submission Point & Point Number	Position	
Buller Conservation Group	S552.190	Oppose	<p>2. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed</p> <p>For areas disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3</p>
Frida Inta	S553.190		

			months after the disturbance has occurred; 5. All drilling limited to 150mm diameter and a density of one drill site per hectare.
Brian Anderson	FS237.032	Support	Agree, there should be a spatial limit on drilling a) Remove BCZ, (b) delete permitted activities in BCZ, (c) impose spatial density limit on drilling
	FS237.033		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1095	Support in part	Amend BCZ-R1 as follows: Activity Status Permitted Where: 5. The site is not within a Drinking Water Source Protection Zone (SPZ).
Brian Anderson	FS237.034	Support	Agree, there should be a drinking water zone exclusion (a) Remove BCZ, (b) delete permitted activities in BCZ, (c) amend rule as submitter suggests
Buller District Council	S538.584	Support in part	Amend Rule 1 as follows: Activity Status Permitted Where: This is authorised under a prospecting or exploration permit from NZPAM; 1. Notice is provided to the relevant District Council Consent Authority 10 working days prior to the works commencing; 2. Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the

			<p>area of land disturbed as soon as possible but no later than 3 months after the disturbance has occurred. Earthworks are not within 20m of the site boundary;</p> <p>3. The site shall be is progressively rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 3 months after activities cease.</p> <p>4. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.</p>
Brian Anderson	FS237.031	Oppose	<p>This submission point should be rejected as it does not protect the biodiversity values present on the Buller Coal Plateaux</p> <p>a) Remove BCZ,</p> <p>(b) delete permitted activities in BCZ</p>

Analysis

379. Buller Conservation Group (S552.190) and Frida Inta (S553.190) seek the following amendment: "2. *For areas disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; ...5. All drilling limited to 150mm diameter and a density of one drill site per hectare.*" This is supported by Brian Anderson (FS237.032 and FS237.033).
380. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1095) seeks to add a new section to the rule as follows: "5. *The site is not within a Drinking Water Source Protection Zone (SPZ).*" This is supported by Brian Anderson (FS237.034). As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.

381. Buller District Council (S538.584) seeks the following amendment:
- "Activity Status Permitted Where: *This is authorised under a prospecting or exploration permit from NZPAM;*
1. Notice is provided to the relevant District Council 10 working days prior to the works commencing;
 2. *Earthworks are not within 20m of the site boundary;*
 3. The site *is progressively* rehabilitated as far as is practicable to its original condition, *with rehabilitation to be completed no later than 3 months after activities cease.*"
 4. To be deleted
382. This is opposed by Brian Anderson (FS237.031). I have broken my response to this submission as follows (similar to my response to MINZ-R1 above in Section 10.17):
- New BCZ-RX – I agree that it is useful to add an additional clause regarding authorisation under a prospecting or exploration permit from New Zealand Petroleum and Minerals. I also note that an equivalent provision already exists within the similar rule within the Open Space Zone (OSZ-R11). I therefore recommend this is included for consistency. I reference this as clause X below, so as not to confuse the numbering references;
 - BCZ-R1.1: I am unsure of the specific justification for increasing the notice period to the relevant District Council from "5 working days" to "10 working days." However, I note that this is currently "10 working days" within the equivalent rule within the Open Space Zone (OSZ-R11). I therefore recommend this increased to "10 working days" to be consistent. I have also added some further terms to this rule to clarify its application.
 - BCZ-R1.2: I agree with the deletion of clause 2, given the suggested redrafting of the following clauses which I address below. I have agreed to a new clause 2 regarding a 20m setback from the site boundary, to manage potential adverse effects associated with adjoining properties. I have however specifically excluded sites within the MINZ. This is to avoid this setback applying to land also located within the MINZ, which in my opinion would not require the setback.
 - BCZ-R1.3: - I agree with the deletion of this clause as I do not consider that it could be reasonably confirmed or enforced as a provision.
 - BCZ-R1.4: I have accepted the redrafting of this clause which brings in elements of existing clause 2, and in my opinion, is a clearer provision in my opinion.
 - New BCZ-R1.5: I have recommended the inclusion of a 5,000m³ limit of excavation material per calendar year per site for consistency across the various zones. In my opinion, it is inappropriate to have no excavation limit for excavation associated with mineral prospecting or mineral exploration.
 - New MINZ-R1.6: I have recommended a clause to control mineral extraction in sensitive environments including Outstanding Natural Landscapes; Outstanding Natural Features; Historic Heritage sites; a Site or Area of Significance to Māori; a Significant Natural Area; or an area of High or Outstanding Coastal Natural Character. Given the values that are to be protected within these sensitive areas, I consider it inappropriate to have a permitted activity status for mineral prospecting and mineral exploration within these sensitive environments.
 - Deletion of advice notes: for reasons outlined previously above, I have recommended the deletion of the advice notes within this rule.

- Activity status where compliance is not achieved – I recommend that this is amended from “Controlled” to “Restricted Discretionary”. A controlled activity must be granted, with Council only able to impose conditions of consent relating to the matters of control. Given the scope and breadth of matters to be considered and addressed, I consider that there needs to be an ability for Council to decline resource consent as it relates to the matters of discretion that I outline below.
- Activity status where compliance not achieved with new Rule MINZ-RX – in my opinion, the activity status where the standards in the New Restricted Discretionary Activity Rule MINZ-RX is not achieved would be discretionary. In my opinion, full discretion should be provided for where a Mineral Extraction Management Plan is not provided, or occur within sensitive environments, given the breadth of matters that would need to be considered and assessed in such instances.

Recommendations

383. It is recommended that BCZ-R1 is amended as follows:

Mineral Prospecting and [Mineral](#) Exploration

Activity Status Permitted

Where:

X. It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required;

1. Written Notice is provided to the Buller District Council at least 5 10 working days ahead of ~~work~~ any Mineral Prospecting or Mineral Exploration being undertaken;
2. ~~Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred; Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary (excluding sites that are also within the MINZ – Mineral Extraction Zone);~~
3. ~~All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat; and~~
4. The site ~~shall be~~ is progressively rehabilitated as ~~much far~~ is practicable to its original condition, with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral Extracting ceases;
5. No more than 5,000m³ of material is excavated in a calendar year per site; and
6. The mineral prospecting or mineral exploration does not occur within:
 - a. An Outstanding Natural Landscape;
 - b. An Outstanding Natural Feature;
 - c. A Historic Heritage site;
 - d. A Site or Area of Significance to Māori;
 - e. A Significant Natural Area; or
 - f. An area of High or Outstanding Coastal Natural Character.

~~Advice Note:~~

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

Activity status where compliance not achieved: Controlled

11.13 BCZ-R2 Mineral Extraction and Processing

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1096	Support in part	Amend BCZ-R2 as follows: Activity Status Permitted Where: 9. The site is not within a Drinking Water Source Protection Zone (SPZ).
Brian Anderson	FS237.040	Support	Agree, there should be a drinking water zone exclusion a) Remove BCZ, (b) delete permitted activities in BCZ, (c) amend rule as submitter suggests
Minerals West Coast	S569.012	Amend	Delete Advice note 3.
Brian Anderson	FS237.039	Oppose	MWC seems concerned that mining will be subject to freshwater regulations, as any other activity would be. My suggestion – the mining industry should have to meet the freshwater rules. The advice note should be retained. (a) Remove BCZ, (b) retain advice note
Lynley Hargreaves	S481.010	Oppose	Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan
Brian Anderson	FS237.035	Support	Agree, rules for mineral extraction are too weak. Prospecting and Exploration

			should have similar limits placed on them to the current Westland District Plan
Lynley Hargreaves	S481.015	Oppose	Delete the Rule
Brian Anderson	FS237.036	Support	Agree, the 'lawfully established' rule will add to confusion around activity conditions (a) Remove BCZ, (b) delete rule
Bathurst Resources Limited and BT Mining Limited	S491.048	Support	Retain
Brian Anderson	FS237.037	Oppose	Disagree, the 'lawfully established' rule will add to confusion around activity conditions (a) Remove BCZ, (b) delete rule
Buller District Council	S538.585	Support	AMEND RULE 2 AS FOLLOWS: 2. Where the site is active, or intended to be active within the next 12 months: 1. To the extent not already required by any coal mining Licence.... These Plans will be required until the relevant district council certifies that rehabilitation mine closure is complete. 6. A bond is in place with the relevant district council; To the extent not already required by any coal mining licence or resource consent, an independent bond assessment prepared by suitably qualified and experienced person has been provided to the relevant district council a minimum of 20 working days prior to activities commencing and the recommended bond sum is lodged with the

			<p>relevant District Council.</p> <p>Council seeks provision of a mechanism that provides for on-going review of bonds and adjustment of bond sums when needed.</p>
Brian Anderson	FS237.038	Oppose	<p>Agree, there is a significant issue around bonding with these proposed permitted activities. The complexity around dealing with all of these issues means that the most parsimonious solution is too simple require a resource consent, as at present. My proposal is that the rule should be deleted, rather than amended.</p> <p>(a) Remove BCZ,</p> <p>(b) delete rule</p>

Analysis

Retain

384. Bathurst Resources Limited and BT Mining Limited (S491.048) seeks to retain this rule as notified. This is opposed by Brian Anderson (FS237.037). These submissions are noted; however, I have recommended amendments to the BCZ-R2 as outlined below.

Delete

385. Lynley Hargreaves (S481.015) seeks to delete the rule. This is supported by Brian Anderson (FS237.036). I do not consider that BCZ-R2 should be deleted in its entirety, however I do consider that significant amendments are required for the reasons outlined below.

Amend – Advice Notes

386. Minerals West Coast (S569.012) seek to delete the Advice Note 3. This is opposed by Brian Anderson (FS237.039). For the reasons I have already outlined in Section 11.11 above, I consider that all the advice notes in BCZ-R2 should be deleted as they duplicate what is already stated in the Overview Section.

Amend – Other

387. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1096) seeks to add to the rule as follows: "Activity Status Permitted Where: ... 9. The site is not within a Drinking Water Source Protection Zone (SPZ)." This is supported by Brian Anderson (FS237.040). As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.

388. Lynley Hargreaves (S481.010) seeks that Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan. This is supported by Brian Anderson (FS237.035).
389. Buller District Council (S538.585) seeks the following amendments:
- a minor change to Clause 2(b) where the reference to 'rehabilitation' should be changed to '*mine closure*';
 - item 6 be changed to "*To the extent not already required by any coal mining licence or resource consent, an independent bond assessment prepared by suitably qualified and experienced person has been provided to the relevant district council a minimum of 20 working days prior to activities commencing and the recommended bond sum is lodged with the relevant District Council*".
 - Council seeks provision of a mechanism that provides for on-going review of bonds and adjustment of bond sums when needed. This is opposed by Brian Anderson (FS237.038).
390. I acknowledge all of the above submissions which seek to amend BCZ-R2 in one way or another. Noting these submissions alongside earlier submissions to delete this Rule, I consider that there is broad scope to amend this rule and the overall approach to mineral extraction and mineral prospecting activities within the BCZ.
391. Similar to what I have already outlined with regard to the MINZ in Section 10.18, I have significant concerns regarding the current drafting of BCZ-R2. In my opinion and experience, a permitted activity rule needs to be clear and measurable, with no judgement afforded as to whether or not compliance is achieved or not. For example, it must be black and white whether a proposed activity complies with the permitted standard or. An element of judgement or assessment being required by Council can mean that it becomes "ultra vires."
392. As currently drafted, I have significant concerns about the "vires" of BCZ-R2 as a permitted activity. In particular I am concerned with:
- Mineral Extraction Management Plan (BCZ-R2. 2.a.) – I consider that this requirement is simply unworkable as a permitted activity standard. There is significant ambiguity within this requirement and how Council would be able to reasonably determine, without an element of discretion or judgement, that an activity complies with this clause. The scope and breadth of matters that would be required to be addressed is wide, and in my opinion, it is appropriate that an assessment is made as to the suitability of the management plan in terms of the management of adverse effects on the environment as directed in the BCZ objectives and policies (namely BCZ-O2 and BCZ-P1 and BCZ-P4).
 - Environmental Monitoring Report and Annual Work Plan (BCZ-R2. 2.b.) – I have similar concerns regarding this requirement, to those already outlined above. As a permitted activity standard, there is no clear and measurable detail as to what an acceptable Report and Plan would be. Under this requirement, it is perceivable that a brief and potentially inadequate document with the title "Environmental Monitoring Report and Annual Work Plan" could be submitted, with no ability for Council to assess its completeness or suitability. I have similar concerns regarding clauses BCZ-R2.3 and BCZ-R2.4 as it relates to rehabilitation and mine closure.
 - Stakeholder Liaison Group (BCZ-R2. 2.c) – similar to the above, I cannot understand how this requirement would work as a clear and measurable permitted activity standard.
 - Bond requirement (BCZ-R2.6) - clause 6 simply states that "a bond is in place with the Buller District Council." No detail is provided as to what a suitable bond amount is, or how it is implemented. Therefore perceivably, a bond amount of \$1 could be in place with the Buller District Council, with no ability

for the Council to determine whether that amount is suitable. I am not aware of a bond requirement being a permitted activity standard, nor can I think of a method to include such a requirement in the scope of a permitted activity rule.

393. Considering this in the above in the round, I consider that the whole approach to mineral extraction and mineral processing activities within the BCZ needs to be amended. In my opinion, the following approach would be more appropriate in the context of the direction within the BCZ objectives and policies:

- BCZ-R2.1 – I recommend that this existing clause is retained with some minor amendments to the terminology for consistency and including an “[insert date].” While I consider that is arguably not needed given that existing use rights are already protected under the relevant provisions of the RMA, this is consistent with other similar provisions and the definition of “lawfully established” which I have recommended is retained.
- BCZ-R2.2 – BCZ-R2.4 & BCZ-R.6 – I recommend the deletion of these clauses. As outlined above, these matters do not work as permitted activity standards, and in my opinion, this needs to be addressed in a restricted discretionary activity rule framework which I detail further below.
- BCZ-R2.5 – I recommend that this is retained as a permitted activity standard. In my opinion, it is clear and measurable and a reasonable standard to include to limit the hours of blasting or vibration associated with mineral extraction and mineral processing.
- BCZ-R2.7 & BCZ-R2.8 – I recommend that these provisions are deleted as they are unnecessary. These rules apply as outlined in the relevant Noise and Light Chapters, which is confirmed within the BCZ Overview section.
- Advice notes – I recommend the deletion of the advice notes for the reasons already outlined above.
- Activity status where compliance is not achieved – I recommend that this is amended from “Controlled” to “Restricted Discretionary”. A controlled activity must be granted, with Council only able to impose conditions of consent relating to the matters of control. Given the scope and breadth of matters to be considered and addressed in the Mineral Extraction Management Plan in accordance with Appendix 7, I consider that there needs to be an ability for Council to decline resource consent as it relates to the matters of discretion that I outline below.
- New Restricted Discretionary Activity Rule BCZ-RX Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards – further to the above, I recommend that a new Rule be included. For any mineral extraction, mineral processing and ancillary not meeting the permitted activity standards, this would be a restricted discretionary activity where a Mineral Extraction Management Plan is provided in accordance with the relevant matters in Appendix Seven. This will allow the relevant District Council the ability to receive and assess the plan, and provide scope and discretion to request further information, and decline the application if it does not suitably address relevant matters. This recommended rule also includes a new clause regarding the mineral extraction or mineral processing not occurring within sensitive environments (e.g., Outstanding Natural Landscapes).
- Activity status where compliance not achieved with new Rule BCZ-RX – in my opinion, the activity status where the standards in the New Restricted Discretionary Activity Rule BCZ-RX is not achieved would be discretionary. In my opinion, full discretion should be provided for where a Mineral Extraction Management Plan is not provided, or occur within sensitive environments,

given the breadth of matters that would need to be considered and assessed in such instances.

Recommendations

394. It is recommended that BCZ-R2 be amended as follows:

Mineral Extraction and [Mineral](#) Processing

Activity Status Permitted

Where:

1. The ~~m~~Mineral ~~e~~Extraction and ~~M~~ineral ~~p~~rocessing ~~is are~~ lawfully established at the date of the Plan becoming operative [\[insert date\]](#); ~~and~~
 - ~~2. Where the site is active, or intended to be active within the next 12 months:~~
 - ~~a. To the extent not already required by any coal mining licence or resource consent, a Mineral Extraction Management Plan shall be prepared in accordance with the outline provided in Appendix Seven and be submitted to the Buller District Council within 12 months for certification. This plan will:~~
 - ~~i. Provide an outline of the issues and values that need to be managed at the site;~~
 - ~~ii. Provide the detail of how these issues and values will be managed;~~
 - ~~iii. Set out a schedule of annual monitoring to be undertaken; and~~
 - ~~iv. Outline the rehabilitation and mine closure process for the site;~~
 - ~~b. To the extent not already required by any coal mining licence or resource consent, an annual Environmental Monitoring Report and Annual Work Plan shall be prepared and submitted to the Consent Authority by 30 March of each calendar year. These Plans will be required until the Buller District Council certifies that rehabilitation is complete;~~
 - ~~c. A stakeholder liaison group shall be formed and meet annually to discuss the results of the monitoring and proposed activities for the next year. This group shall include representatives of Buller District Council, West Coast Regional Council, Department of Conservation and Te Rūnanga o Ngāti Waewae and continue to meet annually or less frequently as agreed by the participants, until full and final rehabilitation of the site is complete;~~
 - ~~3. During mineral extraction activity, progressive rehabilitation of all disturbed areas is undertaken in accordance with the rehabilitation programme in the Mineral Extraction Management Plan;~~
 - ~~4. Upon ceasing of mineral extraction and processing activity, a programme of mine closure shall be undertaken in accordance with the mine closure programme in the Mine Closure Plan;~~
 5. No blasting or vibration shall occur outside the hours of 0700 to 2200 hours weekdays and 0800 to 1800 hours on weekends and public holidays~~7.~~
 - ~~6. A bond is in place with the Buller District Council;~~
 - ~~7. Noise meets the Permitted Activity Standards in Rule NOISE—R10; and~~
 - ~~8. Light and glare meet the Permitted Activity standards in Rule LIGHT—R4.~~
- Advice Notes:
- ~~1. Only active mineral extraction sites, or those expected to be active within 12 months are required to prepare a Mineral Extraction Management Plan, Annual Work Plan or Environmental Monitoring Report.~~

~~2.—Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~

~~3.—Mineral Extraction may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work near or within waterbodies, taking and use of water and discharges to waterbodies.~~

Activity status where compliance not achieved: ~~Controlled~~ Restricted Discretionary

395. It is recommended that a new Restricted Discretionary Activities Rule BCZ-RX is created as follows:

Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

1. A Mineral Extraction Management Plan is prepared and provided to Council in accordance with the relevant matters outlined in Appendix Seven; and
2. The mineral prospecting or mineral exploration does not occur within:
 - a. An Outstanding Natural Landscape;
 - b. An Outstanding Natural Feature;
 - c. A Historic Heritage site;
 - d. A Site or Area of Significance to Māori;
 - e. A Significant Natural Area; or
 - f. An area of High or Outstanding Coastal Natural Character.

Discretion is restricted to:

- a. The relevant matters within Appendix 7; and
- b. Suitable bond requirements;

Activity status where compliance not achieved: Discretionary

396. It is recommended that a new Discretionary Activities Rule BCZ-RX is created as follows:

Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Restricted Discretionary Standards

Activity Status Discretionary

Activity status where compliance not achieved: N/A

11.14 BCZ-R3 Activities ancillary to lawfully established mineral extraction and processing

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1097	Support in part	Amend MINZ-R3 as follows: Activity Status Permitted Where: 9. The site is not within a Drinking Water Source Protection Zone

			(SPZ).
Brian Anderson	FS237.045	Support	Agree, there should be a drinking water zone exclusion (a) Remove BCZ, (b) delete controlled activities in BCZ, (c) amend rule as submitter suggests
Lynley Hargreaves	S481.016	Oppose	Oppose activities ancillary to mineral extraction that is lawfully established at the date when the Plan becomes operative being Permitted Activities.
Brian Anderson	FS237.041	Support	Agree, ancillary activities should not be permitted (a) Remove BCZ, (b) delete rule
Bathurst Resources Limited and BT Mining Limited	S491.031	Amend	Amend BCZ – R3 to be consistent with CE – R4 so that the existing structures remain permitted.
Brian Anderson	FS237.042	Oppose	Disagree, structures associated with coal mining should not be permitted Remove BCZ
Bathurst Resources Limited and BT Mining Limited	S491.049	Amend	Delete BCZ- R3 (2) and (3)
Brian Anderson	FS237.043	Oppose	Disagree, these activities should not be permitted (a) Remove BCZ, (b) delete rule
Buller District Council	S538.586	Support	Amend Rule 3 as follows: 5- There shall be offensive or objectionable dust nuisance at or beyond the property boundary of the mineral extraction site as a result of the activity.

			<p>6. A bond is in place with the relevant district council, To the extent not already required by any coal mining licence or resource consent, an independent bond assessment prepared by a suitably qualified and experienced person is provided to the relevant district council a minimum of 20 working days prior to activities commencing and the recommended bond sum is lodged with the relevant District Council; </p> <p>Council seeks provision of a mechanism that provides for on-going review of bonds and adjustment of bond sums when needed. Council seeks that the relationship between Rules 2 and 3 is clarified.</p>
Brian Anderson	FS237.044	Oppose	<p>Agree, there is a significant issue around bonding with these proposed permitted activities. The complexity around dealing with all of these issues means that the most parsimonious solution is to simple require a resource consent, as at present. My proposal is that the rule should be deleted, rather than amended.</p> <p>(a) Remove BCZ, (b) delete rule</p>

Analysis

397. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1097) seeks to add to the rule as follows: "Activity Status Permitted Where: *9. The site is not within a Drinking Water Source Protection Zone (SPZ).*" This is supported by Brian Anderson (FS237.045). As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.
398. Lynley Hargreaves (S481.016) seeks to oppose activities ancillary to mineral extraction that is lawfully established at the date when the Plan becomes operative being Permitted Activities. This is supported by Brian Anderson (FS237.041).

399. Bathurst Resources Limited and BT Mining Limited (S491.031) seeks to amend the rule to be consistent with CE – R4 so that the existing structures remain permitted. This is opposed by Brian Anderson (FS237.042)
400. Bathurst Resources Limited and BT Mining Limited (S491.049) seeks to delete items 2 and 3 from the rule. This is opposed by Brian Anderson (FS237.043).
401. Buller District Council (S538.586) seeks to amend the rule by:
- removing item 5 and
 - editing item 6 to *state "To the extent not already required by any coal mining licence or resource consent, an independent bond assessment prepared by a suitably qualified and experienced person is provided to the relevant district council a minimum of 20 working days prior to activities commencing and the recommended bond sum is lodged with the relevant District Council;*
 - Council seeks provision of a mechanism that provides for on-going review of bonds and adjustment of bond sums when needed. Council seeks that the relationship between Rules 2 and 3 is clarified. This is opposed by Brian Anderson (FS237.044).
402. I acknowledge all of the above submissions which seek to amend BCZ-R3 in one way or another. Noting these submissions, I consider that there is broad scope to amend this rule. On this basis, I consider that the following amendments should be made:
- BCZ-R3.1 – I recommend that this clause is retained subject to some minor amendments to clarify the wording. I also recommend that "existing at the date of notification of the Plan be deleted" and replaced with "that are lawfully established at the date the Plan becomes operative [insert date]." This is consistent with the wording in BCZ-R2.1 that I outlined above in Section 11.13.
 - BCZ-R3.2 & BCZ-R3.3 – I recommend that these clauses are deleted. In my opinion, these are more appropriate as standalone "building rules" that apply to any buildings within the BCZ, not just those associated with "Activities ancillary to lawfully established mineral extraction and processing". I recommend that this captured in a new BCZ-RX "Any Buildings" rule which relates to all buildings in the BCZ.
 - BCZ-R3.4 – I recommend that this clause is deleted in its entirety. In my opinion, this is already addressed in the Transport Chapter, and in particular Rule TRN-R12, which links to standard TRN-S14. This includes a 30-movement trigger which would apply given that the Overlay Chapters apply to the BCZ.
 - BCZ-R3.5 – I recommend that this clause is deleted as it is not clear nor measurable in terms of its application within a permitted activity rule.
 - BCZ-R3.6 – I recommend the deletion of this clause. As outlined above in [Section 10.18 and Section 11.13](#), I consider that a permitted activity bond requirement does not work as permitted activity standard, and in my opinion, this needs to be addressed in a restricted discretionary activity rule framework which I detail further below.
 - BCZ-R3.7 & BCZ-R3.8 – I recommend that these provisions are deleted as they are unnecessary. These rules apply as outlined in the relevant Noise and Light Chapters, which is confirmed within the BCZ Overview section.
 - Advice notes - I recommend the deletion of the advice note as this repeats what is already clearly stated in the Overview Section.
 - Activity status where compliance is not achieved – I recommend that this is amended from "Controlled" to "Restricted Discretionary". A controlled activity must be granted, with Council only able to impose conditions of consent

relating to the matters of control. Given the scope and breadth of matters to be considered and addressed in the Mineral Extraction Management Plan in accordance with Appendix 7, I consider that there needs to be an ability for Council to decline resource consent as it relates to the matters of discretion that I outline below.

- New Permitted Activity Rule BCZ-RX Any Buildings – as indicated above, I recommend the inclusion of a new rule for buildings within the BCZ. This simply includes the building height and setback requirement in existing clause BCZ-R3.2 & BCZ-R3.3 with some slight rewording. This includes making the building setback requirement only relevant to any boundary located outside of the BCZ. I have recommended this because I consider that the setback should not apply to boundaries within the BCZ to avoid the unnecessary triggering of resource consents across areas zoned BCZ which may include multiple cadastral allotment boundaries within it. It may be necessary to include other building controls (e.g., building coverage), but for now, I have kept this to the existing clauses given the nature of requests made in submissions.
- New Restricted Discretionary Activity Rule BCZ-RX Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards – further to the above, I recommend that a new Rule be included. For any mineral extraction, mineral processing and ancillary not meeting the permitted activity standards, this would be a restricted discretionary activity where a Mineral Extraction Management Plan is provided in accordance with the relevant matters in Appendix Seven. This will allow Buller District Council the ability to receive and assess the plan, and provide scope and discretion to request further information, and decline the application if it does not suitably address relevant matters. This recommended rule also includes a new clause regarding the mineral extraction or mineral processing not occurring within sensitive environments (e.g., Outstanding Natural Landscapes).
- Activity status where compliance not achieved with new Rule BCZ-RX – in my opinion, the activity status where the standards in the New Restricted Discretionary Activity Rule BCZ-RX is not achieved would be discretionary. In my opinion, full discretion should be provided for where a Mineral Extraction Management Plan is not provided, or occur within sensitive environments, given the breadth of matters that would need to be considered and assessed in such instances.

Recommendations

403. It is recommended that BCZ-R3 is amended as follows:

Activities ancillary to lawfully established ~~m~~Mineral ~~e~~Extraction and Mineral
pProcessing

Activity Status Permitted

Where:

3. ~~This~~ The activities includes the maintenance and operation of all roads, parking, buildings, coal haul road, aerial ropeway, water treatment facilities, railway loadout areas and structures existing ~~at the date of notification of the Plan that are lawfully established at the date the Plan becomes operative~~ [insert date];
4. ~~Maximum building height above ground level is 15m;~~
5. ~~Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;~~
6. ~~There is a maximum of 50 heavy vehicle movements per day (excluding heavy vehicle movements within the site);~~

~~7.—There shall be no offensive or objectionable dust nuisance at or beyond the zone boundary as a result of the activity;~~

~~8.—A bond is in place with the Buller District Council;~~

~~9.—Noise meets the Permitted Activity Standards in Rule NOISE—R10; and~~

~~10.—Light and glare meet the Permitted Activity standards in Rule LIGHT—R4.~~

~~Advice Notes:~~

~~2.—Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~

Activity status where compliance not achieved: ~~Controlled~~ [Restricted](#) [Discretionary](#)

404. It is recommended that a new Rule BCZ-RX is created as follows:

[Any Buildings](#)

[Activity Status Permitted](#)

[Where:](#)

- [1. The maximum building height above ground level is 15m; and](#)
- [2. Any buildings are setback a minimum of 10m from any road boundaries, and 10m from any boundary outside of the Buller Coalfield Zone - BCZ.](#)

[Activity Status where compliance not achieved: Discretionary](#)

11.15 BCZ-R4 Conservation, recreation and research activities

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1098	Support	Retain rule
Buller District Council	S538.587	Support	Retain as notified

Analysis

405. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1098) seeks to retain the rule. Buller District Council (S538.587) also seek to retain the rule as notified.

406. I acknowledge that these submissions seek that this rule be retained, however it is my opinion that this should be deleted as I have significant reverse sensitivity concerns regarding having these activities as permitted activities within the BCZ, similar to those that I have already outlined in the MINZ – See Section 10.20. The proposed definitions of “Conservation Activities”, “Recreation Activities” and “Research Activities” are broad and include components which in my opinion, are incompatible with mineral extraction and ancillary activities, which are a key focus within the BCZ. In my opinion, retaining BCZ-R4 outlining these defined terms as permitted activities, would be contrary to the direction in BCZ-P2. Furthermore, there is no specific policy direction regarding the promotion of these activities within the BCZ objectives and policies. As such, I consider that these activities are not anticipated and provided for within the BCZ, and therefore are more suitably considered as non-complying activities pursuant to BCZ-R7 as other activities not otherwise provided for.

407. Given that there are only submissions seeking that this rule be retained as notified, I acknowledge that there may be an issue as to the scope my recommendation to delete BCZ-R4 as outlined above. However, I have recommended this anyway, as I consider this to be an issue with the provisions that needs to be resolved, and I consider that there is broad scope from submissions that seek that the BCZ be deleted in its entirety.¹⁶

Recommendations

408. It is recommended that BCZ-R4 is deleted as follows:

~~Conservation, recreation and research activities~~

~~Activity Status Permitted~~

~~Where:~~

~~3.—These are undertaken in accordance with any requirements set out in the resource consent or coal mining licence for the site any Mineral Extraction Management Plan for the site.~~

~~Activity status where compliance not achieved: N/A~~

11.16 BCZ-R5 Mineral Prospecting and Exploration, Mineral Extraction and Processing and Ancillary Activities not meeting Permitted Activity standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.259	Amend	Mineral Prospecting and Exploration, Mineral Extraction and Processing and Ancillary Activities not meeting Permitted Activity standards. Matters of control are: I. Historic and Poutini Ngāi Tahu values requirements;
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1099	Support in part	Retain rule noting the addition of the Water Source Protection Zone rules to be applied.
Bathurst Resources Limited and BT Mining Limited	S491.050	Amend	Remove BCZ- R5(1)(i)
Brian Anderson	FS237.046	Oppose	Disagree, this is not a significant impediment, but rather provides an extremely limited protection for significant indigenous biodiversity. The purpose of the

¹⁶ See for instance the submission from Forest & Bird (S560.050) which seeks to delete all Special Purpose Zones, including the MINZ and BCZ.

			<p>zone is flawed in any case.</p> <p>(a) Remove BCZ,</p> <p>(b) delete controlled activities in BCZ,</p> <p>(c) retain this rule (but amend according to S602.224</p>
Buller District Council	S538.588	Support in part	<p>Amend Rule 5 as follows:</p> <p>1. This does not occur within:</p> <p>i. An area of indigenous vegetation greater than 5000m2 in size that has not been assessed for its significance; A significant Natural Area</p>
Brian Anderson	FS237.047	Oppose	<p>Disagree, this amendment is still insufficient to protect indigenous biodiversity.</p> <p>a) Remove BCZ,</p> <p>(b) delete controlled activities in BCZ,</p> <p>(c) retain this rule (but amend according to S602.224</p>
Department of Conservation	S602.224	Oppose	<p>Amend Rule BCZ R5:</p> <p>BCZ - R5 Mineral Prospecting and Exploration, Mineral Extraction and Processing and Ancillary Activities not meeting Permitted Activity standards</p> <p>Activity Status Controlled Restricted Discretionary</p> <p>Where:</p> <p>This does not occur within an area of indigenous vegetation greater than 5000m2 in size that has not been assessed for its significance;</p> <p>This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting,</p>

			<p>exploration, extraction or processing activity; and</p> <p>This includes all earthworks associated with the mineral extraction and ancillary activities.</p> <p>Matters of control are: Discretion is restricted to:</p> <p>Management of access, parking and traffic generation effects from the site;</p> <p>Noise, glare, light, dust and vibration management;</p> <p>Hours of operation;</p> <p>Hazardous substances and waste management;</p> <p>Extent and design of earthworks; Management of effects on natural character, landscape, historical and cultural values, and biodiversity;</p> <p>Effects on ecological values including any threatened fauna or their habitats;</p> <p>Design and location of ancillary buildings, structures and infrastructure;</p> <p>Overburden management;</p> <p>Monitoring, reporting and community liaison requirements;</p> <p>Financial contributions and any requirement for bonds; and</p> <p>Site rehabilitation and mine closure requirements.</p> <p>Activity status where compliance not achieved: N/A Discretionary</p>
Buller District Council	FS149.0147	Support in part	While Council does not support the change in activity status it does support the changes sought to the matters of discretion.
Bathurst Resources Limited and BT Mining Limited	FS89.035	Oppose	Contrary to BRL submission and changes the intent of the rule

Brian Anderson	FS237.048	Support	<p>Agree, with the proposed changes which would remove the controlled status of this rule, and improve the rules around indigenous vegetation.</p> <p>(a) Remove BCZ,</p> <p>(b) delete controlled activities in BCZ,</p> <p>(c) amend this rule according to this submitters proposal</p>
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Analysis

409. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.259) seeks to add a new matter of control as follows "l. Historic and Poutini Ngāi Tahu values requirements."
410. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1099) seeks to retain the rule noting the addition of the Water Source Protection Zone rules to be applied.
411. Bathurst Resources Limited and BT Mining Limited (S491.050) seeks to remove BCZ-R5(1)(i). This is opposed by Brian Anderson (FS237.046).
412. Buller District Council (S538.588) seeks to amend Rule 5 to state "1. This does not occur within: i. A significant Natural Area;". This is opposed by Brian Anderson (FS237.047).
413. Department of Conservation (S602.224) seeks to amend Rule 5 to state
"Activity Status *Restricted Discretionary* Where:
1. This does not occur within an area of indigenous vegetation greater than 5000m2 in size;
2. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and
3. This includes all earthworks associated with the mineral extraction and ancillary activities.
Discretion is restricted to:
...
f. Management of effects on natural character, landscape, historical and cultural values, and biodiversity; ..." and
"Activity status where compliance not achieved: *Discretionary*".
This is supported by Brian Anderson (FS237.048). This is supported in part by Buller District Council (FS149.0147). This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.035).
414. I acknowledge the above submissions that seek to amend this Rule in the manner specified within the submissions. However, due to amendments I have recommended in Sections 11.14 – 11.15 above, I consider that BCZ-R5 should be deleted in its entirety, as I have recommended that there be a restricted discretionary activity status that apply in BCZ-RX for Mineral Prospecting, Mineral

Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Permitted Activity Standards.

Recommendations

415. It is recommended that BCZ-R5 is deleted as follows:

~~Mineral Prospecting and Exploration, Mineral Extraction and Processing and Ancillary Activities not meeting Permitted Activity standards~~

~~Activity Status Controlled~~

~~Where:~~

~~1. This does not occur within:~~

~~i. An area of indigenous vegetation greater than 5000m² in size that has not been assessed for its significance;~~

~~2. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and~~

~~3. This includes all earthworks associated with the mineral extraction and ancillary activities.~~

~~Matters of control are:~~

~~a. Management of access, parking and traffic generation effects from the site;~~

~~b. Noise, glare, light, dust and vibration management;~~

~~c. Hours of operation;~~

~~d. Hazardous substances and waste management;~~

~~e. Extent and design of earthworks;~~

~~f. Effects on ecological values including any threatened fauna or their habitats;~~

~~g. Design and location of ancillary buildings, structures and infrastructure;~~

~~h. Overburden management;~~

~~i. Monitoring, reporting and community liaison requirements;~~

~~j. Financial contributions and any requirement for bonds; and~~

~~k. Site rehabilitation and mine closure requirements.~~

~~Advice Note:~~

~~1. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~

~~Activity status where compliance not achieved: Restricted Discretionary~~

11.17 BCZ-R6 Mineral Extraction and Processing and Ancillary Activities not meeting Controlled Activity Standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te	S620.260	Amend	Mineral Extraction and Processing and Ancillary Activities not meeting Controlled Activity Standards

Runanga o Makaawhio			Discretion is restricted to: e. Historic and cultural heritage Poutini Ngāi Tahu values requirements;
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1100	Support in part	Retain rule noting the addition of the Water Source Protection Zone rules to be applied.
Buller District Council	S538.589	Support	Retain as notified.
Brian Anderson	FS237.049	Oppose	Disagree, this rule should be amended to a discretionary rule with additional changes restrictions (a) Remove BCZ, (b) amend this rule to be Discretionary according to S602.225
Department of Conservation	S602.225	Oppose	Amend: BCZ - R6 Mineral Extraction and Processing and Ancillary Activities not meeting Controlled Restricted Discretionary Activity Standards Activity Status Restricted Discretionary Where: This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and This includes all earthworks associated with the mineral extraction and ancillary activities. Discretion is restricted to Assessment matters include:

			<p>Management of access, parking and traffic generation effects from the site;</p> <p>Noise, glare, light, dust, blasting and vibration management;</p> <p>Hours of operation;</p> <p>Hazardous substances and waste management;</p> <p>Historic and cultural heritage requirements;</p> <p>Extent and design of earthworks and indigenous vegetation clearance;</p> <p>Management of effects on natural character, landscape, historical and cultural values, and biodiversity;</p> <p>Effects on ecological values including any threatened fauna or their habitats;</p> <p>Design and location of ancillary buildings, structures and infrastructure;</p> <p>Overburden management; Monitoring, reporting and community liaison requirements;</p> <p>Financial contributions and any requirement for bonds; and</p> <p>Site rehabilitation and mine closure requirements.</p> <p>Activity status where compliance not achieved: N/A Non-complying</p>
Buller District Council	FS149.0148	Support in part	While Council does not support the change in activity status it does support the changes sought to the matters of discretion.
Bathurst Resources Limited and BT Mining Limited	FS89.036	Oppose	Contrary to BRL submission and changes the intent of the rule

Brian Anderson	FS237.050	Support	<p>Agree, with the proposed changes which would remove the restricted discretionary status of this rule, upgrade it to Discretionary, and improve the rules around natural values.</p> <p>(a) Remove BCZ,</p> <p>(b) amend this rule according to this submitters proposal.</p>
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Analysis

416. Buller District Council (S538.589) seeks to retain as notified. This is opposed by Brian Anderson (FS237.049).
417. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.260) seeks to amend "Discretion is restricted to: ... e. Historic and Poutini Ngāi Tahu values requirements;"
418. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1100) seeks to retain the rule noting the addition of the Water Source Protection Zone rules to be applied.
419. Department of Conservation (S602.225) seeks to the rule as follows:
 "Mineral Extraction and Processing and Ancillary Activities not meeting *Restricted Discretionary* Activity Standards.
 Activity Status *Discretionary* Where:
 1. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and
 2. This includes all earthworks associated with the mineral extraction and ancillary activities.
Assessment matters include:
 ...
g. Management of effects on natural character, landscape, historical and cultural values, and biodiversity;...
 Activity status where compliance not achieved: *Non-complying'*.
 This is supported by Brian Anderson (FS237.050). This is supported in part by Buller District Council (FS149.0148). This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.036).
420. I acknowledge the above submissions that seek to retain this rule as notified or amend it in the manner specified within the submissions. However, due to amendments I have recommended in Sections 11.13 – 11.14 above, I consider that BCZ-R6 should be deleted in its entirety, as I have recommended that there be a restricted discretionary activity status that apply in BCZ-RX for Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Permitted Activity Standards.
421. Given that there are only submissions seeking that this rule be retained or amend this rule as notified, I acknowledge that there may be an issue as to the scope my recommendation to delete BCZ-R6 as outlined above. However, I have recommended this anyway, as I consider this to be an issue with the provisions

that needs to be resolved, and I consider that there is broad scope from submissions that seek that the BCZ be deleted in its entirety.¹⁷

Recommendations

422. It is recommended that BCZ-R6 be deleted as follows:

~~Mineral Extraction and Processing and Ancillary Activities not meeting Controlled Activity Standards~~

~~Activity Status Restricted Discretionary~~

~~Where:~~

- ~~1.—This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and~~
- ~~2.—This includes all earthworks associated with the mineral extraction and ancillary activities.~~

~~Discretion is restricted to:~~

- ~~a.—Management of access, parking and traffic generation effects from the site;~~
- ~~b.—Noise, glare, light, dust, blasting and vibration management;~~
- ~~c.—Hours of operation;~~
- ~~d.—Hazardous substances and waste management;~~
- ~~e.—Historic and cultural heritage requirements;~~
- ~~f.—Extent and design of earthworks and indigenous vegetation clearance;~~
- ~~g.—Effects on ecological values including any threatened fauna or their habitats;~~
- ~~h.—Design and location of ancillary buildings, structures and infrastructure;~~
- ~~i.—Overburden management;~~
- ~~j.—Monitoring, reporting and community liaison requirements;~~
- ~~k.—Financial contributions and any requirement for bonds; and~~
- ~~l.—Site rehabilitation and mine closure requirements.~~

~~Advice Note:~~

- ~~1.—Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~

11.18 BCZ-R7 Residential Activities, Commercial Activities or Any activity not provided for in another rule in the zone

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and	S190.1101	Support	Retain rule

¹⁷ See for instance the submission from Forest & Bird (S560.050) which seeks to delete all Special Purpose Zones, including the MINZ and BCZ.

Public Health) of the NPHS/ Te Whatu Ora			
Buller District Council	S538.590	Support	Retain as notified
Brian Anderson	FS237.051	Oppose	(a) Remove BCZ, (b) R7 should be amended to that it includes Mineral Extraction and Processing and Ancillary Activities not meeting the Discretionary rules (amended R6). R6 should be amended to make it clear that these activities that do not meet the R6 are noncomplying

Analysis

423. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1101) seeks to retain the rule. Buller District Council (S538.590) seeks to retain as notified. This is opposed by Brian Anderson (FS237.051). I agree that BCZ-R7 should be retained as notified.

Recommendations

424. It is recommended that no amendments are made to BCZ-R7 in response to these submissions.

12.0 Plan Section – Open Space and Recreation Zones Objectives and Policies

12.1 OSRZ-P14

Submissions

Submitter	Submission Point & Point Number	Position	
Craig Schwitzer	S96.002	Oppose	Remove the provisions for mineral extraction within the open space zone
Buller Conservation Group	S552.163	Amend	retain b.
Frida Inta	S553.163		c. Adverse effects on open space and recreation values and the environment are addressed following the adverse effects hierarchy. are avoid, mitigated, remedied, offset or compensated;

WMS Group (HQ) Limited and WMS Land Co. Limited	S599.101	Amend	Amend OSRZ - P14 as follows: Provide for mineral extraction 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 avoid, 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.
Birchfield Coal Mines Ltd	S601.079		
Birchfield Ross Mining Limited	S604.070		
Phoenix Minerals Limited	S606.056		
Whyte Gold Limited	S607.054		
Frida Inta	S553.161	Support	Retain policy 14 (b)
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.610	Amend	Amend OSRZ-P14 as follows: Provide for mineral extraction activities within the OSZ- Open Space Zone where, while managing any adverse effects on the environment and human health from these activities using the effects management hierarchy, specifically ensuring: a. Impacts on open space and recreation values of the site are minimised;
WMS Group (HQ) Limited and WMS Land Co. Limited	FS231.063	Oppose	Disallow
Minerals West Coast	S569.034	Support	Retain
Minerals West Coast	S569.039		
Minerals West Coast	S569.041		
New Zealand Coal & Carbon Limited	S472.026	Oppose in part	Delete b

Straterra	S536.054	Amend	
Bathurst Resources Limited and BT Mining Limited	S491.036	Amend	Amend: Provide for mineral extraction, exploration and prospecting activities within the OSZ - Open Space Zone where: ...
Terra Firma Mining Ltd	FS108.003	Support	Allow
Buller District Council	FS149.041	Support	Allow
Bathurst Resources Limited and BT Mining Limited	S491.037	Support	Amend: Provide for ... OSZ - Open Space Zone where: a. Impacts on open space and recreation values of the site are minimised;
Buller District Council	FS149.042	Support	Allow
Bathurst Resources Limited and BT Mining Limited	S491.038	Amend	mend: Provide for ... within the OSZ - Open Space Zone where: a.... b. This is provided for within any Open Space Management Plan for the area;
Terra Firma Mining Ltd	FS108.004	Support	Allow
Buller District Council	FS149.043	Support	Allow
Bathurst Resources Limited and BT Mining Limited	S491.039	Amend	Amend: Provide for ... OSZ - Open Space Zone where: a. ... c. Adverse effects on open space and recreation values and the environment are avoided, remedied , mitigated, remedied, offset or compensated;
Buller District Council	FS149.044	Support	Allow
Terra Firma Mining Limited	S537.021	Support in part	Amend OSRZ-P14 as follows:

			<p>Delete a.</p> <p>d. Sites are rehabilitated during and/or at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.</p>
Department of Conservation	S602.187	Oppose	<p>Provide for Allow mineral extraction activities within the OSZ - Open Space Zone where:</p> <p>Impacts Adverse effects on open space and recreation values of the site are minimised;</p> <p>Adverse effects on areas and values identified in Schedules and Overlay Areas are avoided or otherwise managed in accordance with the effects management hierarchy;</p> <p>This is provided for within any Open Space Management Plan for the area;</p> <p>Adverse effects on open space and recreation values and the environment are otherwise avoided, mitigated, remedied, offset or compensated;</p> <p>Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.</p>
Department of Conservation	S602.201		
Forest & Bird	S560.346	Oppose	<p>Either delete or amend to make clear that all natural values must be protected in accordance with the ECO chapter (as amended by F&B submissions), and change 'provide' to 'consider providing'</p>
Newcoast Resources Limited	S191.003	Support	<p>Retain mineral extraction provisions in the open space zones.</p>
Forest & Bird	FS34.008	Oppose	<p>Disallow</p>
Grey District Council	FS1.035	Support	<p>Allow</p>

Phil and Helen Cook	S600.003	Support	Support provisions that provide for mineral extraction in zones.
Papahaua Resources Limited	S500.008	Support	retain the enablement of mineral extraction in the open space zones
Alvin & Kay Godfrey	S580.006	Support	retain provisions for mineral extractions in zones
Anna & Jeremy Hart	S582.003	Support	retain provisions for mineral extractions in zones
Steve and Anne Staples	S584.003	Support	retain provisions for mineral extractions in zones
Tim Burden	S585.003	Support	retain provisions for mineral extractions in zones
Tane & Rachel Little	S586.003	Support	retain provisions for mineral extractions in zones
Linda Elcock	S587.003	Support	retain provisions for mineral extractions in zones
Marty & Nicky Von Ah	S588.003	Support	retain provisions for mineral extractions in zones
Charmaine Michell	S589.003	Support	retain provisions for mineral extractions in zones
Paula Jones	S590.003	Support	retain provisions for mineral extractions in zones

Analysis

425. Frida Inta (S553.161) seeks to retain policy 14(b).
426. Minerals West Coast (S569.034, S569.039 and S569.041) also seek to retain.
427. Newcoast Resources Limited (S191.003) seek to retain mineral extraction provisions in the open space zones. This is supported by Grey District Council (FS1.035). This is opposed by Forest & Bird (FS34.008).
428. Phil and Helen Cook (S600.003), Alvin & Kay Godfrey (S580.006), Anna & Jeremy Hart (S582.003), Steve and Anne Staples (S584.003), Tim Burden (S585.003), Tane & Rachel Little (S586.003), Linda Elcock (S587.003), Marty & Nicky Von Ah (S588.003), Charmaine Michell (S589.003) and Paula Jones (S590.003) seek to retain provisions for mineral extractions in zones.
429. Papahaua Resources Limited (S500.008) seeks to retain the enablement of mineral extraction in the open space zones.
430. I acknowledge the above submission points that either seek to retain the current wording of OSRZ-P14 or the general approach to the provision for mineral extraction activities within the Open Space Zones. However, for the reasons I outline below and within further relevant sections, I recommend that amendments are required to the provisions in response to other submissions.

431. Craig Schwitzer (S96.002) seeks to remove the provisions for mineral extraction within the open space zone. This submission is noted; however, I consider it inappropriate to delete all provisions for mineral extraction within the Open Space Zones.
432. Buller Conservation Group (S552.163) and Frida Inta (S553.163) seek to retain item b. and amend item c. to state "Adverse effects on open space and recreation values and the environment *are addressed following the adverse effects hierarchy.*"
433. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.101), Birchfield Coal Mines Ltd (S601.079), Birchfield Ross Mining Limited (S604.070), Phoenix Minerals Limited (S606.056) and Whyte Gold Limited (S607.054) seek to remove items a. and b.
434. Te Mana Ora (Community and Public Health) of the NPWS/ Te Whatu Ora (S190.610) seeks to amend P14 to state "Provide for mineral extraction activities within the OSZ- Open Space Zone *while managing any adverse effects on the environment and human health from these activities using the effects management hierarchy, specifically ensuring:* a. Impacts on open space and recreation values of the site are minimised;". This is opposed by WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.063).
435. New Zealand Coal & Carbon Limited (S472.026), Straterra (S536.054) and Bathurst Resources Limited and BT Mining Limited (S491.038) seek to delete item b. This is supported by Terra Firma Mining Ltd (FS108.004) and Buller District Council (FS149.043).
436. Bathurst Resources Limited and BT Mining Limited (S491.036) seek to amend the rule as follows "Provide for mineral extraction, *exploration and prospecting* activities within the OSZ - Open Space Zone where: ..." This is supported by Terra Firma Mining Ltd (FS108.003) and Buller District Council (FS149.041).
437. Bathurst Resources Limited and BT Mining Limited (S491.037) seek to remove item a. This is supported by Buller District Council (FS149.042).
438. Bathurst Resources Limited and BT Mining Limited (S491.039) seeks a minor amendment to item c where the order of "mitigated" and "remedied" are reversed. This is supported by Buller District Council (FS149.044).
439. Terra Firma Mining Limited (S537.021) seek to remove item a. and amend item d. as follows: "Sites are rehabilitated *during and/or* at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.
440. Department of Conservation (S602.187 and S602.201) seeks the following amendment
 "Allow mineral extraction activities within the OSZ - Open Space Zone where:
- a. *Adverse effects* on open space and recreation values of the site are minimised;
 - b. *Adverse effects on areas and values identified in Schedules and Overlay Areas are avoided or otherwise managed in accordance with the effects management hierarchy;*
 - c. This is provided for within any Open Space Management Plan for the area;
 - d. Adverse effects on the environment are *otherwise avoided*, mitigated, remedied, offset or compensated;
 - e. Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity."

441. Forest & Bird (S560.346) seeks to either delete or amend the rule to make it clear that all natural values must be protected in accordance with the ECO chapter (as amended by F&B submissions), and change 'provide' to 'consider providing'.

442. I acknowledge all of the above submission points which seek to amend Policy OSRZ-14 in some way. Given the extent of changes sought, I have considered them in the round below. As such I recommend the following amendments:
- I recommend that “Mineral Extraction, Mineral Prospecting and Mineral Exploration” are also included in the first sentence. These are the defined terms, rather than “Mineral Extraction activities” on its own.
 - I recommend that clause a. is deleted. Clause a. and clause c. both reference “open space and recreational values”. This is a duplication, but creates confusion, as both contain slightly different terms. For instance, clause a references “impacts” whereas clause c. references “adverse effects”. I prefer the wording of clause c. (although I still consider amendments are required as I outline below).
 - I recommend that clause b. is deleted. With in the applicable rules, an Open Space Management Plan is not referenced, and I am not sure of its relevance.
 - I recommend that clause c. is amended to replace “avoid, mitigated, remedied, offset or compensated” to “managed”. As I have outlined previously, I consider that the term “managed” encompasses all of these effects’ management components. I have also added an “and” as I consider the list to be inclusive.
 - I recommend amendments to clause d. to be more consistent with similar changes that I have recommended to policies MINZ-P3 and BCZ-P3 (see Sections 10.9 and Sections 11.8).

Recommendations

443. It is recommended that OSRZ-P14 is amended as follows:

Provide for ~~m~~Mineral ~~extraction~~ Extraction, Mineral Prospecting and Mineral Exploration 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 ~~avoid, mitigated, remedied, offset or compensated~~ managed; and
- d. Sites or areas are rehabilitated at the ~~end~~ completion of ~~the any~~ mineral extraction ~~activity~~ activities to enable the land to be used for ~~an appropriate activity~~ future use and activities appropriate to the area.

13.0 Plan Section – Open Space Zone

13.1 OSZ-R11 Mineral Prospecting and Mineral Exploration

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.646	Amend	Amend OSZ-R11 as follows: Activity Status Permitted Where: 1. This is authorised under a prospecting or exploration permit from NZPAM; ... 6. The adverse effects on the environment and human

			health from these activities are managed appropriately using the effects management hierarchy.
WMS Group (HQ) Limited and WMS Land Co. Limited	FS231.065	Oppose	Disallow
Lynley Hargreaves	S481.009	Oppose	Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan
New Zealand Coal & Carbon Limited	S472.030	Oppose in part	Under 3. increase the timeframe to 1 year.
Rocky Mining Limited	S474.020	Support	Retain as notified
Bathurst Resources Limited and BT Mining Limited	S491.040	Support	Retain as notified
Straterra	S536.060	Amend	100m wetland setback reference should be removed
Straterra	S536.061	Amend	Under 3. increase the timeframe to one year.
Forest & Bird	S560.361	Oppose	Delete Permitted and Restricted Discretionary Activities.
TiGa Minerals and Metals Limited	FS104.063	Oppose	Disallow
Terra Firma Mining Ltd	FS108.0010		
Birchfields Ross Ltd	FS150.036		
Phoenix Minerals Limited	FS215.038		
WMS Group (HQ) Limited and WMS Land Co. Limited	FS231.060		
Birchfield Coal Mines Ltd	FS232.056		
Queenstown Lakes District Council	S523.005		

			Landscapes or Outstanding Natural Features.
Forest & Bird	S560.0591	Amend	Include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities.
Forest & Bird	S560.0592	Amend	Include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS.
Forest & Bird	S560.0593	Amend	Also include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter.

Analysis

444. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.646) seeks to add "6. The adverse effects on the environment and human health from these activities are managed appropriately using the effects management hierarchy." This is opposed by WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.065). I consider this to be an inappropriate addition within a permitted activity rule. The terminology used is unclear, and more suited to a policy, rather than a rule.
445. Rocky Mining Limited (S474.020) and Bathurst Resources Limited and BT Mining Limited (S491.040) seek to retain as notified. This submission is noted; however, I have recommended amendments to the OSZ-R11 as outlined below.
446. Lynley Hargreaves (S481.009) seeks that Prospecting and Exploration have similar limits placed on them to the current Westland District Plan. This submission is noted; however, there is insufficient detail in the relief requested for me to make any recommended changes.
447. New Zealand Coal & Carbon Limited (S472.030) and Straterra (S536.061) seek that item 3. have the timeframe increased to 1 year. I consider that there is insufficient justification provided, and I recommend that these submissions be rejected.
448. Straterra (S536.060) seeks that the 100m wetland setback reference be removed. I agree, and similar to my recommendations for the MINZ and BCZ Chapters (see Section 10.1 and Section 11.11), I recommend that this advice note, and the other two advice notes in OSZ-R11 are deleted. In my opinion, these advice notes duplicate what is already stated in the Overview Section of the Open Space Zone. It is unnecessary, and unhelpful in my opinion, to inconsistently repeat these advice notes within the OSZ Chapter with slightly different drafting to what is in the Overview Section. Rather than repeating them for this rule, I recommend that they are deleted, with reliance placed on what is stated in the Overview Section.
449. Forest & Bird (S560.361) seeks to delete the Permitted and Restricted Discretionary Activities. This is opposed by TiGa Minerals and Metals Limited (FS104.063), Terra Firma Mining Ltd (FS108.0010), Birchfields Ross Ltd (FS150.036), Phoenix Minerals Limited (FS215.038), WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.060) and Birchfield Coal Mines Ltd (FS232.056). I consider that there should be a permitted activity status that applies for Mineral

Prospecting and Mineral Exploration that meet the applicable standards, as amended by my recommendations below. With respect to the restricted discretionary activity status that currently applies if the permitted activity criteria for Mineral Prospecting and Mineral Exploration is not met, I agree that it is more appropriate that this be a discretionary activity status. The matters of discretion are included in OSZ-R19. I address these further below in Section 13.2, but the main reason for my recommendation is that the list of matters of discretion is already long – 14 separate matters as notified, with scope for further additions in response to submissions below. This means the list is already quite exhaustive covering a range of matters. I am generally unsupportive of having restricted discretionary activities with so many matters of discretion. In my opinion, if so many matters of discretion are required, then it is generally simpler to make it a discretionary activity.

450. Queenstown Lakes District Council (S523.005) seeks that clarification is provided as to the intent of provisions OSZ-R11 in regard to Mineral Prospecting and Mineral Exploration when located in or on Outstanding Natural Landscapes or Outstanding Natural Features. I agree that clarification is required with regard to the appropriate activity status for Mineral Prospecting and Mineral Exploration in Outstanding Natural Landscapes or Outstanding Natural Features, but also Historic Heritage sites, Sites or Areas of significance to Māori, Significant Natural Areas or Areas of High or Outstanding Coastal Natural Character. In my opinion, an additional clause 5. should be added to this rule confirming that Mineral Prospecting or Mineral Exploration in these sensitive areas is not a permitted activity.
451. Forest & Bird (S560.0591) seeks to include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities. I disagree, and consider that there should be a permitted activity status that applies for Mineral Prospecting and Mineral Exploration that meet the applicable standards, as amended by my recommendations below.
452. Forest & Bird (S560.0592) seeks to include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS. I consider it inappropriate to include an information requirement for an ecological assessment in this rule. I consider that this should be considered and assessed on a case by case basis, if resource consent is triggered.
453. Forest & Bird (S560.0593) seeks to include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter. As I have outlined previously, I do not consider that such notes are necessary as they are already confirmed by the Overview Section of the chapter.
454. I have outlined further amendments to this rule to make it consistent with the changes that I have recommended to the equivalent rules MINZ-R1 and BCZ-R1 (see Section 10.17 and Section 11.12). These include:
- Clauses 1 and 2: I have made some minor amendments to these clauses for consistency and readability.
 - Clause 3: I deleted the existing text and included a new clause 2 regarding a 20m setback from the site boundary, to manage potential adverse effects associated with adjoining properties.
 - Clause 4: I have redrafted this clause to being elements of existing Clause 3, and make it clearer with regards to the requirements for rehabilitation.
 - Clause 5: I have included the reference to the sensitive environments as noted above.
 - Advice notes: I have recommended the deletion of the advice notes as I consider that these are already addressed within the Overview Section.

Recommendations

455. It is recommended that OSZ-R11 is amended as follows:

Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a [mineral](#) prospecting or [mineral](#) exploration permit from ~~NZPAM~~ [New Zealand Petroleum and Minerals, where legally required](#);
2. ~~Written~~ [Notice](#) is provided to the relevant District Council ~~Consent Authority~~ 10 working days prior to ~~the any works~~ [mineral prospecting or mineral exploration](#) commencing;
3. ~~Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred~~ [Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary](#);
4. The site ~~shall be~~ [is progressively](#) rehabilitated as far as is practicable to its original condition [with rehabilitation being completed no more than three months after mineral prospecting and mineral exploration ceases](#); and
5. [No more than 5,000m³ of material is excavated in a calendar year per site](#)
6. [The mineral prospecting or mineral exploration does not occur within:](#)
 - a. [An Outstanding Natural Landscape](#);
 - b. [An Outstanding Natural Feature](#);
 - c. [A Historic Heritage site](#);
 - d. [A Site or Area of Significance to Māori](#);
 - e. [A Significant Natural Area](#); or
 - f. [An area of High or Outstanding Coastal Natural Character](#).
5. ~~All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

~~Advice Note:~~

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

Activity status where compliance not achieved: ~~Restricted~~ Discretionary

13.2 OSZ-R19 Mineral Extraction Activities and Mineral Prospecting and Exploration not meeting Permitted Activity Standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Buller Conservation Group	S552.165	Amend	h. Effects on any natural character, biodiversity and threatened fauna or their habitats;
Frida Inta	S553.165		
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.103	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.654		
Rocky Mining Limited	S474.021		
Birchfield Coal Mines Ltd	S601.081		
Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio	S620.217	Amend	Include the following wording: f. Historic and cultural heritage requirements, including any accidental discovery protocol requirements
Grey District Council	S608.096	Amend	Remove reference to "Site or Area of Significance to Māori"
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.027	Oppose	Disallow
Department of Conservation	S602.216	Amend	Amend: Activity Status Restricted -Discretionary Where: The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site,

		<p>a Site or Area of Significance to Māori, a Significant Natural Area or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas]</p> <p>Discretion is restricted to Assessment matters include:</p> <p>Impacts on conservation and recreation activities;</p> <p>Management of access, parking, traffic generation and transport of minerals from the site;</p> <p>Noise, glare, light, dust, blasting and vibration management;</p> <p>Hours of operation;</p> <p>Hazardous substances and waste management;</p> <p>Historic and cultural heritage requirements;</p> <p>Extent and design of earthworks and indigenous vegetation clearance;</p> <p>Effects on any threatened fauna or their habitats;</p> <p>Design and location of ancillary buildings, structures and infrastructure;</p> <p>Landscape measures;</p> <p>Overburden management;</p> <p>Monitoring, reporting and community liaison requirements;</p> <p>The provisions of any Open Space Management Plan for the area</p> <p>Financial contributions and any requirement for bonds; and</p> <p>Site rehabilitation and mine closure requirements.</p>
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			<p>Advice Note: Refer to Rule SASM - R7 in the Sites of Significance to Māori Chapter where mineral extraction is proposed within the Aotea or Pounamu Overlays.</p> <p>For the avoidance of doubt, any area that meets the criteria set out in Appendix 1 of the West Coast Regional Policy Statement (until such time as nationally consistent criteria apply through a National Policy Statement or National Environmental Standards) is a Significant Natural Area.</p> <p>Activity status where compliance not achieved: Non-Complying</p>
Forest & Bird	S560.362	Oppose	Delete Permitted and Restricted Discretionary Activities.
Queenstown Lakes District Council	S523.006	Not Stated	That clarification is provided as to the intent of provisions OSZ-R19 in regard to Mineral Prospecting and Mineral Exploration when located in or on Outstanding Natural Landscapes or Outstanding Natural Features.
Forest & Bird	S560.0594	Amend	Include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS.
Forest & Bird	S560.0595	Amend	Also include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter.
Forest & Bird	S560.0600	Amend	Include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities.
Papahaua Resources Limited	S500.009	Support	Retain the enablement of mineral extraction in the open space zones

Patrick Cooper	S434.001	Amend	Provide for mineral extraction within the rules for the Paparoa Ranges (Open Space Zone)
Trevor Thorpe	S528.003	Support	Retain the provisions for mineral extraction in this zone
John Thorpe	S529.003	Support	Retain the rules for mineral extraction
Phoenix Minerals	S606.057	Support	Retain as notified.
Whyte Gold Limited	S607.056	Support	Retain as notified.
Birchfield Ross Mining Limited	S604.071	Support	Retain as notified.

Analysis

456. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.103), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.654), Rocky Mining Limited (S474.021), Birchfield Coal Mines Ltd (S601.081), Papahaua Resources Limited (S500.009), Trevor Thorpe (S528.003), John Thorpe (S529.003), Phoenix Minerals (S606.057), Whyte Gold Limited (S607.056) and Birchfield Ross Mining Limited (S604.071) seek to retain. This support is noted; however, I have recommended changes to OSZ-R19 for the reasons outlined below.
457. Forest & Bird (S560.0594) seeks to include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS.
458. Forest & Bird (S560.0595) seeks to include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter. I consider that a note is unnecessary, as this is already addressed in the Overview Chapter which confirms that the overlay chapters apply in addition to
459. Grey District Council (S608.096) seeks to remove the reference to "Site or Area of Significance to Māori". This is opposed by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.027). As I outline below, I recommend a discretionary activity status for OSZ-R19, therefore there is no longer a need to include this reference.
460. Queenstown Lakes District Council (S523.006) seeks that clarification is provided as to the intent of provisions OSZ-R19 in regard to Mineral Prospecting and Mineral Exploration when located in or on Outstanding Natural Landscapes or Outstanding Natural Features. As I outline below, I recommend a discretionary activity status for OSZ-R19, therefore I consider that no clarification is required.
461. Buller Conservation Group (S552.165) and Frida Inta (S553.165) seek to amend item h. to the following "Effects on *natural character, biodiversity and* threatened fauna or their habitats;"
462. Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.217) seeks to add "including any accidental discovery protocol requirements" to the end of item f.
463. For the reasons outlined below, I have recommended that the activity status for OSZ-R19 be a discretionary activity status. Therefore, the changes to the matters of discretion sought in the above submissions is unnecessary, as I consider that

these matters can be considered on a case-by-case basis in a discretionary activity resource consent.

464. Forest & Bird (S560.362) seeks to delete Permitted and Restricted Discretionary Activities.
465. Forest & Bird (S560.0600) seeks to include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities.
466. Department of Conservation (S602.216) seeks the following amendments:
"Activity Status *Discretionary* Where:
...
Assessment matters include:
...
m. *The provisions of any Open Space Management Plan for the area;*
n. Financial contributions and any requirement for bonds;...".
They further would like to add "For the avoidance of doubt, any area that meets the criteria set out in Appendix 1 of the West Coast Regional Policy Statement (until such time as nationally consistent criteria apply through a National Policy Statement or National Environmental Standards) is a Significant Natural Area".
Amend "Activity status where compliance not achieved: *Non-Complying*".
467. The above submissions seek more restrictive activity status to apply in OSZ-R19. With respect to the restricted discretionary activity status that currently applies, I agree that it is more appropriate that this be a discretionary activity status. The matters of discretion are included in OSZ-R19. The main reason for my recommendation is that the list of matters of discretion is already long – 14 separate matters as notified, with scope for further additions in response to submissions below. This means the list is already quite exhaustive covering a range of matters. I am generally unsupportive of having restricted discretionary activities with so many matters of discretion. In my opinion, if so many matters of discretion are required, then it is generally simpler to make it a discretionary activity.
468. I do not support the matters of discretion becoming assessment criteria. This is inconsistent with the architecture of the pTTPP, and in my opinion is ultimately unnecessary, as I consider that these matters can be considered on a case-by-case basis in a discretionary activity resource consent regardless.
469. I do not support the specific request for a non-complying activity status. In my opinion, that would be inconsistent with the direction in OSRZ-P14 which seeks to "provide for mineral extraction activities" within the OSZ. In my opinion, a non-complying activity status is reserved for something not anticipated or provided for.
470. Patrick Cooper (S434.001) seeks to amend to provide for mineral extraction within the rules for the Paparoa Ranges (Open Space Zone). This submission is noted; however, I consider that OSZ-R19 should remain, with the amendments I outline below.

Recommendations

471. It is recommended that OSZ-R19 is amended as follows:
Mineral Extraction ~~Activities~~ and Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards
Activity Status ~~Restricted~~ Discretionary
~~Where:~~

- ~~1.—The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Site or Area of Significance to Māori, a Significant Natural Area or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas]~~

~~Discretion is restricted to:~~

- ~~a.—Impacts on conservation and recreation activities;~~
- ~~b.—Management of access, parking, traffic generation and transport of minerals from the site;~~
- ~~c.—Noise, glare, light, dust, blasting and vibration management;~~
- ~~d.—Hours of operation;~~
- ~~e.—Hazardous substances and waste management;~~
- ~~f.—Historic and cultural heritage requirements;~~
- ~~g.—Extent and design of earthworks and indigenous vegetation clearance;~~
- ~~h.—Effects on any threatened fauna or their habitats;~~
- ~~i.—Design and location of ancillary buildings, structures and infrastructure;~~
- ~~j.—Landscape measures;~~
- ~~k.—Overburden management;~~
- ~~l.—Monitoring, reporting and community liaison requirements;~~
- ~~m.—Financial contributions and any requirement for bonds; and~~
- ~~n.—Site rehabilitation and mine closure requirements.~~

~~Advice Note: Refer to Rule SASM—R7 in the Sites of Significance to Māori Chapter where mineral extraction is proposed within the Aotea or Pounamu Overlays.~~

Activity status where compliance not achieved: **Discretionary** [N/A](#)

13.3 OSZ-R22 Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.104	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.657		
Birchfield Coal Mines Ltd	S601.082		
Birchfield Ross	S604.072		

Mining Limited			
Phoenix Minerals Limited	S606.058		
Whyte Gold Limited	S607.057		
Minerals West Coast	S569.011		
New Zealand Coal & Carbon Limited	S472.031	Support in part	Retain the Discretionary activity status of OSZ-R22.
Straterra	S536.062	Amend	Insert Mineral Prospecting and Exploration into the heading of the rule.
Forest & Bird	S560.0550	Amend	Include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities.
Forest & Bird	S560.0551	Amend	Include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS.
Forest & Bird	S560.0552	Amend	Also include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter.
Forest & Bird	S560.0596	Amend	Include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities.
Forest & Bird	S560.0597	Amend	Delete Permitted and Restricted Discretionary Activities.
Forest & Bird	S560.0598	Amend	Include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS.
Forest & Bird	S560.0599	Amend	Also include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter.
New Zealand Coal &	S472.032	Oppose in	Insert Mineral Prospecting and Exploration into the heading of

Carbon Limited		part	the rule.
Buller District Council	FS149.037	Support	Allow
Department of Conservation	S602.218	Oppose	Amend: OSZ - R22 Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards Activity Status Discretionary Non-complying Advice Note: When assessing resource consent applications for mineral extraction activities assessment against Policies RURZ – P20, RURZ – P22, RURZ – P23, RURZ – P24 and RURZ – P26 should also be undertaken. Activity status where compliance not achieved: N/A
Forest & Bird	S560.363	Oppose	Delete Permitted and Restricted Discretionary Activities.

Analysis

472. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.104), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.657), Birchfield Coal Mines Ltd (S601.082), Birchfield Ross Mining Limited (S604.072), Phoenix Minerals Limited (S606.058), Whyte Gold Limited (S607.057) and Minerals West Coast (S569.011) seek to retain the rule.
473. New Zealand Coal & Carbon Limited (S472.031) seeks to retain the Discretionary activity status of OSZ-R22.
474. Straterra (S536.062) seeks to insert Mineral Prospecting and Exploration into the heading of the rule.
475. Forest & Bird (S560.0550 and S560.0596) seeks to include at least a discretionary consent requirement for all mining activities, including prospecting, explorations, extraction, processing, and ancillary activities.
476. Forest & Bird (S560.0551 and S560.0598) seeks to include a requirement in that rule/those rules to undertake an ecological assessment in accordance with Appendix 1 of the WCRPS.
477. Forest & Bird (S560.0552 and S560.0599) seeks to include a note that all vegetation clearance associated with mining activities is dealt with under the ECO chapter.
478. Forest & Bird (S560.0597 and S560.363) seeks to delete Permitted and Restricted Discretionary Activities.
479. New Zealand Coal & Carbon Limited (S472.032) seeks to insert Mineral Prospecting and Exploration into the heading of the rule. This is supported by Buller District Council (FS149.037)

480. I acknowledge all of the above submissions with regard to OSZ-R22. However, as a consequence of my amendments to OSZ-R19 (see Section 13.2 above) I consider that this rule is now redundant, and I recommend that it be deleted in its entirety. This includes the advice note, which references Policies within the Rural Zones Chapter. These cross references are illogical in my opinion, as I cannot see how the policies of the Rural Zones could apply to a Rule within an Open Space Zone.
481. Department of Conservation (S602.218) seeks the to change the Activity Status to "Non-complying", remove the Advice Note and change the Activity status where compliance not achieved to "N/A". I do not support the specific request for a non-complying activity status. In my opinion, that would be inconsistent with the direction in OSRZ-P14 which seeks to "provide for mineral extraction activities" within the OSZ. In my opinion, a non-complying activity status is reserved for something not anticipated or provided for.

Recommendations

482. It is recommended that OSZ-R22 be deleted as follows:

~~Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards~~

~~Activity Status Discretionary~~

~~Advice Note:~~

~~When assessing resource consent applications for mineral extraction activities assessment against Policies RURZ-P20, RURZ-P22, RURZ-P23, RURZ-P24 and RURZ-P26 should also be undertaken.~~

~~Activity status where compliance not achieved: N/A~~

14.0 Plan Section – Natural Open Space Zone

14.1 NOSZ-R16 Mineral Extraction Activities

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.633	Support	Retain
Birchfield Coal Mines Ltd	S601.080	Amend	Amend NOSZ as follows: NOSZ - R16 Mineral Extraction Activities Activity Status Discretionary Non-complying
West Coast Regional Council	FS136.029	Support in part	Allow in part
Whyte Gold Limited	S607.055	Amend	Amend NOSZ as follows: NOSZ - R16 Mineral Extraction Activities Activity Status Discretionary Non-complying
Minerals West Coast	S569.009		
Straterra	S536.058		

Terra Firma Mining Ltd	FS108.008	Support	Allow
Straterra	S536.059	Amend	Insert Mineral Prospecting and Exploration into the heading of the rule.
Forest & Bird	S560.358	Amend	Amend activity status to prohibited, and include all mining activities, including prospecting, exploration, extraction, processing, and ancillary activities.
TiGa Minerals and Metals Limited	FS104.062	Oppose	Disallow
Terra Firma Mining Ltd	FS108.009	Oppose	Disallow
Birchfields Ross ltd	FS150.035		
Phoenix Minerals Limited	FS215.037		
WMS Group (HQ) Limited and WMS Land Co. Limited	FS231.059		
Birchfield Coal Mines Ltd	FS232.055		
New Zealand Coal & Carbon Limited	S472.028	Oppose in part	Amend NOSZ as follows: NOSZ - R16 Mineral Extraction Activities Activity Status Discretionary Non-complying
Terra Firma Mining Ltd	FS108.008		Allow
New Zealand Coal & Carbon Limited	S472.029	Oppose in part	Insert Mineral Prospecting and Exploration into the heading of the rule.
Buller District Council	FS149.036	Support	Allow
Forest & Bird	S560.018	Amend	Amend rules in NOSZ, to make all mining activities prohibited in that zone.
Terra Firma Mining	FS108.007	Oppose	Disallow

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Analysis

483. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.633) seeks to retain. These submissions are noted, and I agree that the non-complying activity status should be retained for the reasons I outline below.
484. Straterra (S536.059) and New Zealand Coal & Carbon Limited (S472.029) seek to insert Mineral Prospecting and Exploration into the heading of the rule. This is supported by Buller District Council (FS149.036). I agree that these terms should be inserted into the heading in this rule, as these are the defined terms used in the pTTPP and it is important to ensure all are covered within the rule.
485. Birchfield Coal Mines Ltd (S601.080), Whyte Gold Limited (S607.055), Minerals West Coast (S569.009), Straterra (S536.058) and New Zealand Coal & Carbon Limited (S472.028) seek to amend the Activity Status to Discretionary. This is supported by Terra Firma Mining Ltd (FS108.008 and FS108.008). This is supported in part by West Coast Regional Council (FS136.029). I do not support the request for a discretionary activity status. There is no specific policy direction regarding the provision of Mineral Extraction, Mineral Prospecting and Mineral Exploration in the NOSZ. As such, I consider it is not specifically anticipated or provided for in this zone, and therefore lends itself to a non-complying activity status.
486. Forest & Bird (S55560.358) seeks amend the activity status to prohibited, and include all mining activities, including prospecting, exploration, extraction, processing, and ancillary activities. This is opposed by TiGa Minerals and Metals Limited (FS104.062). This is opposed by Terra Firma Mining Ltd (FS108.009), Birchfields Ross Ltd (FS150.035), Phoenix Minerals Limited (FS215.037), WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.059) and Birchfield Coal Mines Ltd (FS232.055). Forest & Bird (S560.018) seek to amend rules in NOSZ, to make all mining activities prohibited in that zone. This is opposed by Terra Firma Mining Ltd (FS108.007). I consider a prohibited activity status to be inappropriate. As I outline above, there is no specific policy direction regarding the provision of Mineral Extraction, Mineral Prospecting and Mineral Exploration in the NOSZ. As such, I consider it is not specifically anticipated or provided for in this zone, and therefore lends itself to a non-complying activity status. For a prohibited activity status to be applied, I consider there would need to be some strong policy direction to "avoid" these activities within the NOSZ.

Recommendations

487. It is recommended that NOSZ-R16 is amended as follows:
[Mineral Prospecting, Mineral Exploration and Mineral Extraction Activities](#)
 Activity Status Non-complying
 Activity status where compliance not achieved: N/A

15.0 Plan Section – Rural Zones Generally

15.1 Mineral Extraction in Rural Zones Generally

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Graeme Cavaney	S121.003	Support	That mining on private property is allowed to continue with

			regulations on reinstatement of pollution in place.
Grey District Council	FS1.025	Support	Allow
Avery Brothers	S609.097	Support	Retain
William McLaughlin	S567.532		
Steve Croasdale	S516.107		
Geoff Volckman	S563.109		
New Zealand Coal & Carbon Limited	S472.034		
Chris & Jan Coll	S558.486		
Chris J Coll Surveying Limited	S566.486		
Laura Coll McLaughlin	S574.486		
Bathurst Resources Limited and BT Mining Limited	S491.042		
Buller District Council	FS149.045	Suppose	Allow - Council supports the amendment.

Analysis

488. Graeme Cavaney (S121.003) seeks that mining on private property is allowed to continue with regulations on reinstatement of pollution in place. This is supported by Grey District Council (FS1.025). This submission is noted; however, there is no specific relief requested that I can respond to.
489. Avery Brothers (S609.097), William McLaughlin (S567.532), Steve Croasdale (S516.107), Geoff Volckman (S563.109), New Zealand Coal & Carbon Limited (S472.034), Chris & Jan Coll (S558.486), Chris J Coll Surveying Limited (S566.486) and Laura Coll McLaughlin (S574.486) seek to retain. This submission is noted; however, I recommend amendments to the rural zone provisions below.
490. Bathurst Resources Limited and BT Mining Limited (S491.042) seeks to add Exploration and Prospecting to the heading. This is supported by Buller District Council (FS149.045). I assume this relates to the heading above the Policies. I agree that this should include these terms.

Recommendations

491. I recommend that the heading above the RURZ policies is amended as follows:
[Mineral Prospecting, Mineral Exploration and Mineral Extraction](#)

16.0 Plan Section – Rural Zones Objectives and Policies

16.1 RURZ-05

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Peter Langford	S615.145	Support	Retain
Karamea Lime Company	S614.145		
New Zealand Coal & Carbon Limited	S472.033		
Brian Anderson	FS237.0217	Oppose	Not Stated
Brian Anderson	FS237.0218	Oppose	Not Stated
Bathurst Resources Limited and BT Mining Limited	S491.041	Support	retain
Brian Anderson	FS237.0219	Oppose	Not Stated
Waka Kotahi NZ Transport Agency	S450.262	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.928	Support in part	Amend RURZ-05 as follows: To support the use and extraction of mineral resources located within the rural environment, recognising that mineral resources are widespread, and that provided adverse effects to the environment and human health are minimised and managed using the effects management hierarchy , and rehabilitation of the land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations.
Birchfield Coal Mines Ltd	FS232.060	Oppose	Disallow
Phoenix Minerals Limited	S606.060	Support in part	To support provide for the use and extraction of mineral resources located within the rural environment, recognising that mineral resources are widespread, and that provided adverse effects are minimised

			managed and rehabilitation of land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations."
Brian Anderson	FS237.0227	Oppose	Not Stated
Michael Hill	S70.010	Amend	Amend RURZ - O5 as follows to make it more balanced and inclusive: To support the use and extraction of mineral resources located within the rural environment , recognising that mineral resources are widespread, and that provided adverse effects on existing communities are avoided, remedied or mitigated, minimised and rehabilitation of land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations.
Brian Anderson	FS237.0215	Support in part	Allow
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.106	Amend	To support provide for the use and extraction of mineral resources located within the rural environment, recognising that mineral resources are widespread, and that provided adverse effects are minimised managed and rehabilitation of land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations." above
TiGa Minerals and Metals Limited	S493.091		
Birchfield Coal Mines Ltd	S601.085		
Birchfield Ross Mining Limited	S604.075		
Whyte Gold Limited	S607.060		
Brian Anderson	FS237.0215		
	FS237.0227		
	FS237.0228		
	FS237.0226		
	FS237.0225		
	FS237.0220		

	FS237.0224		
Melissa McLuskie	FS144.011		Not "minor amendments" to provisions in the Rural Zones. They fundamentally undermine the purposes and principles of the RMA, e.g. "management of effects" is a very different matter to "minimisation of effects".
Suzanne Hill	FS147.011		
Annie Inwood	FS72.011		
Straterra	S536.056	Amend	
Brian Anderson	FS237.0221	Oppose	Not Stated
Minerals West Coast	S569.032		Amend: ...that provided adverse effects are minimised avoided, remedied, mitigated, offset and/or compensated and rehabilitation of land occurs ...
Grey district Council	FS1.197	Support	Council favours this wording as it is consistent with the RMA.
Brian Anderson	FS237.0223	Oppose	Not Stated
Suzanne Hills	S443.036	Oppose	Delete
Westreef Services Ltd	FS139.001	Oppose	Disallow
Brian Anderson	FS237.0216	Support in part	Not Stated
Forest & Bird	S560.372	Oppose	This blanket support is inappropriate given the requirements of the RMA.
Brian Anderson	FS237.0222	Support	Blanket support of mining inappropriate

Analysis

492. Peter Langford (S615.145), Karamea Lime Company (S614.145), New Zealand Coal & Carbon Limited (S472.033), Bathurst Resources Limited and BT Mining Limited (S491.041) and Waka Kotahi NZ Transport Agency (S450.262) seek to retain. This is opposed by Brian Anderson (FS237.0217, FS237.0218 and FS237.0219). I acknowledge these submissions that seek to retain this Objective RURZ-O5 as notified. However, for the reasons outlined below, I consider that changes are required to the Objective.
493. Forest & Bird (S560.372) suggests that this blanket support is inappropriate given the requirements of the RMA. This is supported by Brian Anderson (FS237.0222). This submission is noted; however, there is no specific relief requested in terms of changes to the Objective that I can respond to.

494. Suzanne Hills (S443.036) seeks to delete the objective. This is supported in part by Brian Anderson (FS237.0216). This is opposed by Westreef Services Ltd (FS139.001). I do not support the deletion of the objective. In my opinion, given the direction in the RPS, it is important to provide direction regarding the provision of these activities within the rural environment.
495. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.928) seek to amend RURZ-O5 as follows "...and that provided adverse effects to the environment and human health are minimised and managed using the effects management hierarchy, ...". This is opposed by Birchfield Coal Mines Ltd (FS232.060).
496. Michael Hill (S70.010) seeks to amend RURZ - O5 to make it more balanced and inclusive: "To support the extraction of mineral resources located within the rural environment provided adverse effects on existing communities are avoided, remedied or mitigated." This is supported in part by Brian Anderson (FS237.0215).
497. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.106), TiGa Minerals and Metals Limited (S493.091), Birchfield Coal Mines Ltd (S601.085), Birchfield Ross Mining Limited (S604.075), Whyte Gold Limited (S607.060) and Phoenix Minerals Limited (S606.060) seek to amend as follows "To provide for the use and extraction of mineral resources ... and that provided adverse effects are managed and rehabilitation of land occurs ...". This is opposed by Brian Anderson (FS237.0215, FS237.0227, FS237.0228, FS237.0226, FS237.0225, FS237.0220, FS237.0224 and FS237.0227), Melissa McLuskie (FS144.011), Suzanne Hill (FS147.011) and Annie Inwood (FS72.011).
498. Straterra (S536.056) seeks to replace "minimised" with, "avoided, remedied, or mitigated". This is opposed by Brian Anderson (FS237.0221).
499. Minerals West Coast (S569.032) seeks to replace "minimised" with "avoided, remedied, mitigated, offset and/or compensated". This is supported by Grey District Council (FS1.197). This is opposed by Brian Anderson (FS237.0223).
500. The above submissions all seek amendments to RURZ-O5 in one way or another. Rather than address them individually, I have considered them in the round below. In my opinion, I agree that amendments to the Objective are required as I outline below:
- I consider that the objective as notified, is lengthy, with a number of different components that are trying to be achieved. Rather than trying to redraft within this existing format, I recommend that it is broken into the relevant parts that I outline below.
 - Opening sentence – this outlines the context for the objective, which I consider is focused on the provision of mineral prospecting, mineral exploration and mineral extraction within the rural environment.
 - Clause a – this acknowledges that mineral resources are widespread and can be appropriate in a range of locations within the rural environment.
 - Clause b – this is included to ensure that adverse effects are managed. As I have outlined previously, I consider that the term manage encompasses the full effects management hierarchy, and prefer this to the term "minimised" for the reasons I have already outlined.
 - Clause c – this requires that once these activities are completed, the rehabilitation of land needs to occur.

Recommendations

501. It is recommended that RURZ-O5 is amended as follows:

To ~~support provide for the use and extraction of mineral resources~~ mineral prospecting, mineral exploration and mineral extraction activities ~~located~~ within the rural environment, while;

- a. ~~Recognising that mineral resources are widespread, and these activities can be appropriate in a range of locations within the rural environment;~~ and
- b. Ensuring that ~~provided~~ adverse effects are ~~minimised~~ managed; and
- c. Ensuring that rehabilitation of land occurs following ~~mineral extraction, mineral extraction can be appropriate in a range of locations~~ the completion of these activities.

16.2 RURZ-P18

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.111	Amend	Recognise that mineral resources are fixed in location and enable mineral extraction activities provided adverse effects are avoided, remedied, or mitigated, offset or compensated for.
TiGa Minerals and Metals Limited	S493.095	Amend	Recognise that mineral resources are fixed in location and enable mineral extraction activities provided adverse effects are avoided, remedied, or mitigated, offset or compensated for.
Annie Inwood	FS147.008	Oppose	Disallow
Suzanne Hill	FS72.008		
Melissa McLuskie	FS144.008		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.951	Support in part	Amend RURZ-P18 as follows: Recognise that mineral resources are fixed in location and enable mineral extraction activities provided that adverse effects on the health of the environment and the population are avoided, remedied or mitigated using the effects management hierarchy.
Westreef Services	FS139.003	Support	Allow

Ltd			
Birchfield Coal Mines Ltd	FS232.061	Oppose	Disallow
Birchfield Coal Mines Ltd	S601.089	Amend	Recognise that mineral resources are fixed in location and enable mineral extraction activities provided adverse effects are avoided, remedied, or mitigated, offset or compensated for.
Birchfield Ross Mining Limited	S604.079	Amend	
Phoenix Minerals Limited	S606.064	Support in part	
Whyte Gold Limited	S607.064	Support in part	
Peter Langford	S615.162	Support	Retain
Karamea Lime Company	S614.162		
Westreef Services Limited	S518.007		
Celine Stokowski Anthony Thrupp	S522.008		
Minerals West Coast	S569.038	Amend	Recognise that mineral resources are fixed in location and enable mineral extraction activities have a functional, technical, operational or locational need to be sited in the particular location provided adverse effects are avoided, remedied, or mitigated, offset or compensated.
Bathurst Resources Limited and BT Mining Limited	S491.043	Amend	Amend: Recognise that mineral resources are fixed in location and enable mineral extraction activities provided adverse effects are avoided, remedied or mitigated, offset or compensated.
Buller District Council	FS149.046	Support	Allow
Straterra	S536.017	Amend	use of the term 'functional, technical, operational or locational need of any activity to be sited in the particular location',

Forest & Bird	S560.375	Oppose	Delete - Remove this policy
Suzanne Hills	S443.037	Oppose	
Michael Hill	S70.013		
Westreef Services Ltd	FS139.002	oppose	We disagree that there is no need for an enabling policy in support of mineral extraction. It is appropriate to have a planning framework that clearly communicates the purpose and many benefits of mineral extraction activities.
Forest & Bird	S560.0538	Amend	Amend to ensure that natural values must be protected in accordance with Chapter 7 WCRPS and other natural values have specific reference for protection.

Analysis

502. Peter Langford (S615.162), Karamea Lime Company (S614.162), Westreef Services Limited (S518.007) and Celine Stokowski Anthony Thrupp (S522.008) seek to retain. These submissions are noted; however, for the reasons outlined below, I consider that amendments are required to RURZ-P18 for the reasons I outline below.
503. Forest & Bird (S560.375), Suzanne Hills (S443.037) and Michael Hill (S70.013) seek to delete the policy. This is opposed by Westreef Services Ltd (FS139.002). These submissions are noted; however, I consider it inappropriate to delete the policy, noting the amendments I recommend below.
504. Forest & Bird (S560.0538) seeks to amend the policy to ensure that natural values must be protected in accordance with Chapter 7 WCRPS and other natural values have specific reference for protection. This submission is noted; however, there is no specific relief requested in terms of changes to the Policy that I can respond to.
505. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.111), Birchfield Coal Mines Ltd (S601.089), Birchfield Ross Mining Limited (S604.079), Phoenix Minerals Limited (S606.064), Whyte Gold Limited (S607.064) and Bathurst Resources Limited and BT Mining Limited (S491.043) seek to add "offset or compensated for" to the end of the policy. This is supported by Buller District Council (FS149.046).
506. TiGa Minerals and Metals Limited (S493.095) seeks to add "offset or compensated for" to the end of the policy. This is opposed by Annie Inwood (FS147.008), Suzanne Hill (FS72.008) and Melissa McLuskie (FS144.008).
507. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.951) seeks to amend as follows "Recognise that mineral resources are fixed in location and enable mineral extraction activities provided *that* adverse effects *on the health of the environment and the population* are avoided, remedied or mitigated *using the effects management hierarchy*." This is supported by Westreef Services Ltd (FS139.003). This is opposed by Birchfield Coal Mines Ltd (FS232.061).

508. Minerals West Coast (S569.038) seeks to amend the policy as follows "Recognise that mineral resources are fixed in location and mineral extraction activities *have a functional, technical, operational or locational need to be sited in the particular location* provided adverse effects are avoided, remedied, mitigated, *offset or compensated*".
509. Straterra (S536.017) seeks the use of the term 'functional, technical, operational or locational need of any activity to be sited in the particular location.'
510. The above submissions all seek amendments to RURZ-P18 in one way or another. Rather than address them individually, I have considered them in the round below. In my opinion, I agree that amendments to the Policy are required as I outline below:
- I consider that "mineral prospecting and mineral exploration" also need to be included within the policy as these are the defined terms.
 - Consistent with the change I have recommended to RURZ-O5, I consider that "avoided, remedied and mitigated" should be replaced by managed. In my opinion, this provides for the full use of the effects management hierarchy.
 - I don't consider changes are required to reference "operational or functional need." I consider this concept s already captured by the existing terms that recognise that mineral resources are fixed in their location.

Recommendations

511. It is recommended that RURZ-P18 is amended as follows:

Recognise that mineral resources are fixed in location and enable [mineral prospecting, mineral exploration and](#) mineral extraction activities provided adverse effects are ~~avoided, remedied or mitigated~~ [managed](#).

16.3 RURZ-P19

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Sophia Allan	S82.018	Oppose	Limit noise, dust, traffic, and activities associated with heavy industry that is out of keeping and character in our rural areas.
Michael Hill	S70.014	Amend	"Manage conflicts between proposed and existing mineral extraction activities and other land uses by ensuring that: <ol style="list-style-type: none"> 1. Standards to minimise impacts on the amenity, rural character and natural values of rural areas are met; and 2. Mineral extraction activities that are incompatible with the effects and wellbeing of local communities and

			businesses effects of mineral extraction activities are not established close to existing communities and business mineral extraction activities.
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.112	Amend	Manage conflicts between mineral extraction activities and other land uses by ensuring that: a. Standards to manage adverse effects minimise impacts on the amenity, rural character and natural values of rural areas are met; and b. Activities that are incompatible with the effects of mineral extraction activities are not established close to existing mineral extraction activities.
Birchfield Coal Mines Ltd	S601.090		
Birchfield Ross Mining Limited	S604.080		
Phoenix Minerals Limited	S606.065		
Whyte Gold Limited	S607.065	Support in part	
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.952	Support	Retain
Peter Langford	S615.163		
Karamea Lime Company	S614.163		
Westreef Services Limited	S518.008		
Suzanne Hills	S443.038	Oppose	Delete
Celine Stokowski Anthony Thrupp	S522.012		
Straterra	S536.057	Amend	Replace "minimised" with, "avoided, remedied, or mitigated".
TiGa Minerals and Metals Limited	S493.096	Amend	Amend: Manage conflicts ...: a. Standards to manage adverse effects minimise impacts on the amenity, rural character and natural values of rural areas are met; and b.
Melissa McLuskie	FS144.0010	Oppose	Disallow

Suzanne Hill	FS72.0010		
Marie Elder	FS77.29		
John Caygill	FS44.7		
Annie Inwood	FS147.0010		
Minerals West Coast	S569.033	Amend	Amend: ...that provided adverse effects are minimised avoided, remedied, mitigated, offset and/or compensated and rehabilitation of land occurs ...
Grey District Council	FS1.198	Support	Council favours this wording as it is consistent with the RMA.

Analysis

512. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.952), Peter Langford (S615.163), Karamea Lime Company (S614.163) and Westreef Services Limited (S518.008) seek to retain. These submissions are noted; however, for the reasons outlined below, I consider that amendments are required to RURZ-P19 for the reasons I outline below.
513. Suzanne Hills (S443.038) and Celine Stokowski Anthony Thrupp (S522.012) seek to delete the policy. These submissions are noted; however, I consider it inappropriate to delete the policy, noting the amendments I recommend below.
514. Sophia Allan (S82.018) seeks to limit noise, dust, traffic, and activities associated with heavy industry that is out of keeping and character in our rural areas. This submission is noted; however, there is no specific relief requested in terms of changes to the Policy that I can respond to.
515. Michael Hill (S70.014) seeks the following amendment "Manage conflicts between *proposed and existing* mineral extraction activities and other land uses by ensuring that: ... b. *Mineral extraction* activities that are incompatible with the *effects and wellbeing of local communities and businesses* are not established close to existing *communities and business* activities.
516. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.112), Birchfield Coal Mines Ltd (S601.090), Birchfield Ross Mining Limited (S604.080), Phoenix Minerals Limited (S606.065) and Whyte Gold Limited (S607.065) seek to replace "minimise impacts" with "manage adverse effects".
517. TiGa Minerals and Metals Limited (S493.096) seeks to replace "minimise impacts" with "manage adverse effects". This is opposed by Melissa McLuskie (FS144.0010), Suzanne Hill (FS72.0010), Marie Elder (FS77.29), John Caygill (FS44.7) and Annie Inwood (FS147.0010).
518. Straterra (S536.057) seeks to replace "minimised" with "avoided, remedied, or mitigated".
519. Minerals West Coast (S569.033) seeks to amend as follows "...that provided adverse effects are *avoided, remedied, mitigated, offset and/or compensated* and rehabilitation of land occurs ...". This is supported by Grey District Council (FS1.198).
520. The above submissions all seek amendments to RURZ-P19 in one way or another. Rather than address them individually, I have considered them in the round below.

In my opinion, I agree that amendments to the Policy are required as I outline below:

- I consider that it is important that the policy refers to “lawfully established mineral extraction activities.”
- I agree that the term “minimise impacts” is inappropriate, and prefer the term “manage adverse effects”.

Recommendations

521. It is recommended that RURZ-P19 is amended as follows:

Manage conflicts between [lawfully established](#) mineral extraction activities and other land uses by ensuring that:

Standards to ~~minimise impacts~~ [manage adverse effects](#) on the amenity, rural character and natural values of rural areas are met; and

Activities that are incompatible with the effects of mineral extraction activities are not established close to existing [lawfully established](#) mineral extraction activities.

16.4 RURZ-P20

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.953	Support	Retain
Peter Langford	S615.164	Support	Retain
Karamea Lime Company	S614.164	Support	Retain
Westreef Services Limited	S518.009	Support	Retain
Celine Stokowski Anthony Thrupp	S522.009	Support	Retain
Forest & Bird	S560.376	Amend	Amend to ensure that all natural values are protected.

Analysis

522. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.953), Peter Langford (S615.164), Karamea Lime Company (S614.164), Westreef Services Limited (S518.009) and Celine Stokowski Anthony Thrupp (S522.009) seek to retain. I agree that Policy RURZ-P20 should be retained as notified.

523. Forest & Bird (S560.376) seeks to amend to ensure that all natural values are protected. This submission is noted; however, there is no specific relief requested in terms of changes to the Policy that I can respond to.

Recommendations

524. It is recommended that RURZ-P20 is retained as notified.

16.5 RURZ-P21

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Sophia Allan	S82.019	Amend	Rehabilitation of land should be to its original state be that native bush or farmland
Michael Hill	S70.015	Amend	Amend this policy as follows: Require proposals for new mineral extraction activities to provide adequate information on the establishment and operation of the mineral extraction activity, measures to reduce and/or avoid adverse effects and rehabilitation of the mineral extraction area, and measures to avoid adverse effects on existing local commercial businesses and the wellbeing of people and communities.
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.113	Support	Retain
TiGa Minerals and Metals Limited	S493.097	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.954	Support	Retain
Birchfield Coal Mines Ltd	S601.091	Support	Retain
Birchfield Ross Mining Limited	S604.081	Support	Retain
Phoenix Minerals Limited	S606.066	Support	Retain
Whyte Gold Limited	S607.066	Support	Retain
Peter Langford	S615.166	Support	Retain

Karamea Lime Company	S614.166	Support	Retain
Westreef Services Limited	S518.010	Support	Retain
Suzanne Hills	S443.039	Oppose	Delete policy
Celine Stokowski Anthony Thrupp	S522.010	Support	Retain
Forest & Bird	S560.377	Support in part	Amend to require an ecological assessment in accordance with Appendix 1, WCRPS. Also amend to require effects management in accordance with Chapter 7 WCRPS.

Analysis

525. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.113), TiGa Minerals and Metals Limited (S493.097), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.954), Birchfield Coal Mines Ltd (S601.091), Birchfield Ross Mining Limited (S604.081), Phoenix Minerals Limited (S606.066), Whyte Gold Limited (S607.066), Peter Langford (S615.166), Karamea Lime Company (S614.166), Westreef Services Limited (S518.010) and Celine Stokowski Anthony Thrupp (S522.010) seek to retain. These submissions are noted; however, for the reasons outlined below, I consider that some minor amendments are required to RURZ-P21.
526. Suzanne Hills (S443.039) seeks to delete the policy. This submission is noted; however, I consider it inappropriate to delete RURZ-P21, noting the amendments I recommend below.
527. Forest & Bird (S560.377) seeks to amend to require an ecological assessment in accordance with Appendix 1, WCRPS. Also amend to require effects management in accordance with Chapter 7 WCRPS. I consider that it is inappropriate to require an ecological assessment in every instance within this policy. This should be assessed and determined on a case-by-case basis in my opinion. With regard to changes in accordance with Chapter 7 of the RPS, there is no specific relief requested in terms of changes to the Policy that I can respond to.
528. Sophia Allan (S82.019) seeks that rehabilitation of land should be to its original state be that native bush or farmland. This submission is noted; however, there is no specific relief requested in terms of changes to the Policy that I can respond to.
529. Michael Hill (S70.015) seeks to add "and measures to avoid adverse effects on existing local commercial businesses and the wellbeing of people and communities" to the end of the policy. I consider that amendments to RURZ-P21 are required as I outline below:
- I consider that the policy as notified, has a number of different components that are trying to be achieved. Rather than trying to redraft within this existing format, I recommend that it is broken into the relevant parts that I outline below.
 - Clause a – relates to the provision of adequate information;
 - Clause b – relates to measures to manage adverse effects; and

- Clause c – relates to details on rehabilitation, once mineral extraction is complete.

Recommendations

530. It is recommended that RURZ-P21 is amended as follows:

Require proposals for new mineral extraction activities to:

- Provide adequate information on the establishment and operation of the mineral extraction activity;
- Measures to ~~reduce and/or avoid~~ manage adverse effects; and
- Details on the rehabilitation of the ~~mineral extraction~~ area once mineral extraction is completed.

16.6 RURZ-P22

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Sophia Allan	S82.020	Amend	Rehabilitation of land should be to its original state that native bush or farmland
Buller Conservation Group	S552.175	Amend	P22 Sites used for mineral extraction must should be rehabilitated to enable the land to be used for other activities appropriate to the area.
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.114	Support	Retain
Frida Inta	S553.175	Amend	P22 Sites used for mineral extraction must should be rehabilitated to enable the land to be used for other activities appropriate to the area.
TiGa Minerals and Metals Limited	S493.098	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.955	Support	Retain
Birchfield Coal Mines Ltd	S601.092	Support	Retain
Birchfield Ross Mining Limited	S604.082	Support	Retain

Phoenix Minerals Limited	S606.067	Support	Retain
Whyte Gold Limited	S607.067	Support	Retain
Peter Langford	S615.167	Support	Retain
Peter Langford	S615.168	Support	Retain
Karamea Lime Company	S614.167	Support	Retain
Karamea Lime Company	S614.168	Support	Retain
Westreef Services Limited	S518.011	Support	Retain
Minerals West Coast	S569.042	Amend	Sites used for mineral extraction should be rehabilitated to enable the land to be used for other activities appropriate to the area. are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.
Suzanne Hills	S443.040	Oppose	Delete policy
Celine Stokowski Anthony Thrupp	S522.011	Support	Retain

Analysis

531. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.114), TiGa Minerals and Metals Limited (S493.098), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.955), Birchfield Coal Mines Ltd (S601.092), Birchfield Ross Mining Limited (S604.082), Phoenix Minerals Limited (S606.067), Whyte Gold Limited (S607.067), Peter Langford (S615.167), Peter Langford (S615.168), Karamea Lime Company (S614.167), Karamea Lime Company (S614.168), Westreef Services Limited (S518.011) and Celine Stokowski Anthony Thrupp (S522.011) seek to retain. These submissions are noted; however, I recommend that amendments are made to RURZ-P22 for the reasons I outline below.
532. Suzanne Hills (S443.040) seeks to delete the policy. This submission is noted; however, I consider it inappropriate to delete RURZ-P22, noting the amendments I recommend below.
533. Sophia Allan (S82.020) seeks that rehabilitation of land should be to its original state be that native bush or farmland. I consider it unnecessary to specify that land must be rehabilitated to its original state within policy RURZ-P22.
534. Buller Conservation Group (S552.175) and Frida Inta (S553.175) seek to amend to "Sites used for mineral extraction *must* be rehabilitated to enable the land to be used for other activities appropriate to the area."

535. Minerals West Coast (S569.042) seeks to amend the policy to “Sites used for mineral extraction *are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.*”
536. The above submissions seek amendments to RURZ-P22 in one way or another. Rather than address them individually, I have considered them in the round. In my opinion RURZ-P22 should be amended as follows:
- “Mineral prospecting and mineral exploration” activities should also be referenced.
 - “Should be” is too loose, and I have changed to “are rehabilitated at the completion of the activities” to make this clear.

Recommendations

537. It is recommended that RURZ-P22 be amended as follows:

Sites used for [mineral prospecting, mineral exploration and mineral extraction activities](#) ~~should be~~ [are](#) rehabilitated [at the completion of the activities](#) to enable the land to be used for other activities appropriate to the area.

16.7 RURZ-P23

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Sophia Allan	S82.021	Support	Retain
Michael Hill	S70.016	Amend	Amend this as follows: Co-ordinate the approach to <u>mineral extraction activity</u> consents with the West Coast Regional Council, and the other District Councils , particularly where mineral sand mining is proposed, or water resources and soil conservation are affected.
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.115	Support	Retain
TiGa Minerals and Metals Limited	S493.099	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.956	Support	Retain
Birchfield Coal Mines Ltd	S601.093	Support	Retain
Birchfield Ross	S604.083	Support	Retain

Mining Limited			
Phoenix Minerals Limited	S606.068	Support	Retain
Whyte Gold Limited	S607.068	Support	Retain
Peter Langford	S615.169	Support	Retain
Karamea Lime Company	S614.169	Support	Retain
Westreef Services Limited	S518.012	Support	Retain
Celine Stokowski Anthony Thrupp	S522.013	Support	Retain

Analysis

538. Sophia Allan (S82.021), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.115), TiGa Minerals and Metals Limited (S493.099), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.956), Birchfield Coal Mines Ltd (S601.093), Birchfield Ross Mining Limited (S604.083), Phoenix Minerals Limited (S606.068), Whyte Gold Limited (S607.068), Peter Langford (S615.169), Karamea Lime Company (S614.169), Westreef Services Limited (S518.012) and Celine Stokowski/Anthony Thrupp (S522.013) seek to retain the policy. These submissions are noted; however, I recommend that some amendments to RURZ-P23 are required to clarify the application of the policy to “mineral prospecting, mineral exploration and mineral extraction resource consents” so it encompasses the full range of activities that need to be addressed.
539. Michael Hill (S70.016) seeks to amend the policy to “Co-ordinate the approach to mineral extraction activity consents with the West Coast Regional Council, *and the other District Councils, particularly where mineral sand mining is proposed, or water resources and soil conservation are affected.*” I consider this change to be unnecessary as the relevant District Council that will be processing any resource consents will be required to co-ordinate the approach to resource consents with the West Coast Regional Council. Furthermore, I consider it unnecessary to specifically mention sand mining, as this is captured in the broader definitions of the activities covered by this policy.

Recommendations

540. It is recommended that RURZ-P3 be amended as follows:
541. Co-ordinate the approach to [mineral prospecting, mineral exploration and mineral extraction activity resource](#) consents with the West Coast Regional Council, particularly where water resources and soil conservation are affected.

16.8 RURZ-P24

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Sophia Allan	S82.022	Oppose	amend to more protection for our communities. Get rid of

			MINZ
Michael Hill	S70.017	Oppose	Remove this policy
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.116	Support	Retain
TiGa Minerals and Metals Limited	S493.100	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.957	Support	Retain
Birchfield Coal Mines Ltd	S601.094	Support	Retain
Birchfield Ross Mining Limited	S604.084	Support	Retain
Phoenix Minerals Limited	S606.069	Support	Retain
Whyte Gold Limited	S607.069	Support	Retain
Peter Langford	S615.170	Support	Retain
Karamea Lime Company	S614.170	Support	Retain
Westreef Services Limited	S518.013	Support	Retain
Suzanne Hills	S443.043	Oppose	Remove this policy
Celine Stokowski Anthony Thrupp	S522.014	Support	Retain
Bathurst Resources Limited and BT Mining Limited	S491.044	Amend	Amend: When mineral resources of regional or national significance are identified, consider including these areas within the MINZ, or the BCZ - Buller Coalfields Zone, whichever is more appropriate and relevant.
Forest & Bird	S560.378	Oppose	Delete
Grey District Council	FS1.398	Oppose	Disallow

Analysis

542. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.116), TiGa Minerals and Metals Limited (S493.100), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.957), Birchfield Coal Mines Ltd (S601.094), Birchfield Ross Mining Limited (S604.084), Phoenix Minerals Limited (S606.069), Whyte Gold Limited (S607.069), Peter Langford (S615.170), Karamea Lime Company (S614.170), Westreef Services Limited (S518.013) and Celine Stokowski/Anthony Thrupp (S522.014) seek to retain.
543. Bathurst Resources Limited and BT Mining Limited (S491.044) seek to add "*or the BCZ - Buller Coalfields Zone, whichever is more appropriate and relevant*" to the end of the policy.
544. Sophia Allan (S82.022) seeks to amend to give more protection to our communities and get rid of MINZ.
545. I acknowledge the above submissions that seek to retain RURZ-P24 as notified or amend it; however, I consider that the policy should be deleted for the reasons I outline below.
546. Michael Hill (S70.017) and Suzanne Hills (S443.043) seek to remove this policy.
547. Forest & Bird (S560.378) seeks to delete the policy. This is opposed by Grey District Council (FS1.398).
548. I agree that this policy should be deleted. In my opinion, it is inappropriate to include such a policy within the RURZ. This is something that would apply irrespective of whether the mineral resource of regional or national significance is located within the RURZ, or any other zone. If an area was determined to be desirable to be included within the MINZ, then a plan change could be sought to change the zoning once the pTTPP becomes operative.

Recommendations

549. It is recommended that RURZ-P24 is deleted as follows:

~~When mineral resources of regional or national significance are identified, consider including these areas within the MINZ – Mineral Extraction Zone.~~

16.9 RURZ-P25

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Sophia Allan	S82.023	Amend	we would like to see more independent surveying of water quality noise levels, flora and fauna etc as mining companies and councils don't always have the expertise and will to evaluate these conditions correctly. For example the woefully lacking BJV mining application on the Barrytown flats was rejected by commissioners for lack of information and research. It was left to anyone opposing the application to prove what was here to protect. Critically endangered birds, water quality

			etc.
Michael Hill	S70.018	Amend	<p>Amend as follows:</p> <p>Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by:</p> <ol style="list-style-type: none"> 1. Utilising management, mitigation and rehabilitation plans as a key tools guiding day-to-day mineral extraction operations; 2. Managing dust, noise, vibration, access and lighting to maintain amenity values; 3. Managing traffic generation impacts on local businesses and communities and the operation and maintenance of the transport network; 4. Avoiding or mitigating impacts on significant indigenous vegetation, and significant habitats of indigenous fauna, and amenities utilised by the general public, local communities and commercial activities; 5. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; 6. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; 7. Undertaking progressive remediation to address effects during extraction operations; and

			<p>8. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose; and</p> <p>9. Requiring effective oversight of management, mitigation and rehabilitation plans by independent gatekeepers.</p>
Buller Conservation Group	S552.176	Amend	Avoiding or mitigating impacts on indigenous biodiversity including significant indigenous vegetation and significant habitats of indigenous fauna;
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.117	Amend	d. Avoiding or mitigating impacts Managing adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna; "
Frida Inta	S553.176	Amend	Avoiding or mitigating impacts on indigenous biodiversity including significant indigenous vegetation and significant habitats of indigenous fauna;
TiGa Minerals and Metals Limited	S493.101	Amend	d. Avoiding or mitigating impacts Managing adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna; "
John Caygill	FS44.8	Oppose	'managing' is too open-ended a term, given that the intent is to restrict/minimise.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.958	Support in part	<p>Maintain the quality of the environment and amenity of the areas surrounding the mineral extraction activities e as far as practical by:</p> <p>a. Utilising management, mitigation, rehabilitation as a key tool, managing adverse effects using the effects management hierarchy;</p> <p>...</p> <p>I. Ensuring that the Drinking Water Source Protection</p>

			Zones (SPZ) are excluded from MINZ.
Grey District Council	FS1.348	Oppose	Disallow
Birchfield Coal Mines Ltd	S601.095	Amend	d. Avoiding or mitigating impacts Managing adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna; "
Birchfield Ross Mining Limited	S604.085	Support in part	d. Avoiding or mitigating impacts Managing adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna; "
Phoenix Minerals Limited	S606.070	Support in part	d. Avoiding or mitigating impacts Managing adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna; "
Whyte Gold Limited	S607.070	Amend	d. Avoiding or mitigating impacts Managing adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna; "
Peter Langford	S615.171	Support	Retain
Karamea Lime Company	S614.171	Support	Retain
Westreef Services Limited	S518.014	Support	Retain
Minerals West Coast	S569.036	Amend	d. Avoiding or mitigating impacts Managing adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna; "
Minerals West Coast	S569.043	Amend	Amend h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose. are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.
Suzanne Hills	S443.041	Oppose	Delete the policy
Celine Stokowski Anthony Thrupp	S522.015	Support	Retain

Bathurst Resources Limited and BT Mining Limited	S491.045	Amend	<p>Amend: Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by:</p> <p>1. Avoiding, or mitigating, remedying or offsetting or compensating impacts on significant indigenous vegetation and significant habitats of indigenous fauna;</p>
Bathurst Resources Limited and BT Mining Limited	FS89.005	Support	Allow in Part
Waka Kotahi NZ Transport Agency	S450.270	Support	Retain
Department of Conservation	S602.230	Oppose	<p>Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by:</p> <p>Utilising management, mitigation and rehabilitation plans as a key tool;</p> <p>Managing dust, noise, vibration, access and lighting to maintain amenity values;</p> <p>Managing traffic generation impacts on the operation and maintenance of the transport network;</p> <p>Avoiding or mitigating Managing adverse effects impacts on significant indigenous vegetation and significant habitats of indigenous fauna in accordance with the effects management hierarchy;</p> <p>Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;</p> <p>Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate</p>

			scale; Undertaking progressive remediation to address effects during extraction operations; and Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose
Buller District Council	FS149.0149	Support	Council supports the changes sought to clause (d) which applies the effects management hierarchy as this provides clear direction on the management of adverse effects.
Forest & Bird	S560.379	Oppose	Delete, or amend to give effect to the WCRPS and RMA requirements.

Analysis

550. Peter Langford (S615.171), Karamea Lime Company (S614.171), Westreef Services Limited (S518.014), Celine Stokowski/Anthony Thrupp (S522.015) and Waka Kotahi NZ Transport Agency (S450.270) seek to retain this provision as notified. I acknowledge these submissions that seek to retain RURZ-P25 as notified; however, I consider that the policy should be amended for the reasons I outline below.
551. Suzanne Hills (S443.041) seeks to delete the policy. Forest & Bird (S560.379) seeks to delete or amend to give effect to the WCRPS and RMA requirements. These submissions are noted; however, I consider that RURZ-P25 should be retained, subject to the amendments I outline below.
552. Sophia Allan (S82.023) seeks to see more independent surveying of water quality, noise levels, flora and fauna etc as mining companies and councils do not always have the expertise and will to evaluate these conditions correctly. For example, the woefully lacking BJV mining application on the Barrytown flats was rejected by commissioners for lack of information and research. It was left to anyone opposing the application to prove what was here to protect. Critically endangered birds, water quality etc. This submission is noted; however, there is no specific relief requested in terms of changes to the Policy that I can respond to.

Michael Hill (S70.018) seeks to amend the policy as follows:

"Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities by:

- a. Utilising management, mitigation and rehabilitation plans as key tools *guiding day-to-day mineral extraction operations*;
- b. Managing dust, noise, vibration, access and lighting to maintain amenity values;
- c. Managing traffic generation impacts on *local businesses and communities and the operation and maintenance of the transport network*;
- d. Avoiding or mitigating impacts on significant indigenous vegetation, and significant habitats of indigenous fauna, *and amenities utilised by the general public, local communities and commercial activities*;

- e. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;
 - f. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;
 - g. Undertaking progressive remediation to address effects during extraction operations;
 - h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.; *and*
 - i. *Requiring effective oversight of management, mitigation and rehabilitation plans by independent gatekeepers.*
553. Minerals West Coast (S569.043) seek to amend item h to "Requiring sites *are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.*"
554. I consider the changes sought in the above submissions are unnecessary, and I have sought to make amendments, as outlined below to make the policy consistent with my recommendations on the equivalent provisions on the MINZ and BCZ.
555. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.958) seeks to add "*managing adverse effects using the effects management hierarchy;*" to the end of item a. and to add a new point "*i. Ensuring that the Drinking Water Source Protection Zones (SPZ) are excluded from MINZ.*" This is opposed by Grey District Council (FS1.348). As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.
556. Buller Conservation Group (S552.176) and Frida Inta (S553.176) seek to add "indigenous biodiversity including" into item d.
557. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.117), TiGa Minerals and Metals Limited (S493.101), Birchfield Coal Mines Ltd (S601.095), Birchfield Ross Mining Limited (S604.085), Phoenix Minerals Limited (S606.070), Whyte Gold Limited (S607.070) and Minerals West Coast (S569.036) seeks to replace "Avoiding or mitigating impacts" with "*Managing adverse effects*" in item d. This is opposed by John Caygill (FS44.8).
558. Bathurst Resources Limited and BT Mining Limited (S491.045) seeks to add "remedying or offsetting or compensating" to item d. This is supported by Bathurst Resources Limited and BT Mining Limited (FS89.005).
559. Department of Conservation (S602.230) seeks to amend item d. to "*Managing adverse effects* on significant indigenous vegetation and significant habitats of indigenous fauna *in accordance with the effects management hierarchy;*". This is supported by Buller District Council (FS149.0149).
560. The above submissions seek amendments to clause d of RURZ-P25. In my opinion, clause d of Policy RURZ-P25 should be deleted entirely because:
- A policy in this regard is more appropriately addressed within the Ecosystems and Indigenous Biodiversity chapter which specifically addresses Significant Natural Areas that contain significant indigenous vegetation and fauna;
 - There are no rules within the RURZ as I understand it relating to indigenous vegetation clearance, with these being in the ECO Chapter; and

- Since this provision was notified, the NPS-IB has been gazetted which includes specific direction on this matter, including provisions relevant to mineral extraction in Section 3.11. I understand that the hearing on the ECO Chapter has been delayed, due to the uncertainty of the NPS-IB. I consider it would be inappropriate for me to suggest new wording pending the hearing on this topic.

Recommendations

561. It is recommended that RURZ-P25 is amended as follows:

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

- Utilising management, mitigation and rehabilitation plans as a key tool;
- Managing dust, noise, vibration, access and lighting to maintain amenity values;
- Managing traffic generation impacts on the operation and maintenance of the transport network;
- ~~Avoiding or mitigating impacts on significant indigenous vegetation and significant habitats of indigenous fauna;~~
- Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;
- Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;
- Undertaking progressive remediation to address effects during extraction operations; and
- Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.

17.0 Plan Section – General Rural Zone

17.1 GRUZ-R11 Mineral Prospecting and Mineral Exploration

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.118	Support	Retain
TiGa Minerals and Metals Limited	S493.102		
Birchfield Coal Mines Ltd	S601.096		
Birchfield Ross Mining Limited	S604.086		
Phoenix Minerals Limited	S606.071		

Whyte Gold Limited	S607.071		
Koiterangi Lime Co LTD	S577.100		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.978	Support in part	Amend GRUZ-R11 as follows: Activity Status Permitted Where: 6. The site is not within a Drinking Water Source Protection Zone (SPZ).
Grey District Council	FS1.349	Oppose	Disallow
Buller District Council	S538.506	Support in part	Amend Rule 11 as follows: Activity Status Permitted Where: 1. This is authorised under a prospecting or exploration permit from NZPAM where legally required; 2. Notice is provided to the relevant District Council 510 working days ahead of work being undertaken prior to work commencing 3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible but no later than 3 months after the disturbance has occurred. 3. Earthworks are not within 20m of the site boundary; 4. The site shall be progressively rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 3 months after activities cease; 5. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause

			the destruction of habitat. No more than 5,000m³ of material is excavated in a calendar year
Peter Langford	S615.187	Amend	Amend point 1 as follows: This is authorised under a prospecting or exploration permit from NZPAM where legally required
Karamea Lime Company	S614.187		
Koiterangi Lime Co LTD	S577.101		
Catherine Smart-Simpson	S564.131		
William McLaughlin	S567.563		
Geoff Volckman	S563.122		
Chris & Jan Coll	S558.520		
Chris J Coll Surveying Limited	S566.520		
Laura Coll McLaughlin	S574.520		
Straterra	S536.063	Amend	Under 3. increase the timeframe to one year.
New Zealand Coal & Carbon Limited	S472.035	Oppose in part	
Geoff Volckman	S563.0178	Oppose in part	Amend point 1 as follows: This is authorised under a prospecting or exploration permit from NZPAM where legally required; Delete point 3 or extend the timeframe until a period after cessation of mining activity.
Fire and Emergency New Zealand	S573.049	Amend	Retain as notified provided amendment to R1 occurs.
Peter Langford	S615.186	Oppose	Delete point 3 or extend the timeframe until a period after cessation of mining activity.
Karamea Lime Company	S614.186		
Chris J Coll Surveying Limited	S566.521	Amend	
Geoff Volckman	S563.123		

Chris & Jan Coll	S558.521		
William McLaughlin	S567.564		
Laura Coll McLaughlin	S574.521		
Catherine Smart- Simpson	S564.132		
Brian Anderson	S576.023	Oppose	Delete
Forest & Bird	S560.384		
Frida Inta	S553.180	Amend	Add: 6. Activities are limited to 150mm diameter drillhole per ha and 50 linear meters per ha for sampling with explosives. Then the site must be restored to original condition. Otherwise, it's a controlled activity.
Lynley Hargreaves	S481.006	Oppose	Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan

Analysis

562. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.118), TiGa Minerals and Metals Limited (S493.102), Birchfield Coal Mines Ltd (S601.096), Birchfield Ross Mining Limited (S604.086), Phoenix Minerals Limited (S606.071), Whyte Gold Limited (S607.071) and Koiterangi Lime Co LTD (S577.100) seek to retain. This support is noted; however, I have recommended amendments to GRUZ-R11 as outlined below.
563. Brian Anderson (S576.023) and Forest & Bird (S560.384) seek to delete the rule. I do not support deleting this rule, noting that I have recommended amendments below.
564. Lynley Hargreaves (S481.006) seeks that Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan. This submission is noted; however, there is no specific relief requested in terms of changes to the Rule that I can respond to.
565. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.978) seeks to add an additional point to the rule, "Activity Status Permitted Where: ... 6. The site is not within a Drinking Water Source Protection Zone (SPZ)." This is opposed by Grey District Council (FS1.349). As outlined previously, whilst I understand that Drinking Water Source Protection Zones have been utilised within other district plans in New Zealand, I do not have sufficient information, technical evidence or section 32 evaluation in my opinion to support this relief. I would however welcome Te Mana Ora to provide further information through evidence to support the relief sought as needed.
566. Peter Langford (S615.187), Karamea Lime Company (S614.187), Koiterangi Lime Co LTD (S577.101), Catherine Smart-Simpson (S564.131), William McLaughlin

- (S567.563), Geoff Volckman (S563.122), Chris & Jan Coll (S558.520), Chris J Coll Surveying Limited (S566.520) and Laura Coll McLaughlin (S574.520) seek to add "where legally required" to the end of point 1. Geoff Volckman (S563.0178) also seeks to add "where legally required" to the end of point 1 and to delete point 3 or amend it to extend the timeframe until a period after cessation of mining activity.
567. I agree that "where legally required" should be added, similar to my recommendations on other provisions in the MINZ, BCZ and OSZ previously.
568. Straterra (S536.063) and New Zealand Coal & Carbon Limited (S472.035) seek to increase the timeframe in point 3 to one year. I consider that there is insufficient justification provided, and I recommend that these submissions be rejected.
569. Fire and Emergency New Zealand (S573.049) seeks to retain as notified provided amendment to R1 occurs. This is noted; however, no changes are sought to GRUZ-R11 that I can respond to.
570. Peter Langford (S615.186), Karamea Lime Company (S614.186), Chris J Coll Surveying Limited (S566.521), Geoff Volckman (S563.123), Chris & Jan Coll (S558.521), William McLaughlin (S567.564), Laura Coll McLaughlin (S574.521) and Catherine Smart-Simpson (S564.132) seek to delete point 3 or extend the timeframe until a period after cessation of mining activity. I agree that point 3 should be redrafted.
571. Frida Inta (S553.180) seeks to add "6. Activities are limited to 150mm diameter drillhole per ha and 50 linear meters per ha for sampling with explosives. Then the site must be restored to original condition. Otherwise, it's a controlled activity."
572. Buller District Council (S538.506) seeks the following amendment
- "Activity Status Permitted
- Where:
1. This is authorised under a prospecting or exploration permit from NZPAM where legally required;
 2. Notice is provided to the relevant District Council 10 working days prior to work commencing;
 3. Earthworks are not within 20m of the site boundary;
 4. The site is progressively rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 3 months after activities cease;
 5. No more than 5,000m³ of material is excavated in a calendar year".
573. In response to this submission, I have outlined further amendments to this rule to make it consistent with the changes that I have recommended to the equivalent rules MINZ-R1, BCZ-R1 and OSZ-R11 (see Section 10.17, Section 11.12 and Section 13.1). These include:
- GRUZ-R11.1 and 2 – I have made some minor amendments to these clauses for consistency and readability.
 - GRUZ-R11.3: I deleted the existing text and included a new clause 3 regarding a 20m setback from the site boundary, to manage potential adverse effects associated with adjoining properties.
 - GRUZ-R11.4: I have redrafting this clause to being elements of existing Clause 3, and make it clearer with regards to the requirements for rehabilitation.
 - GRUZ-R11.5: I agree with the inclusion of clause 5 as requested by the Submitter re.

- GRUZ-R11.6: I consider a new clause regarding the mineral prospecting or mineral exploration not occurring within sensitive environments (e.g., Outstanding Natural Landscapes).

Recommendations

574. It is recommended that GURZ-R11 is amended as follows:

Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a [mineral](#) prospecting or [mineral](#) exploration permit from ~~NZPAM~~ [New Zealand Petroleum and Minerals](#), [where legally required](#);
2. [Written](#) ~~N~~notice is provided to the relevant District Council ~~Consent Authority~~ 10 working days prior to ~~the~~ [any mineral prospecting or mineral extraction](#) works commencing;
3. ~~Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred~~ [Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary](#);
4. The site ~~shall be~~ [is progressively](#) rehabilitated as far as is practicable to its original condition [with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral Extracting ceases](#); ~~and~~
5. [No more than 5,000m³ is excavated in a calendar year.](#)
6. [The mineral prospecting or mineral exploration does not occur within:](#)
 - a. [An Outstanding Natural Landscape](#);
 - b. [An Outstanding Natural Feature](#);
 - c. [A Historic Heritage site](#);
 - d. [A Site or Area of Significance to Māori](#);
 - e. [A Significant Natural Area](#); or
 - f. [An area of High or Outstanding Coastal Natural Character](#)

~~5. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

~~Advice Note:~~

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

Activity status where compliance not achieved: ~~Restricted~~ Discretionary

17.2 GRUZ-R12 Mineral Extraction

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Westland District Council	S181.041	Support	Retain
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.119		
TiGa Minerals and Metals Limited	S493.103		
Birchfield Coal Mines Ltd	S601.097		
Birchfield Ross Mining Limited	S604.087		
Phoenix Minerals Limited	S606.072		
Rocky Mining Limited	S474.014		
Papahaua Resources Limited	S500.011		
Whyte Gold Limited	S607.072		
Waka Kotahi NZ Transport Agency	S450.276		
Peter Haddock	S417.008		
Marie Elder	FS77.11	Oppose	Disallow
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.979	Support in part	Amend GRUZ-R12 as follows: Activity Status Permitted Where: 1. Less than 20,000m ³ of material is disturbed or removed within a 12-month period; or ... a. The activity does not occur within: i. An Outstanding Natural Landscape or Outstanding Natural Feature or a Drinking Water Source Protection

			Zone (SPZ).
Westreef Services Limited	S518.015	Support in part	<p>Amend R12.1. to refer to 'extraction of material from the site' and with the disturbance activity deleted.</p> <p>Amend R12.2 to refer to five hectares rather than three.</p> <p>Amend Clause a. iii. to define a riparian margin as 10m from the top of the bank.</p> <p>Amend Clause a iv. to reduce the setback from residential buildings from 250m to 150m.</p> <p>Amend Clause e to clarify that the vehicle movements allow for 10 heavy vehicles to visit and leave the site each day, and likewise for the 30 vehicle movements.</p>
Buller District Council	S538.507	Support in part	<p>Amend Rule 12 as follows:</p> <p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. Less than 20,000m³ of material is disturbed rereMOVED within a 12 month period; No more than 20,000m³ of material is excavated in a calendar year; 2. Progressive rehabilitation of the mined area occurs so that site disturbance is limited to no more than 3ha. at any one-time per property on which the activity is occurring. 3. On completion of mining activity, the site is rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 6 months after activities cease. 4. This is authorised under a mining permit from NZPAM;

			<p>5. Notice is provided to the relevant District Council 10 working days prior to the works commencing;</p> <p>And</p> <p>(a) The activity does not occur within:</p> <p>(b) There are no earthworks stockpiles 20m of the property site boundary;</p>
Grey District Council	S608.110	Amend	<p>Increase annual allowance for disturbed material to 100,000m³.</p> <p>Rule to read: 1. Less than 100,000m³ of material is disturbed or removed within a 12-month period;</p>
Buller District Council	FS149.0151	Support	Council agrees that for mineral extraction the current limit of 20,000m ³ is not likely to be workable
Peter Langford	S615.188	Amend	Improve the Transport Performance Standards and rules relating to light that connect to this rule.
Karamea Lime Company	S614.188		
Catherine Smart-Simpson	S564.133		
William McLaughlin	S567.566		
	S567.565		
Steve Croasdale	S516.119		
Geoff Volckman	S563.124		
Chris & Jan Coll	S558.523		
	S558.522		
Chris J Coll Surveying Limited	S566.523		
	S566.522		
Laura Coll McLaughlin	S574.523		
	S574.522		

Peter Langford	S615.189	Amend	Amend to be more enabling of development.
Karamea Lime Company	S614.189		
Catherine Smart-Simpson	S564.134		
William McLaughlin	S567.567		
Steve Croasdale	S516.120		
Geoff Volckman	S563.125		
Chris & Jan Coll	S558.524		
Chris J Coll Surveying Limited	S566.524		
Laura Coll McLaughlin	S574.524		
Grey District Council	S608.495	Amend	or Amend setback distance for General Rural Zone to 100m from residential building. Rule to read: vi. 100m of a residential building on any RESZ - Residential Zone or RURZ - Rural Zone;
Grey District Council	S608.496	Amend	Amend rule to read: b. There are no stockpiles within 3m of the property boundary;
Fire and Emergency New Zealand	S573.050	Amend	Retain as notified provided amendment to R1 occurs.
John Brazil	S360.056	Oppose in part	Improve the Transport Performance Standards and rules relating to light that connect to this rule. Amend to be more enabling of development.
Geoff Volckman	S563.0179	Oppose in part	Improve the Transport Performance Standards and rules relating to light that connect to this rule. Amend to be more enabling of development.
West Coast Penguin Trust	S275.011	Oppose	Remove the Permitted Activity approach for mineral extraction

			in GRUZ - R12		
Riarnne Klempel	S67.008	Oppose	All mining activity should be discretionary and restricted. Not a permitted activity		
Grey District Council	FS1.286	Oppose	Disallow		
Sophia Allan	S82.006	Oppose	Remove GRUZ R12 and make Mineral extraction a restricted discretionary activity in Rural Zones.		
Katherine Crick	S101.001				
Deb Langridge	S252.009				
Michael Hill	S70.001				
Sky Reekie	S136.001				
Laura Garber	S278.001				
Roger Ewer	S316.002				
Jan Fraser	S129.001				
Lindy Mason	S355.002				
Trevor Hayes	S377.005				
Sharon Langridge	S388.002				
Grey District Council	FS1.272			Oppose	Disallow
Grey District Council	FS1.282				
Grey District Council	FS1.030				
Grey District Council	FS1.072				
Grey District Council	FS1.086				
Grey District Council	FS1.026				
Grey District Council	FS1.091				
Grey District Council	FS1.095				
Grey District Council	FS1.044				
Grey District Council	FS1.065				
Westreef Services Ltd	FS139.004				

Marie Elder	FS77.33	Support	Allow
Marie Elder	FS77.5		
Karen Vincent	S393.002	Oppose	oppose GRUZ-R12 and wish to make mineral extraction a discretionary and restricted activity in rural zones
Suzanne Hills	S443.044		
Barry Mason	S208.002		
Grey District Council	FS1.205	Oppose	Disallow
	FS1.122		
	FS1.104		
	FS1.044		
Louise Jaeger	S135.001	Oppose	Remove GRUZ - 12.
Grey District Council	FS1.029	Oppose	Disallow
Buller Conservation Group	S552.181	Oppose	Amend all mining to discretionary activity
Frida Inta	S553.181		
Stephen Page	S270.017	Oppose	I propose that the provisions that relate to mineral extraction be rewritten, so that pTTPP identifies how mining activity will be managed to ensure that mining activity does not harm neighbours and communities.
Grey District Council	FS1.070	Oppose	Disallow
Colin Robertson	S293.002	Oppose	No mining as a permitted activity on the plan on the Barrytown flats
Grey District Council	FS1.077	Oppose	Disallow
Riarnne Klempel	S296.002	Oppose	Remove GRUZ - R12 Permitted Activity for mineral extraction.
Grey District Council	FS1.287	Oppose	Disallow
Jane Nolan	S397.002	Oppose	Remove this rule. Have no mining on the Barrytown flats in any zone.
Grey District Council	FS1.106	Neutral	Disallow
Brian Anderson	S576.024	Oppose	delete

Forest & Bird	S560.385		
Brian Anderson	S576.025		
Birchfields Ross Ltd	FS150.046	Oppose	Disallow
West Coast Penguin Trust	FS45.48	Support	Allow
Murray Stuart and Karen Jury Rob Lawrence	S455.002	Oppose	Make mineral extraction require a resource consent in any Rural Zone.
Grey District Council	FS1.134	Oppose in part	Disallow in part
Inger Perkins	S462.027	Oppose	remove Permitted Activity for mineral extraction and make all mineral extraction require a resource consent.
Grey District Council	FS1.145	Oppose	Disallow
Lynley Hargreaves	S481.012	Oppose	Mining should instead be restricted discretionary as a minimum, and the pTTPP should include stronger monitoring requirements such as checking disturbed ground area.
Celine Stokowski Anthony Thrupp	S522.016	Oppose	Delete the Permitted Activity rule for mineral extraction
David Moore	S65.017	Oppose	Remove this rule. Mining in the rural zone should be in accord with GRUZ R25, or R32.
Grey District Council	FS1.276	Oppose	Disallow

Analysis

Retain

575. Westland District Council (S181.041), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.119), TiGa Minerals and Metals Limited (S493.103), Birchfield Coal Mines Ltd (S601.097), Birchfield Ross Mining Limited (S604.087), Phoenix Minerals Limited (S606.072), Rocky Mining Limited (S474.014), Papahaua Resources Limited (S500.011), Whyte Gold Limited (S607.072) and Waka Kotahi NZ Transport Agency (S450.276) seek to retain. Peter Haddock (S417.008) also seeks to retain. This is opposed by Marie Elder (FS77.11). These submissions are noted; however, I have recommended amendments to the rule for the reasons outlined below.

576. Fire and Emergency New Zealand (S573.050) seeks to retain as notified provided amendment to R1 occurs. This is noted; however, no changes are sought to GRUZ-R11 that I can respond to.

Delete

577. West Coast Penguin Trust (S275.011) seeks to remove the Permitted Activity approach for mineral extraction.
578. Celine Stokowski/Anthony Thrupp (S522.016) seeks to delete the Permitted Activity rule for mineral extraction.
579. Riarnne Klempel (S67.008) seeks that all mining activity should be discretionary and restricted and not a permitted activity. This is opposed by Grey District Council (FS1.286).
580. Colin Robertson (S293.002) seeks that there is no mining as a permitted activity on the plan on the Barrytown flats. This is opposed by Grey District Council (FS1.077).
581. David Moore (S65.017) seeks to remove this rule as Mining in the rural zone should be in accord with GRUZ R25, or R32. This is opposed by Grey District Council (FS1.276).
582. Jane Nolan (S397.002) seeks to remove this rule and have no mining on the Barrytown flats in any zone. A neutral position on this is held by Grey District Council (FS1.106).
583. Brian Anderson (S576.024 and S576.025) and Forest & Bird (S560.385) seek to delete. This is supported by West Coast Penguin Trust (FS45.48). This is opposed by Birchfields Ross Ltd (FS150.046).
584. Murray Stuart and Karen Jury Rob Lawrence (S455.002) seek to make mineral extraction require a resource consent in any Rural Zone. This is opposed in part by Grey District Council (FS1.134).
585. Inger Perkins (S462.027) seeks to remove Permitted Activity for mineral extraction and make all mineral extraction require a resource consent. This is opposed by Grey District Council (FS1.145).
586. Lynley Hargreaves (S481.012) seeks for mining to be restricted discretionary as a minimum, and the pTTPP to include stronger monitoring requirements such as checking disturbed ground area.
587. Buller Conservation Group (S552.181) and Frida Inta (S553.181) seek to amend all mining to discretionary activity.
588. Sophia Allan (S82.006), Katherine Crick (S101.001), Deb Langridge (S252.009), Michael Hill (S70.001), Sky Reekie (S136.001), Laura Garber (S278.001), Roger Ewer (S316.002), Jan Fraser (S129.001), Lindy Mason (S355.002), Trevor Hayes (S377.005) and Sharon Langridge (S388.002) seek to remove GRUZ R12 and make Mineral Extraction a restricted discretionary activity in Rural Zones. This is supported by Marie Elder (FS77.33 and FS77.5). This is opposed by Grey District Council (FS1.272, FS1.282, FS1.030, FS1.072, FS1.086, FS1.026, FS1.091, FS1.095, FS1.065 and FS1.044) and Westreef Services Ltd (FS139.004).
589. Karen Vincent (S393.002), Suzanne Hills (S443.044) and Barry Mason (S208.002) seek to make mineral extraction a discretionary and restricted activity in rural zones. This is opposed by Grey District Council (FS1.205, FS1.122, FS1.104 and FS1.044).
590. I acknowledge the above submissions that seek to delete this rule or remove the permitted activity status entirely. I consider that Rule GRUZ-R12 should be retained, however I consider that substantial amendments are required for the reasons I outline below.

Amend

591. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.979) seeks to add "*or a Drinking Water Source Protection Zone (SPZ);*" to the end of clause a. i.
592. Westreef Services Limited (S518.015) seeks the following amendments: amend R12.1. to refer to 'extraction of material from the site' and with the disturbance activity deleted; amend R12.2 to refer to five hectares rather than three; amend clause a. iii. to define a riparian margin as 10m from the top of the bank; amend clause a. iv. to reduce the setback from residential buildings from 250m to 150m; and amend clause e. to clarify that the vehicle movements allow for 10 heavy vehicles to visit and leave the site each day, and likewise for the 30 vehicle movements.
593. Buller District Council (S538.507) seeks the following amendment:
 "Activity Status Permitted
 Where:
 1. *No more than 20,000m³ of material is excavated in a calendar year;*
 2. Progressive rehabilitation of the mined area occurs so that *site* disturbance is limited to no more than 3ha;
 3. *On completion of mining activity, the site is rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 6 months after activities cease.*
 4. *This is authorised under a mining permit from NZPAM;*
 5. *Notice is provided to the relevant District Council 10 working days prior to the works commencing; and*
 a. The activity does not occur within:
 b. There are no *earthworks* 20m of the *site* boundary;"
594. Grey District Council (S608.110) seeks to increase annual allowance for disturbed material to 100,000m³ in part 1. This is supported by Buller District Council (FS149.0151).
595. Peter Langford (S615.188), Karamea Lime Company (S614.188), Catherine Smart-Simpson (S564.133), William McLaughlin (S567.566 and S567.565), Steve Croasdale (S516.119), Geoff Volckman (S563.124), Chris & Jan Coll (S558.523 and S558.522), Chris J Coll Surveying Limited (S566.523 and S566.522) and Laura Coll McLaughlin (S574.523 and S574.522) seek to improve the Transport Performance Standards and rules relating to light that connect to this rule.
596. Peter Langford (S615.189), Karamea Lime Company (S614.189), Catherine Smart-Simpson (S564.134), William McLaughlin (S567.567), Steve Croasdale (S516.120), Geoff Volckman (S563.125), Chris & Jan Coll (S558.524), Chris J Coll Surveying Limited (S566.524) and Laura Coll McLaughlin (S574.524) seek to amend to be more enabling of development.
597. Grey District Council (S608.495) seeks to amend the setback distance for General Rural Zone to 100m from residential building in clause a. vi.
598. Grey District Council (S608.496) seeks to amend the distance in clause b. to 3m.
599. John Brazil (S360.056) and Geoff Volckman (S563.0179) seek to improve the Transport Performance Standards and rules relating to light that connect to this rule and to amend to be more enabling of development.
600. Louise Jaeger (S135.001) and Riarnne Klempel (S296.002) seek to remove GRUZ - 12. This is opposed by Grey District Council (FS1.029 and FS1.287).

601. Stephen Page (S270.017) seeks that the provisions that relate to mineral extraction be rewritten, so that pTTPP identifies how mining activity will be managed to ensure that mining activity does not harm neighbours and communities. This is opposed by Grey District Council (FS1.070).
602. I acknowledge the above submissions that seek various amendments to GRUZ-R12 for various reasons. As currently drafted, I have concerns regarding how this rule is prepared, and consider that it should be redrafted as follows:
- Clause X – I recommend that a new clause is added stating that the “mineral extraction is associated with a farm quarry.” This is consistent with RURZ-P20 which seeks to “enable rural production activities to utilise aggregate resources for providing for farm quarries.” In my opinion, it is important to enable farm quarries within the GRUZ, as these support rural production activities which is the main activity provided for within the Zone.
 - Volume of material disturbed – some submissions seek to increase the volume of material disturbed. In my opinion, no reasoning has been provided as to why this should increase. For this reason, I have decided to keep this at 20,000m², but acknowledge that there could be justification to either increase or decrease this limit based on further evidence or information being provided.
 - Setback from activities on adjoining sites – some submissions seek to amend the 250m setback from residential buildings. In my opinion, no reasoning has been provided as to why this should increase or decrease. For this reason, I have decided to keep this at 250m, but acknowledge that there could be justification to either increase or decrease this limit based on further evidence or information being provided. I also recommend some further changes to this clause to:
 - Make it applicable to “sensitive activity” rather than a “residential building.” In my opinion, all sensitive activities should be captured by this setback rule, rather than just “residential buildings.”
 - Deleting “RESZ – Residential Zone or RURZ – Rural Zone”. In my opinion, the clause should apply to any “sensitive activity” on an adjoining property, irrespective of what zone it is situated in.
 - Advice notes – as per my recommendations in pervious sections, I recommend that these advice notes are deleted as they are already addressed in the Overview Section.
 - Schedule 10 – As I outlined further below in Section 21.2, I recommend that Schedule 10 is deleted from this rule.
 - The List – I have amended the numbering within the provision to be a continuous list, as I consider this improves the workability of the rule.
 - Activity status – I have retained the permitted activity status, subject to the refined list of criteria within the rule that I have outlined above. In terms of the activity status where the permitted activity criteria are not met, I consider that this should be a discretionary activity.

Recommendations

603. It is recommended that GRUZ-R12 is amended as follows:

Mineral Extraction

Activity Status Permitted

Where:

[X. The mineral extraction is associated with a farm quarry;](#)

1. Less than 20,000m³ of material is disturbed or removed within a 12 month period; ~~or~~
2. Progressive rehabilitation of the mined area occurs so that disturbance is limited to no more than 3ha at any one time per property on which the activity is occurring;

~~And~~

- ~~a.~~ 3. The activity does not occur within:
 - ~~i.~~ a. An Outstanding Natural Landscape or Outstanding Natural Feature; or
 - ~~ii.~~ b. An area of significant indigenous vegetation or significant indigenous fauna habitat or any Significant Natural Area identified in Schedule Four; or
 - ~~iii.~~ c. The riparian margins of any stream, river, lake, or wetland;
 - ~~iv.~~ d. A Historic Heritage site identified in Schedule One; or
 - ~~v.~~ e. A Site or Area of Significance to Māori identified in Schedule Three;
 - ~~vi.~~ f. 250m of a ~~residential building sensitive activity~~ on ~~any RESZ—Residential Zone or RURZ—Rural Zone Zone~~ an adjoining site;
- ~~b.~~ 4. There are no stockpiles within 20m of the property boundary;
- ~~c.~~ 5. The maximum stockpile height is 7m;
- ~~d.~~ 6. There shall be no offensive or objectionable dust nuisance as a result of the activity at or beyond the property boundary;
- ~~e.~~ 7. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity;
- ~~f.~~ 8. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards;
- ~~g.~~ 9. Hours of operation are limited to 7am to 7pm;
- ~~h.~~ 10. Noise levels meet the Permitted Activity Standards in Rule NOISE -R5; and
- ~~i.~~ 11. Light meets the Permitted Activity standards in Rule LIGHT - R4.

~~Advice Notes:~~

- ~~1.—Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.~~
- ~~2.—Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM—R7.~~
- ~~3.—Mineral Extraction may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work near or within waterbodies, taking and use of water and discharges to waterbodies.~~

Activity status where compliance not achieved: ~~Controlled where this is a previously mined area identified in Schedule Ten. Otherwise Restricted Discretionary~~

17.3 GRUZ-R18 Mineral Extraction and Mineral Prospecting and Exploration not meeting Permitted Activity standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested

Karamea Lime Company	S614.193	Support	Retain
Peter Langford	S615.193		
John Brazil	S360.061		
Koiterangi Lime Co LTD	S577.105		
Catherine Smart-Simpson	S564.138		
William McLaughlin	S567.573		
Steve Croasdale	S516.123		
Geoff Volckman	S563.129		
Rocky Mining Limited	S474.015		
Straterra	S536.038		
Chris & Jan Coll	S558.531		
Chris J Coll Surveying Limited	S566.531		
Laura Coll McLaughlin	S574.531		
Geoff Volckman	S563.0180		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.985	Support in part	Amend GRUZ-R18 as follows: Activity Status Controlled Where: 1. The activity occurs in previously mined locations identified in Schedule Ten; and 2. The activity does not occur within: i. An Outstanding Natural Landscape or Outstanding Natural Feature or a Drinking Water Source Protection Zone (SPZ) .
Buller District Council	S538.511	Support in part	Consideration is given to deletion of Rule 18.
Buller Conservation Group	S552.182	Amend	change activity status to discretionary
Frida Inta	S553.182		

Bathurst Resources Limited and BT Mining Limited	S491.046	Amend	Include a new rule in the restricted discretionary status for minerals exploration and prospecting.
Buller District Council	FS149.047	Support	Allow
Grey District Council	S608.112	Amend	Remove reference to "Site or Area of Significance to Māori"
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.032	Oppose	Cross referencing within the Plan is important for clarity.
Sophia Allan	S82.005	Oppose	Remove GRUZ R18
Brian Anderson	S576.001		
Suzanne Hills	S443.045		
Trevor Hayes	S377.006		
Lynley Hargreaves	S481.014		
Michael Hill	S70.002		
Sharon Langridge	S388.003		
Jane Nolan	S397.003		
Katherine Crick	S101.018		
Grey District Council	FS1.273		
	FS1.100		
	FS1.096		
	FS1.107		
	FS1.123		
David Moore	S65.018	Oppose	Remove this rule. Mining in the rural zone should be in accord with GRUZ R25, or R32.
Grey District Council	FS1.277	Oppose	Disallow
Forest & Bird	S560.386	Oppose	Delete, and delete Schedule 10 as it is empty.
Grey District Council	FS1.402	Oppose	Disallow
Grey District Council	S608.753	Support	Retain - Support the matters of control for mineral extraction, prospecting, and exploration in

			relation to the management of access, parking, traffic generation and transport of miners from the site, design and location of ancillary buildings, structures and infrastructure.
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Analysis

Retain

604. Karamea Lime Company (S614.193), Peter Langford (S615.193), John Brazil (S360.061), Koiterangi Lime Co LTD (S577.105), Catherine Smart-Simpson (S564.138), William McLaughlin (S567.573), Steve Croasdale (S516.123), Geoff Volckman (S563.129), Rocky Mining Limited (S474.015), Straterra (S536.038), Chris & Jan Coll (S558.531), Chris J Coll Surveying Limited (S566.531), Laura Coll McLaughlin (S574.531) and Geoff Volckman (S563.0180) seek to retain. These submissions that seek to retain GRUZ-R18 as notified are acknowledged; however, for the reasons I outlined below, I consider that the rule should be deleted.
605. Grey District Council (S608.753) seeks to retain and support the matters of control for mineral extraction, prospecting and exploration in relation to the management of access, parking, traffic generation and transport of miners from the site, design and location of ancillary buildings, structures and infrastructure. This submission is acknowledged; however, for the reasons I outlined below, I consider that the rule should be deleted.

Amend

606. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.985) seeks to add "or a Drinking Water Source Protection Zone (SPZ)" to the end of clause 2. i.
607. Buller Conservation Group (S552.182) and Frida Inta (S553.182) seek to change activity status to discretionary.
608. Bathurst Resources Limited and BT Mining Limited (S491.046) seek to include a new rule in the restricted discretionary status for minerals exploration and prospecting. This is supported by Buller District Council (FS149.047).
609. Grey District Council (S608.112) seeks to remove the reference to "Site or Area of Significance to Māori". This is opposed by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.032).
610. The above submissions that seek that GRUZ-R18 be amended are acknowledged; however, for the reasons outlined below, I consider that the rule should be deleted.

Delete

611. David Moore (S65.018) seeks to remove this rule- mining in the rural zone should be in accord with GRUZ R25, or R32. This is opposed by Grey District Council (FS1.277).
612. Sophia Allan (S82.005), Brian Anderson (S576.001), Suzanne Hills (S443.045), Trevor Hayes (S377.006), Lynley Hargreaves (S481.014), Michael Hill (S70.002), Sharon Langridge (S388.003), Jane Nolan (S397.003) and Katherine Crick (S101.018) seek to remove GRUZ R18. This is opposed by Grey District Council (FS1.273, FS1.100, FS1.096, FS1.107 and FS1.123).
613. Buller District Council (S538.511) seeks for consideration to be given to the deletion of Rule 18.

614. Forest & Bird (S560.386) seeks to delete this rule and delete Schedule 10 as it is empty. This is opposed by Grey District Council (FS1.402).
615. I agree that GRUZ-R18 should be deleted for the following reasons:
- In my opinion, Schedule 10 is unworkable and inappropriate. As notified, no sites are included within Schedule 10. Irrespective of this, I cannot see how the approach of indicating that sites that were previously used for mining during the period since 2002 could work. If those sites were lawfully established at the time and have been continuously operating in the same manner, they will have existing use rights. Where they have stopped for an extended period of time, and are no longer deemed to have existing use rights, I consider it entirely appropriate for them to be considered as new under the pTTPP rules that apply at the time, including GRUZ-R12 if they are located in the GRUZ.
 - With respect to the restricted discretionary activity status that currently applies, I consider that it is more appropriate that this be a discretionary activity status if the permitted activity criteria in is not meet (e.g., this would resort to GRUZ-R25). The main reason for my recommendation is that the list of matters of discretion is already long – 14 separate matters as notified, with scope for further additions in response to submissions. This means the list is already quite exhaustive covering a range of matters. I am generally unsupportive of having restricted discretionary activities with so many matters of discretion. In my opinion, if so many matters of discretion are required, then it is generally simpler to make it a discretionary activity.

Recommendations

616. It is recommended that GRUZ-R18 be deleted as follows:

~~Mineral Extraction and Mineral Prospecting and Exploration not meeting Permitted Activity standards~~

~~Activity Status Controlled~~

~~Where:~~

- ~~1. The activity occurs in previously mined locations identified in Schedule Ten; and~~
- ~~2. The activity does not occur within:

 - ~~i. An Outstanding Natural Landscape or Outstanding Natural Feature; or~~
 - ~~ii. An area of significant indigenous vegetation or significant indigenous fauna habitat; or~~
 - ~~iii. The riparian margins of any stream, river, lake, or wetland;~~
 - ~~iv. A Historic Heritage site, or~~
 - ~~v. A Site or Area of Significance to Māori;~~
 - ~~vi. 250m of a residential building on any RESZ—Residential Zone, SETZ—Settlement Zone or RLZ—Rural Lifestyle Zone.~~~~

~~Matters of control are:~~

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

- e.—Historic and Poutini Ngāi Tahu cultural heritage requirements;
- f.—Extent and design of earthworks and indigenous vegetation clearance;
- g.—Effects on any threatened fauna or flora, or their habitats;
- h.—Design and location of ancillary buildings, structures and infrastructure;
- i.—Landscape measures;
- j.—Maintaining public access;
- k.—Effects on riparian margins and water quality;
- l.—Monitoring, reporting and community liaison requirements;
- m.—Financial contributions and any requirement for bonds; and
- n.—Site rehabilitation and mine closure requirements.

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

~~Activity status where compliance not achieved: Restricted Discretionary~~

17.4 GRUZ-R25 Mineral Extraction Activities not meeting Permitted or Controlled Activity Standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Peter Langford	S615.198	Support	Retain
Karamea Lime Company	S614.198		
Koiterangi Lime Co LTD	S577.110		
Catherine Smart-Simpson	S564.143		
William McLaughlin	S567.580		
Steve Croasdale	S516.128		
Geoff Volckman	S563.134		
Rocky Mining Limited	S474.016		
Laura Coll McLaughlin	S574.539		
Buller District Council	S538.517		
Chris & Jan Coll	S558.539		
Chris J Coll	S566.539		

Surveying Limited					
Grey District Council	S608.760				
Geoff Volckman	S563.0181				
SOPHIA ALLAN	S82.004	Amend	Amend the rule to take account of potential cumulative effects of multiple mining operations in the same locality as proposed on the Barrytown Flats		
Michael Hill	S70.003				
Katherine Crick	S101.019				
Lindy Mason	S355.003				
Laura Garber	S278.007				
Jan Fraser	S129.003				
Trevor Hayes	S377.009				
Marie Elder	FS77.34			Support	Allow
	FS77.6				
Grey District Council	FS1.027			Neutral	Allow in part
Sophia Allan	S82.007	Oppose	More protection for existing communities and businesses.		
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.121	Amend	Amend GRUZ - R25: GRUZ - R25 Mineral Extraction, Prospecting and Exploration Activities not meeting Permitted or Controlled Activity Standards ... Discretion is restricted to: a. ... k. Effects on riparian margins and water quality; k. Effects on riparian margins and water quality;		
TiGa Minerals and Metals Limited	S493.105				
Whyte Gold Limited	S607.074				
Birchfield Ross Mining Limited	S604.122				
Phoenix Minerals Limited	S606.074				
Whyte Gold Limited	S607.095				
Birchfield Coal Mines Ltd	S601.129				
Buller District Council	FS149.087	Support	Allow		
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu	S190.992	Support in part	Amend GRUZ - R25 as follows: Activity Status Restricted Discretionary Where:		

Ora			The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance, a Drinking Water Source Protection Zone , or an area of High or Outstanding Coastal Natural Character) refer to the relevant Overlay Chapter rules in relation to activities in these areas)
Birchfield Coal Mines Ltd	S601.099	Amend	Matters of discretion include water quality. This is not a district planning matter and should be addressed through discharge permits sought through regional consenting. In order to be consistent with GRUZ-R11, this rule should apply to minerals prospecting and exploration also. The West Coast Regional Policy Statement seeks to achieve integrated management, which includes avoiding unnecessary duplication of resource management responsibilities, which including water quality as a matter of discretion in this rule would not achieve.
Birchfield Ross Mining Limited	S604.089	Amend	Amend GRUS - R25 as follows: GRUZ - R25 Mineral Extraction, Activities not meeting Permitted or Controlled Activity Standards ... Discretion is restricted to: a. ... k. Effects on riparian margins and water quality; l. ...
Sharon Langridge	S388.004	Amend	Rule needs to consider cumulative effects of mining in same locality - the notional boundary in relation to noise/dust should be changed to the actual property boundary
Jane Nolan	S397.004	Oppose	I vehemently object to any mining on the Barrytown flats. I

			am concerned about the impact of sea level rise combined with mining activity. This all makes the Barrytown flats increasingly fragile and open cast mining here increases the risk of coastal erosion, inundation and salination that will destroy this land and precious wetlands, our home.
Grey District Council	FS1.108	Neutral	Disallow
Suzanne Hills	S443.046	Oppose	Remove and make a discretionary activity with controls in place over cumulative adverse effects from potential of multiple concurrent mining operations.
Grey District Council	FS1.124	Oppose	Disallow
William McLaughlin	S567.579	Amend	Amend so that existing non-compliance with GRUZ – R1 performance standards does not preclude the application of this rule.
David Moore	S65.019	Amend	Discretion should include transport of minerals from the site; design of earthworks; impact to scenery; rural amenity and erosion mitigation in addition to what is already listed. Consideration should be given to the cumulative impact of all activities.
Chris & Jan Coll	S558.537	Amend	Amend so that existing non-compliance with GRUZ – R1 performance standards does not preclude the application of this rule.
Chris J Coll Surveying Limited	S566.537		
Laura Coll McLaughlin	S574.537		
Forest & Bird	S560.388	Oppose	Delete

Analysis

Retain

617. Peter Langford (S615.198), Karamea Lime Company (S614.198), Koiterangi Lime Co LTD (S577.110), Catherine Smart-Simpson (S564.143), William McLaughlin (S567.580), Steve Croasdale (S516.128), Geoff Volckman (S563.134), Rocky Mining Limited (S474.016), Laura Coll McLaughlin (S574.539), Buller District Council (S538.517), Chris & Jan Coll (S558.539), Chris J Coll Surveying Limited (S566.539), Grey District Council (S608.760) and Geoff Volckman (S563.0181)

seek to retain. These submissions that seek to retain GRUZ-R18 as notified are noted; however, for the reasons I outline below, I consider that this rule should be amended.

Delete

618. Forest & Bird (S560.388) seek to delete the rule. This submission I noted, however for the reasons I outline below, I consider that this rule should be amended rather than deleted.

Amend

619. Sophia Allan (S82.004), Michael Hill (S70.003), Katherine Crick (S101.019), Lindy Mason (S355.003), Laura Garber (S278.007), Jan Fraser (S129.003) and Trevor Hayes (S377.009) seek to amend the rule to take account of potential cumulative effects of multiple mining operations in the same locality as proposed on the Barrytown Flats. This is supported by Marie Elder (FS77.34 and FS77.6). A neutral position is held by Grey District Council (FS1.027).
620. Sophie Allan (S82.007) seeks more protection for existing communities and businesses.
621. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.121), TiGa Minerals and Metals Limited (S493.105), Whyte Gold Limited (S607.074), Birchfield Ross Mining Limited (S604.122), Phoenix Minerals Limited (S606.074), Whyte Gold Limited (S607.095) and Birchfield Coal Mines Ltd (S601.129) seek to add "Prospecting and Exploration" to GRUZ - R25 and remove "and water quality" from item k. This is supported by Buller District Council (FS149.087).
622. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.992) seeks to "a Drinking Water Source Protection Zone" to clause 1.
623. Birchfield Coal Mines Ltd (S601.099) seeks that matters of discretion include water quality. This is not a district planning matter and should be addressed through discharge permits sought through regional consenting. In order to be consistent with GRUZ-R11, this rule should apply to minerals prospecting and exploration also. The West Coast Regional Policy Statement seeks to achieve integrated management, which includes avoiding unnecessary duplication of resource management responsibilities, which including water quality as a matter of discretion in this rule would not achieve.
624. Birchfield Ross Mining Limited (S604.089) seeks remove "and water quality" from item k.
625. Sharon Langridge (S388.004) seeks that the rule considers the cumulative effects of mining in same locality - the notional boundary in relation to noise/dust should be changed to the actual property boundary.
626. Jane Nolan (S397.004) vehemently objects to any mining on the Barrytown flats as she is concerned about the impact of sea level rise combined with mining activity. This all makes the Barrytown flats increasingly fragile and open cast mining here increases the risk of coastal erosion, inundation and salination that will destroy this land and precious wetlands, our home. A neutral position is held by Grey District Council (FS1.108).
627. Suzanne Hills (S443.046) seeks to remove and make this a discretionary activity with controls in place over cumulative adverse effects from potential of multiple concurrent mining operations. This is opposed by the Grey District Council (FS1.124).
628. William McLaughlin (S567.579), Chris & Jan Coll (S558.537), Chris J Coll Surveying Limited (S566.537) and Laura Coll McLaughlin (S574.537) seek to amend so that existing non-compliance with GRUZ – R1 performance standards does not preclude the application of this rule.

629. David Moore (S65.019) seeks that discretion should include transport of minerals from the site; design of earthworks; impact to scenery; rural amenity and erosion mitigation in addition to what is already listed. Consideration should be given to the cumulative impact of all activities.
630. I acknowledge all of the above submissions that seek to amend GRUZ-R25 in one way or another. With respect to the restricted discretionary activity status that currently applies, I consider that it is more appropriate that this be a discretionary activity status if the permitted activity criteria in is not met. The main reason for my recommendation is that the list of matters of discretion is already long – 14 separate matters as notified, with scope for further additions in response to submissions. This means the list is already quite exhaustive covering a range of matters. I am generally unsupportive of having restricted discretionary activities with so many matters of discretion. In my opinion, if so many matters of discretion are required, then it is generally simpler to make it a discretionary activity.

Recommendations

631. It is recommended that GRUZ-R25 is amended as follows:

Mineral [Prospecting, Mineral Exploration and Mineral](#) Extraction Activities not meeting Permitted ~~or Controlled~~ Activity Standards

Activity Status ~~Restricted~~ Discretionary

~~Where:~~

- ~~1.—The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance to Māori, or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas]~~

~~Discretion is restricted to:~~

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

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

~~Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where mineral extraction is proposed in these areas. [N/A](#)~~

17.5 GRUZ-R32 Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.999	Support	Retain
Peter Langford	S615.208		
Karamea Lime Company	S614.208		
Koiterangi Lime Co LTD	S577.120		
Catherine Smart-Simpson	S564.153		
William McLaughlin	S567.590		
Rocky Mining Limited	S474.017		
Chris & Jan Coll	S558.550		
Chris J Coll Surveying Limited	S566.550		
Laura Coll McLaughlin	S574.550		
Buller District Council	S538.524		
Geoff Volckman	S563.0182		
Geoff Volckman	S563.144		
New Zealand Coal & Carbon Limited	S472.036	Support in part	Support the Discretionary activity status of GRUZ-R32.
Forest & Bird	S560.389	Amend	As submitted above, all mining activities should require discretionary consent. This also needs to include a requirement to undertake an ecological assessment in accordance with Appendix 1

			WCRPS. The rule should make it clear that any vegetation clearance associated with mining activities is regulated by the ECO chapter, and that the objectives and policies of that chapter apply.
Forest & Bird	S560.0539	Amend	This also needs to include a requirement to undertake an ecological assessment in accordance with Appendix 1 WCRPS.
Forest & Bird	S560.0540	Amend	The rule should make it clear that any vegetation clearance associated with mining activities is regulated by the ECO chapter, and that the objectives and policies of that chapter apply.
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.122	Oppose	Delete
TiGa Minerals and Metals Limited	S493.106		
Birchfield Coal Mines Ltd	S601.100		
Birchfield Ross Mining Limited	S604.090		
Phoenix Minerals Limited	S606.075		
Whyte Gold Limited	S607.075		
Bathurst Resources Limited and BT Mining Limited	S491.047		

Analysis

Retain

632. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.999), Peter Langford (S615.208), Karamea Lime Company (S614.208), Koiterangi Lime Co LTD (S577.120), Catherine Smart-Simpson (S564.153), William McLaughlin (S567.590), Rocky Mining Limited (S474.017), Chris & Jan Coll (S558.550), Chris J Coll Surveying Limited (S566.550), Laura Coll McLaughlin (S574.550), Buller District Council (S538.524) and Geoff Volckman (S563.0182 and S563.144) seek to retain. New Zealand Coal & Carbon Limited (S472.036) seek to support the Discretionary activity status of GRUZ-R32.

633. I acknowledge these submissions that seek to retain GRUZ-R32; however, for the reasons I outline below I consider that the rule should be deleted.

Amend

634. Forest & Bird (S560.389, S560.0539 and S560.0540) seeks that all mining activities should require discretionary consent. This also needs to include a requirement to undertake an ecological assessment in accordance with Appendix 1 WCRPS. The rule should make it clear that any vegetation clearance associated with mining activities is regulated by the ECO chapter, and that the objectives and policies of that chapter apply. I have addressed this submission generally as it relates to the mining and mineral extraction provisions generally. In terms of this rule, for the reasons I outline below, I consider that it should be deleted.

Delete

635. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.122), TiGa Minerals and Metals Limited (S493.106), Birchfield Coal Mines Ltd (S601.100), Birchfield Ross Mining Limited (S604.090), Phoenix Minerals Limited (S606.075), Whyte Gold Limited (S607.075) and Bathurst Resources Limited and BT Mining Limited (S491.047) seek to delete the rule. I agree that this rule should be deleted. This is a consequence of my recommended changes to the GRUZ rules that I address in the above sections, which no make this rule redundant.

Recommendations

636. I recommend that GRUZ-R32 is deleted as follows:

~~Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards~~

~~Activity Status Discretionary~~

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

~~Activity status where compliance not achieved: N/A~~

18.0 Plan Section – Rural Lifestyle Zone

18.1 RLZ-R11 Mineral Prospecting and Mineral Exploration

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Westland District Council	S181.043	Support	Retain
Rocky Mining Limited	S474.018	Support	Retain
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1014	Support in part	Amend GRUZ-R11 as follows: Activity Status Permitted Where: 6. The site is not within a Drinking Water Source Protection Zone (SPZ).

Buller District Council	S538.538	Support in part	<p>Activity Status Permitted Where:</p> <p>1. This is authorised under a prospecting or exploration permit from NZPAM where legally required;</p> <p>2. Notice is provided to the relevant District Council 10 working days prior to the works commencing;</p> <p>3. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible but no later than 3 months after the disturbance has occurred.</p> <p>6. Earthworks are not within 20m of the site boundary;</p> <p>7. The site shall be progressively rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 3 months after activities cease;</p> <p>8. All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.</p> <p>No more than 5,000m³ of material is excavated in a calendar year</p>
Sophia Allan	S82.031	Amend	There should be setbacks for any mining operation of at least 300 meters from any legal dwelling
Minerals West Coast	S569.029	Amend	Amend to include mineral extraction.
William McLaughlin	S567.610	Amend	Amend point 1 as follows:

Chris & Jan Coll	S558.572		This is authorised under a prospecting or exploration permit from NZPAM where legally required;
Chris J Coll Surveying Limited	S566.572		
Laura Coll McLaughlin	S574.572		
William McLaughlin	S567.611	Amend	Delete point 3 or extend the timeframe until a period after cessation of mining activity.
Chris & Jan Coll	S558.573		
Chris J Coll Surveying Limited	S566.573		
Laura Coll McLaughlin	S574.573		
Lynley Hargreaves	S481.007	Oppose	Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan

Analysis

Retain

637. Westland District Council (S181.043) and Rocky Mining Limited (S474.018) seek to retain the rule.

Amend

638. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1014) seek to add an additional clause to the rule as follows "Activity Status Permitted Where: ... 6. *The site is not within a Drinking Water Source Protection Zone (SPZ).*"
639. Sophia Allan (S82.031) seeks that there be setbacks for any mining operation of at least 300 meters from any legal dwelling.
640. Minerals West Coast (S569.029) seeks to include mineral extraction.
641. William McLaughlin (S567.610), Chris & Jan Coll (S558.572), Chris J Coll Surveying Limited (S566.572) and Laura Coll McLaughlin (S574.572) seek to add "where legally required;" to the end of point 1.
642. William McLaughlin (S567.611), Chris & Jan Coll (S558.573), Chris J Coll Surveying Limited (S566.573) and Laura Coll McLaughlin (S574.573) seek to delete point 3 or extend the timeframe until a period after cessation of mining activity.
643. Lynley Hargreaves (S481.007) seeks for Prospecting and Exploration to have similar limits placed on them to the current Westland District Plan.
644. Buller District Council (S538.538) seeks the following amendments:
"Activity Status Permitted
Where:
1. This is authorised under a prospecting or exploration permit from NZPAM *where legally required;*

2. Notice is provided to the relevant District Council 10 working days *prior to the works commencing*;
3. Earthworks are not within 20m of the site boundary;
4. The site is progressively rehabilitated as far as is practicable to its original condition, with rehabilitation to be completed no later than 3 months after activities cease;
5. No more than 5,000m³ of material is excavated in a calendar year.”

645. In response to the above submissions, I have outlined further amendments to this rule to make it consistent with the changes that I have recommended to the equivalent rules OSZ-R11 and GRUZ-R11 (see Section 13.1 and Section 17.1). These include:

- RLZ-R11.1 and 2 – I have made some minor amendments to these clauses for consistency and readability.
- RLZ-R11.3: I deleted the existing text and included a new clause 3 regarding a 20m setback from the site boundary, to manage potential adverse effects associated with adjoining properties.
- RLZ-R11.4: I have redrafting this clause to being elements of existing Clause 3, and make it clearer with regards to the requirements for rehabilitation.
- RLZ-R11.5: I agree with the inclusion of clause 5 as outlined by the submitter re no more than 5,000m³ of material being excavated in a calendar year
- RLZ-R11.6: I consider a new clause regarding the mineral prospecting or mineral exploration not occurring within sensitive environments (e.g., Outstanding Natural Landscapes).
- Deletion of advice notes: I have recommended the deletion of the advice notes as I consider that these are unnecessary and are already addressed in the Overview Section.

Recommendations

646. It is recommended that RLZ-R11 is amended as follows:

Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a mineral prospecting or mineral exploration permit from ~~NZPAM~~ New Zealand Petroleum and Minerals, where legally required;
2. Written notice is provided to the relevant District Council 10 working days ~~ahead prior to of any work~~ mineral prospecting or mineral exploration commencing being undertaken;
3. ~~Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred~~ Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary;
4. The site ~~shall be~~ is progressively rehabilitated as far as is practicable to its original condition with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral Extracting ceases; ~~and~~
5. No more than 5,000m³ of material is excavated in a calendar year; and
6. The mineral prospecting or mineral exploration does not occur within:
 - a. An Outstanding Natural Landscape;

- b. [An Outstanding Natural Feature;](#)
- c. [A Historic Heritage site;](#)
- d. [A Site or Area of Significance to Maori](#)
- e. [A Significance Natural Area; or](#)
- f. [An area of High or Outstanding Coastal Natural Character](#)

~~5.—All stripped material (including vegetation, soil and debris) is not deposited within any riparian margin of a waterbody and is contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

~~Advice Notes:~~

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

Activity status where compliance not achieved: **Restricted** Discretionary

18.2 RLZ-R15 Mineral Prospecting and Exploration not Meeting Permitted Activity Standards and Mineral Extraction Activities

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Westland District Council	S181.044	Support	Retain
Rocky Mining Limited	S474.019		
Buller District Council	S538.542		
Grey District Council	S608.765	Support	Support the matters of discretion in relation to management of access, parking, traffic generation and transport of minerals from the site, design and location of ancillary buildings and structures and infrastructure.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1018	Support in part	Amend GRUZ - R25 as follows: Activity Status Restricted Discretionary Where: The activity does not occur within an Outstanding Natural

			Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance, a Drinking Water Source Protection Zone , or an area of High or Outstanding Coastal Natural Character) refer to the relevant Overlay Chapter rules in relation to activities in these areas)
Buller Conservation Group	S552.183	Amend	amend activity status to discretionary
Frida Inta	S553.183		
Suzanne Hills	S443.049	Oppose	That mineral extraction is a discretionary activity
Grey District Council	FS1.125	Oppose	Disallow
Frank O'Toole	S595.029	Amend	<p>New Rule: [zone reference] – R[XX] Fences, Walls and Retaining Structures:</p> <p>Activity Status Restricted Discretionary</p> <p>Discretion is restricted to:</p> <p>a. Design and location of structures</p> <p>b. Height of structure's</p> <p>c. Shading and dominance effects on adjoining sites</p>
Frank and Jo Dooley	S478.041		
William McLaughlin	S567.615	Amend	Retain
Chris & Jan Coll	S558.577	Amend	
Chris J Coll Surveying Limited	S566.577	Amend	
Laura Coll McLaughlin	S574.577	Amend	
SOPHIA ALLAN	S82.030	Oppose	More protection for the local people.
Grey District Council	S608.118	Oppose in part	Remove reference to "Site or Area of Significance to Māori"

Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu	FS41.033	Oppose	Cross referencing within the Plan is important for clarity.
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Analysis

Retain

647. Westland District Council (S181.044), Rocky Mining Limited (S474.019), Buller District Council (S538.542), William McLaughlin (S567.615), Chris & Jan Coll (S558.577), Chris J Coll Surveying Limited (S566.577) and Laura Coll McLaughlin (S574.577) seek to retain. I acknowledge these submissions that seek to retain RLZ-R15 as notified. However, for the reasons I outline below, I consider that the rule should be amended.
648. Grey District Council (S608.765) seeks to support the matters of discretion in relation to management of access, parking, traffic generation and transport of minerals from the site, design and location of ancillary buildings and structures and infrastructure. acknowledge the support for the matters of discretion, however I recommend that this rule be a discretionary activity for the reasons I outline below.

Amend

649. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1018) seeks to add "*a Drinking Water Source Protection Zone*" to item 1 of GRUZ - R25.
650. Buller Conservation Group (S552.183) and Frida Inta (S553.183) seek to amend activity status to discretionary.
651. Suzanne Hills (S443.049) seeks to That mineral extraction is a discretionary activity. This is opposed by Grey District Council (FS1.125).
652. Frank O'Toole (S595.029) and Frank and Jo Dooley (S478.041) seek a new rule as follows "[zone reference] – R[XX] Fences, Walls and Retaining Structures: Activity Status Restricted Discretionary - Discretion is restricted to: a. Design and location of structures; b. Height of structures; c. Shading and dominance effects on adjoining sites".
653. Sophia Allan (S82.030) seek more protection for the local people.
654. Grey District Council (S608.118) seek to remove reference to "Site or Area of Significance to Māori". This is opposed by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.033).
655. I acknowledge the above submissions that seek amendments to RLZ-R15. In my opinion, with respect to the restricted discretionary activity status that currently applies, I consider that it is more appropriate that this be a discretionary activity status if the permitted activity criteria in is not meet. The main reason for my recommendation is that the list of matters of discretion is already long – 14 separate matters as notified, with scope for further additions in response to submissions. This means the list is already quite exhaustive covering a range of matters. I am generally unsupportive of having restricted discretionary activities with so many matters of discretion. In my opinion, if so many matters of discretion are required, then it is generally simpler to make it a discretionary activity.
656. With regard to mineral extraction in the RLZ, I consider that this should be an outright non-complying activity. There is no specific policy direction regarding the provision of mineral extraction in the RLZ. I consider that by its very nature, the RLZ anticipates a greater level and intensity of sensitive residential activity, and

would not anticipate mineral extraction occurring within it, as it could create significant issues associated with incompatible activities being situated alongside each other. As such, I consider that mineral extraction is not specifically anticipated or provided for in this RLZ, which therefore lends itself to a non-complying activity status. I have addressed this by the provision of a new rule RLZ-RX.

Recommendations

657. It is recommended that RLZ-R15 is amended as follows:

Mineral Prospecting and Exploration not Meeting Permitted Activity Standards ~~and Mineral Extraction Activities~~

Activity Status ~~Restricted~~ Discretionary

~~Where:~~

~~1.—The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, or a Site or Area of Significance to Māori, or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas].~~

~~Discretion is restricted to:~~

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

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

~~Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where the activity will occur in these areas [N/A](#)~~

658. It is recommended that a new RLZ-RX is inserted as follows:

[Mineral Extraction](#)

[Activity Status Non-Complying](#)

[Activity status where compliance not achieved: N/A](#)

19.0 Plan Section – Settlement Zone

19.1 SETZ-R15 Mineral Prospecting and Mineral Exploration

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1046	Support in part	Amend SETZ-R15 as follows: Activity Status Permitted Where: 6. The site is not within a Drinking Water Source Protection Zone (SPZ)
Minerals West Coast	S569.025	Amend	Amend to include mineral extraction
Lynley Hargreaves	S481.008	Oppose	Prospecting and Exploration should have similar limits placed on them to the current Westland District Plan
Buller District Council	S538.565	Oppose	Delete Rule 15.
William McLaughlin	S567.648	Amend	Amend point 1 as follows: This is authorised under a prospecting or exploration permit from NZPAM where legally required;
William McLaughlin	S567.649	Amend	Delete point 3 or extend the timeframe until a period after cessation of mining activity.
Chris & Jan Coll	S558.613	Amend	Amend point 1 as follows: This is authorised under a prospecting or exploration permit from NZPAM where legally required;
Chris & Jan Coll	S558.614	Amend	Delete point 3 or extend the timeframe until a period after cessation of mining activity.
Chris J Coll Surveying Limited	S566.613	Amend	Amend point 1 as follows: This is authorised under a prospecting or exploration permit from NZPAM where legally required;

Chris J Coll Surveying Limited	S566.614	Amend	Delete point 3 or extend the timeframe until a period after cessation of mining activity.
Laura Coll McLaughlin	S574.613	Amend	Amend point 1 as follows: This is authorised under a prospecting or exploration permit from NZPAM where legally required;
Laura Coll McLaughlin	S574.614	Amend	Delete point 3 or extend the timeframe until a period after cessation of mining activity.
Buller District Council	S538.565	Oppose	Delete Rule 15.

Analysis

Delete

659. Buller District Council (S538.565 and S538.565) seek to delete Rule 15. This submission is noted; however, I consider that this rule should be retained and amended for the reasons I outline below.

Amend

660. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1046) seek to amend SETZ-R15 as follows: "Activity Status Permitted Where... 6. The site is not within a Drinking Water Source Protection Zone (SPZ)."
661. Minerals West Coast (S569.025) seeks to amend the Rule to include "mineral extraction".
662. Lynley Hargreaves (S481.008) seeks for Prospecting and Exploration to have similar limits placed on them to the current Westland District Plan.
663. William McLaughlin (S567.648), Chris & Jan Coll (S558.613), Chris J Coll Surveying Limited (S566.613) and Laura Coll McLaughlin (S574.613) seek to amend point 1 as follows: "This is authorised under a prospecting or exploration permit from NZPAM *where legally required*;"
664. William McLaughlin (S567.649), Chris & Jan Coll (S558.614), Chris J Coll Surveying Limited (S566.614) and Laura Coll McLaughlin (S574.614) seek to delete point 3 or extend the timeframe until a period after cessation of mining activity.
665. In response to various requests to amend SETZ-R15, I consider that changes are necessary to make this consistent with the recommendations that I make above with regard to the RLZ provisions in previous sections. These include:
- Clauses 1 and 2 – I have made some minor amendments to these clauses for consistency and readability.
 - Clause 3: I deleted the existing text and included a new clause 3 regarding a 20m setback from the site boundary, to manage potential adverse effects associated with adjoining properties.
 - Clause 4: I have redrafted this clause to being elements of existing Clause 3, and make it clearer with regards to the requirements for rehabilitation.
 - Clause 5: I have included clause 5 re no more than 5,000m³ of material being excavated in a calendar year.

- Clause 6: I consider a new clause regarding the mineral prospecting or mineral exploration not occurring within sensitive environments (e.g., Outstanding Natural Landscapes).
- Deletion of advice notes: I have recommended the deletion of the advice notes as I consider that these are unnecessary and are already addressed in the Overview Section.

Recommendations

666. It is recommended that SETZ-R15 is amended as follows:

Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a mineral prospecting or mineral exploration permit from ~~NZPAM~~ New Zealand Petroleum and Minerals, where legally required;
 2. Written notice is provided to the relevant District Council 10 working days prior to the work any mineral prospecting or mineral exploration commencing;
 3. ~~Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred~~ Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary;
 4. The site ~~shall be~~ is progressively rehabilitated generally as far as practicable to its original condition, with rehabilitation being completed no more than three months after mineral prospecting and mineral exploration ceases; ~~and~~
 5. No more than 5,000m³ of material is excavated in a calendar year per site; and
 6. The mineral prospecting or mineral exploration does not occur within:
 - a. An Outstanding Natural Landscape;
 - b. An Outstanding Natural Feature;
 - c. A Historic Heritage site;
 - d. A Site or Area of Significance to Māori;
 - e. A Significant Natural Area; or
 - f. An area of High or Outstanding Coastal Natural Character
- ~~e.—All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat.~~

~~Advice Notes:~~

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

Activity status where compliance not achieved: ~~Restricted~~ Discretionary

667. In order to be consistent with other similar rules (e.g., RLZ-R11, GRUZ-R11 and OSZ-R11), it is recommended that the numbering for Rule SETZ-R15 is edited to be 1, 2, 3 etc.

19.2 SETZ-R23 Mineral Extraction

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Buller District Council	S538.572	Oppose in part	Delete Rule 23: Consequential amendment to insert Rural Industry and Mineral Prospecting and Exploration Activities into the Discretionary rules.
Minerals West Coast	S569.026	Amend	Amend to make mineral extraction a permitted activity
Buller District Council	S538.573	Oppose in part	Delete Rule 22: Consequential amendment to insert Rural Industry and Mineral Prospecting and Exploration Activities into the Discretionary rules.
Grey District Council	S608.777	Support	Fix numbering.
Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora	S190.1054	Support in Part	Amend GRUZ - R23 as follows: Activity Status Restricted Discretionary Where: The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance, a Drinking Water Source Protection Zone , or an area of High or Outstanding Coastal Natural Character)refer to the relevant Overlay Chapter rules in relation to activities in these areas)
William McLaughlin	S567.657	Support	Retain
Chris & Jan Coll	S558.623	Support	Retain
Chris J Coll Surveying Limited	S566.623	Support	Retain
Laura Coll McLaughlin	S574.623	Support	Retain

Analysis

Retain

668. William McLaughlin (S567.657), Chris & Jan Coll (S558.623), Chris J Coll Surveying Limited (S566.623) and Laura Coll McLaughlin (S574.623) seek to retain the Rule. This submission is noted; however, for the reasons I outline below, I consider that Rule SETZ-R23 needs to be amended.

Amend

669. Buller District Council (S538.572) seeks to delete Rule 22 and the consequential amendment would be to insert Rural Industry and Mineral Prospecting and Exploration Activities into the Discretionary rules. Buller District Council (S538.573) seeks to delete Rule 22: Consequential amendment to insert Rural Industry and Mineral Prospecting and Exploration Activities into the Discretionary rules.
670. While the above submission points, relate to SETZ-R22 which is not applicable to the mining topic, I note that the consequential request is relevant and I address this below in the round with regard to my amendments to SETZ-R23.
671. Minerals West Coast (S569.026) seeks to amend the Rule to make mineral extraction a permitted activity.
672. Grey District Council (S608.777) seeks to fix the numbering in the Rule.
673. Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1054) seeks to amend SETZ-R23 as follows:
"Activity Status Restricted Discretionary
Where:
The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance, a **Drinking Water Source Protection Zone**, or an area of High or Outstanding Coastal Natural Character (refer to the relevant Overlay Chapter rules in relation to activities in these areas)."
674. I acknowledge all of the above submissions that seek amendments to SETZ-R23. I consider that changes are necessary to make this consistent with the recommendations that I make above with regard to the RLZ.
675. In my opinion, with respect to the restricted discretionary activity status that currently applies in SETZ-R23, I consider that it is more appropriate that this be a discretionary activity status if the permitted activity criteria in is not meet. The main reason for my recommendation is that the list of matters of discretion is already long – 14 separate matters as notified, with scope for further additions in response to submissions. This means the list is already quite exhaustive covering a range of matters. I am generally unsupportive of having restricted discretionary activities with so many matters of discretion. In my opinion, if so many matters of discretion are required, then it is generally simpler to make it a discretionary activity.
676. With regard to mineral extraction in the SETZ, I consider that this should be an outright non-complying activity. There is no specific policy direction regarding the provision of mineral extraction in the SETZ. I consider that by its very nature, the SETZ anticipates a greater level and intensity of sensitive activities, and would not anticipate mineral extraction occurring within it, as it could create significant issues associated with incompatible activities being situated alongside each other. As such, I consider that mineral extraction is not specifically anticipated or provided for in this SETZ, which therefore lends itself to a non-complying activity status. I have addressed this by the provision of a new rule SETZ-RX.

Recommendations

677. It is recommended that SETZ-R23 is amended as follows:

Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards ~~and Mineral Extraction Activities~~

Activity Status ~~Restricted~~ Discretionary

~~Where:~~

~~1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, or a Site or Area of Significance to Māori, or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas].~~

~~Discretion is restricted to:~~

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

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

~~Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where the activity will occur in these areas. Discretionary~~

678. It is recommended that a new SETZ-RX is inserted as follows:

Mineral Extraction

Activity Status Non-complying

Activity status where compliance not achieved: N/A

20.0 Plan Section – Appendix Seven: Mineral Extraction Management Plan Requirements

20.1 Appendix Seven: Mineral Extraction Management Plan Requirements

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Peter Langford	S615.236	Support	Retain as notified
Karamea Lime Company	S614.236		
Koiterangi Lime Co LTD	S577.141		
Catherine Smart-Simpson	S564.177		
William McLaughlin	S567.739		
Geoff Volckman	S563.168		
Chris & Jan Coll	S558.713		
Chris J Coll Surveying Limited	S566.713		
Laura Coll McLaughlin	S574.713		
Forest & Bird	S560.408	Oppose	Delete
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.159	Amend	1. Introduction ... ii. Landscape values and Amenity (address all that are relevant) a. Landscape values b. Neighbouring landuses iii. Management of hazardous substances iv. Acid mine management
TiGa Minerals and Metals Limited	S493.129		
Birchfield Coal Mines Ltd	S601.118		
BRM Developments Limited	S603.068		
Birchfield Ross Mining Limited	S604.108		
Whyte Gold Limited	S607.092		

Phoenix Minerals Limited	S606.091	Oppose in part	<ul style="list-style-type: none"> v. Dust vi. Noise vii. Erosion and Sediment Control viii. Traffic ix. Lighting x. Archaeological and cultural values xi. Weed and pest management xii. Site rehabilitation and mine closure Appendices: Specific Management Plans (if required) 4. Key issues to be managed <ul style="list-style-type: none"> i. Heritage and Culture (address all that are relevant) <ul style="list-style-type: none"> a. Any archaeological or historic heritage values b. Poutini Ngāi Tahu Cultural landscape values ii. Acid Mine Drainage Management (where relevant) <ul style="list-style-type: none"> a. Prevention and minimisation measures b. Treatment and Control measures c. Monitoring, maintenance and contingency programme iii. Erosion and Sediment Control <ul style="list-style-type: none"> a. Drawings and specifications of erosion control measures b. Sizing and location of sediment controls (eg diversions, silt fences etc) c. Management of sediment retention ponds (where relevant)
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			<p>d. Decommissioning of sediment control structures</p> <p>e. Chemical treatment programme for sediment laden water (where relevant)</p> <p>f. Monitoring, maintenance and contingency programme</p> <p>iv. Waste Rock/Overburden Management</p> <p>a. Waste rock placement methods and procedures</p> <p>b. Slope stability</p> <p>c. Monitoring and maintenance</p> <p>5. Specific Management Plans</p> <p>i. Hazardous Substances & Spill Contingency Management Plan</p> <p>ii. Dust Management Plan</p> <p>iii. Noise Management Plan</p> <p>iv. Traffic Management Plan</p> <p>v. Lighting Management Plan</p> <p>vi. Fire Management Plan</p> <p>vii. Archaeological Management Plan</p> <p>viii. Annual Monitoring Plan</p> <p>ix. Site Rehabilitation Management Plan</p> <p>x. Weed and Pest Management Plan</p> <p>xi. Mine Closure Plan</p> <p>above</p>
Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te	FS41.067	Oppose	A management plan is required to address all relevant matters. While all matters might not be required for all activities at all sites, they are required to be considered as part of the
	FS41.066		
	FS41.068		

Rūnanga o Ngāi Tahu	FS41.069		assessment of the effects. In particular the effects on Poutini Ngāi Tahu values must remain.
	FS41.070		
	FS41.072		
	FS41.071		
Straterra	S536.023	Support	Amend the requirements so they do not duplicate other regulatory plans,

Analysis

679. Peter Langford (S615.236), Karamea Lime Company (S614.236), Koiterangi Lime Co LTD (S577.141), Catherine Smart-Simpson (S564.177), William McLaughlin (S567.739), Geoff Volckman (S563.168), Chris & Jan Coll (S558.713), Chris J Coll Surveying Limited (S566.713) and Laura Coll McLaughlin (S574.713) seek to retain as notified. I acknowledge these submissions that seek to retain Appendix 7 as notified. I agree that Appendix 7 should be retained, given that I have recommended the retention of the Mineral Extraction Management Plan requirements in applicable rules within the MINZ and BCZ as outlined previously.
680. Forest & Bird (S560.408) seeks to delete the Appendix in its entirety. While I consider amendments to the Appendix are necessary as outlined below, I do not consider that it should be deleted in its entirety.
681. Straterra (S536.023) seek to amend the requirements so they do not duplicate other regulatory plans.
682. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.159), TiGa Minerals and Metals Limited (S493.129), Birchfield Coal Mines Ltd (S601.118), BRM Developments Limited (S603.068), Birchfield Ross Mining Limited (S604.108), Whyte Gold Limited (S607.092) and Phoenix Minerals Limited (S606.091) seek to amend part 3. ii. to read "landscape values" (removing subclauses a. and b.) and deleting clauses 4 and 5 in totality. This is opposed by Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (FS41.067, FS41.066, FS41.068, FS41.069, FS41.070, FS41.072 and FS41.071). I agree that amendments to the provisions in Appendix 7 are required, but not in the manner specified in these submissions. I outline the amendments I consider are needed below.
683. Noting the above submissions which seek widespread amendments to the wording in Appendix Seven, and the earlier submission seeking its deletion, I consider that there is broad scope to amend the wording of Appendix Seven. I have recommended redrafting Appendix Seven as outlined below in the recommendation section, noting the following:
- I consider that the structure and format of Appendix Seven as notified is unclear and will ultimately be unhelpful to plan users. It presents as a potential structure of a Mineral Extraction Management Plan, rather than the requirements that need to be addressed within it as is suggested in the title of Appendix Seven.
 - In my opinion, it is more appropriate that a list of matters to be addressed is included. In this regard, I have recommended a list of relevant matters based on the proposed objectives, policies and rules within the pTTPP (in particular

those within the MINZ and BCZ) and on a review of other plans around the Country¹⁸.

Recommendations

684. It is recommended that Appendix Seven is amended as follows:

Outline of Content Requirements for a Mineral Extraction Management Plan

1. The following matters shall be addressed in any Mineral Extraction Management Plan triggered by the applicable rules:
 - a. The size and scale of mineral prospecting, mineral exploration, mineral extraction and / or mineral processing activities and the expected length of operations;
 - b. The design and layout of the site, access roads and any supporting facilities;
 - c. The proposed measures to manage noise, vibration and dust (including from any blasting operations) and lighting to maintain amenity values of the surrounding land use;
 - d. The proposed measures to manage effects on the surrounding road network and maintain safety to all road users, particularly measures relating to any heavy vehicles entering or exiting the site;
 - e. The proposed measures to avoid, remedy or mitigate adverse effects on the natural environment, including any areas of indigenous biodiversity, natural inland wetlands and watercourses;
 - f. As relevant, how land stability will be impacted and the measures in place to prevent the exacerbation of existing natural hazards;
 - g. Any proposed measures required to mitigate adverse effects on visual and landscape values;
 - h. Any proposed measures required to maintain the relationship of tangata whenua with their ancestral lands, sites, water, wāhi tapu and other taonga;
 - i. Detail and quantities of hazardous substances to be used and stored on the site and to be transported to and from the site;
 - j. Details on any annual monitoring to be undertaken for the duration of any mineral prospecting, mineral exploration, mineral extraction and / or mineral processing activities;
 - k. Details on the progressive rehabilitation of the site, as far as practicable to its original condition, within a reasonable timeframe from the completion of any mineral prospecting, mineral exploration, mineral extraction and / or mineral processing activities;

~~1.—Introduction~~

~~i.—Statutory Approvals—status~~

~~ii.—Location~~

~~iii.—Overview of the mineral extraction operations~~

~~2.—Receiving Environment (address all that are relevant)~~

~~i.—Climate~~

~~ii.—Geology~~

¹⁸ Including Thames Coromandel District Plan and Whangārei District Plan

- iii. — Hydrology — including presence of lakes, wetlands and waterways
 - iv. — Terrestrial ecology including key species
 - v. — Landscape context
 - vi. — Neighbouring land uses
 - vii. — Coastal environment
3. — Management of Environmental Effects
- i. — Terrestrial Ecology (address all that are relevant)
 - a. — Native vegetation
 - b. — Native fauna
 - c. — Significant natural areas
 - d. — Key species
 - e. — Key risks to be managed
 - f. — Any specific species or ecosystem management plans
 - ii. — Landscape and Amenity (address all that are relevant)
 - a. — Landscape values
 - b. — Neighbouring land uses
4. — Key issues to be managed
- i. — Heritage and Culture (address all that are relevant)
 - a. — Any archaeological or historic heritage values
 - b. — Poutini Ngāi Tahu Cultural landscape values
 - ii. — Acid Mine Drainage Management (where relevant)
 - a. — Prevention and minimisation measures
 - b. — Treatment and Control measures
 - c. — Monitoring, maintenance and contingency programme
 - iii. — Erosion and Sediment Control
 - a. — Drawings and specifications of erosion control measures
 - b. — Sizing and location of sediment controls (eg diversions, silt fences etc)
 - c. — Management of sediment retention ponds (where relevant)
 - d. — Decommissioning of sediment control structures
 - e. — Chemical treatment programme for sediment laden water (where relevant)
 - f. — Monitoring, maintenance and contingency programme
 - iv. — Waste Rock/Overburden Management
 - a. — Waste rock placement methods and procedures
 - b. — Slope stability
 - c. — Monitoring and maintenance
5. — Specific Management Plans
- i. — Hazardous Substances & Spill Contingency Management Plan

- ~~ii.—Dust Management Plan~~
- ~~iii.—Noise Management Plan~~
- ~~iv.—Traffic Management Plan~~
- ~~v.—Lighting Management Plan~~
- ~~vi.—Fire Management Plan~~
- ~~vii.—Archaeological Management Plan~~
- ~~viii.—Annual Monitoring Plan~~
- ~~ix.—Site Rehabilitation Management Plan~~
- ~~x.—Weed and Pest Management Plan~~
- ~~xi.—Mine Closure Plan~~

21.0 Plan Section – Schedules

21.1 Schedule Nine - Lawfully Established Mineral Extraction and Processing Areas

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
BRM Developments Limited	S603.067	Support	Retain lawfully established MINZ
Birchfield Ross Mining Limited	S604.106		
William McLaughlin	S567.733		
Chris & Jan Coll	S558.707		
Chris J Coll Surveying Limited	S566.707		
Laura Coll McLaughlin	S574.707		
Catherine Smart-Simpson	S564.175		
Geoff Volckman	S563.166		
Whyte Gold Limited	S607.091		
Peter Langford	S615.232		
Karamea Lime Company	S614.232		
Minerals West Coast	S569.049		

WMS Group (HQ) Limited and WMS Land Co. Limited	S599.157	Amend	Add Cape Foulwind Mineral Sand Mine
TiGa Minerals and Metals Limited	S493.128	Amend	Include any lawfully established minerals processing and extraction area within MP60785 at the time decisions are made on this Proposed Plan.
Ian Duckworth	FS112.001	Oppose	Noise pollution Infrastructure problems Environmental damage Social impact
Robyn Langridge	FS216.002	Oppose	Disallow
Birchfield Coal Mines Ltd	S601.117	Amend	Include any lawfully established minerals processing and extraction area consented before decisions are made on this Proposed Plan.
Grey District Council	S608.480	Amend	Add the following operations: - Quadrello Holdings Ltd, Rock Quarry, Resource Consent - Deadmans Quarry, Rock Quarry, Resource Consent - Waipuna Quarry, Limestone Quarry, Resource Consent - Spring Creek Mine, Coal Mine Resource Consent
Whyte Gold Limited	S607.097	Amend	Amend to include the Rimu Channel
Westreef Services Limited	S518.002	Amend	Include McPaddens Pit and proposed extension at land legally described within Records of Title 111109, NL8B/740 and 511485 and to the north of the McPaddens Pit the 27.5553-hectares legally described within ROT 695049 as Lot 2 Deposited Plan 486827 within Schedule 9.
Alvin & Kay Godfrey	S580.003	Amend	Add Koiterangi Lime Co properties to Schedule nine: Section 2 SO 11712, Section 3 SO 11712, Lot 1 DP 315, Pt Lot 2 DP315
Shirley Godfrey	S390.002	Amend	Include the Limestone quarry of the Koiterangi Lime Co Ltd be included in Schedule Nine: Lawfully Established Minerals

			Extraction and processing Areas.
Koiterangi Lime Co LTD	S577.139	Amend	Amend Schedule to include Koiterangi Lime Co Ltd Limestone Quarry.
Chris & Jan Coll	S558.708		
Chris J Coll Surveying Limited	S566.708		
Laura Coll McLaughlin	S574.708		
William McLaughlin	S567.734		
Forest & Bird	S560.023	Amend	Clarify and state in Schedule Nine where lawfully established mineral extraction and processing areas are, including where these areas exist on public conservation land.
New Zealand Coal & Carbon Limited	S472.048	Support	Add under the "Authorisation Mechanism" for Roa Mine Blackball and Rajah Mine Blackball of these mines resource consent numbers GDC resource consent 1422/06, GDC building consent 989139 and WCRC resource consents RC06166, RC10075 and RC01/92
Grey District Council	FS1.151	Support	Council is in agreeance that these authorizations have been omitted in error.
Bathurst Resources Limited and BT Mining Limited	S491.051	Amend	Ensure Schedule includes all areas in Appendix 1 of submission
Bathurst Resources Limited and BT Mining Limited	S491.054		
Straterra	S536.036	Support	that the Schedule be left open for additions to be made.
Forest & Bird	S560.406	Oppose	Amend in line with submission or delete.
Rocky Mining Limited	S474.043	Amend	include a requirement to avoid the establishment of sensitive activities, and associated reverse sensitivity effects, in proximity to mineral extraction activities and known mineral
Papahaua Resources Limited	S500.030		

			resources;
R&M Mining Mine Ross Township			
Birchfield Ross Mining Limited	S604.107	Support	Retain lawfully established MINZ

Analysis

Retain

685. BRM Developments Limited (S603.067), Birchfield Ross Mining Limited (S604.106), William McLaughlin (S567.733), Chris & Jan Coll (S558.707), Chris J Coll Surveying Limited (S566.707), Laura Coll McLaughlin (S574.707), Catherine Smart-Simpson (S564.175), Geoff Volckman (S563.166), Whyte Gold Limited (S607.091), Peter Langford (S615.232), Karamea Lime Company (S614.232) and Minerals West Coast (S569.049) seek to retain lawfully established MINZ. Birchfield Ross Mining Limited (S604.107) seeks to retain lawfully established MINZ.
686. These submissions are noted; however, it is my preliminary recommendation that Schedule Nine is deleted in its entirety for the reasons I outline below.

Amend – Add Additional Sites

687. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.157) seeks to add Cape Foulwind Mineral Sand Mine.
688. TiGa Minerals and Metals Limited (S493.128) seeks to include any lawfully established minerals processing and extraction area within MP60785 at the time decisions are made on this Proposed Plan. This is opposed by Ian Duckworth (FS112.001) and Robyn Langridge (FS216.002).
689. Birchfield Coal Mines Ltd (S601.117) seeks to include any lawfully established minerals processing and extraction area consented before decisions are made on this Proposed Plan.
690. Grey District Council (S608.480) seeks to add the following operations: - Quadrello Holdings Ltd, Rock Quarry, Resource Consent - Deadmans Quarry, Rock Quarry, Resource Consent - Waipuna Quarry, Limestone Quarry, Resource Consent - Spring Creek Mine, Coal Mine Resource Consent.
691. Whyte Gold Limited (S607.097) seeks to include the Rimu Channel.
692. Westreef Services Limited (S518.002) seeks to include McPaddens Pit and proposed extension at land legally described within Records of Title 111109, NL8B/740 and 511485 and to the north of the McPaddens Pit the 27.5553-hectares legally described within ROT 695049 as Lot 2 Deposited Plan 486827 within Schedule 9.
693. Alvin & Kay Godfrey (S580.003) seeks add Koiterangi Lime Co properties to Schedule nine: Section 2 SO 11712, Section 3 SO 11712, Lot 1 DP 315, Pt Lot 2 DP315.
694. Shirley Godfrey (S390.002) seek the Limestone quarry of the Koiterangi Lime Co Ltd be included in Schedule Nine: Lawfully Established Minerals Extraction and processing Areas.
695. Koiterangi Lime Co LTD (S577.139), Chris & Jan Coll (S558.708), Chris J Coll Surveying Limited (S566.708), Laura Coll McLaughlin (S574.708) and William McLaughlin (S567.734) seek to amend the Schedule to include Koiterangi Lime Co Ltd Limestone Quarry.
696. New Zealand Coal & Carbon Limited (S472.048) seeks to add under the "Authorisation Mechanism" for Roa Mine Blackball and Rajah Mine Blackball of

these mines resource consent numbers GDC resource consent 1422/06, GDC building consent 989139 and WCRC resource consents RC06166, RC10075 and RC01/92. This is supported by Grey District Council (FS1.151).

697. Bathurst Resources Limited and BT Mining Limited (S491.051 and S491.054) seeks to ensure Schedule includes all areas in Appendix 1 of submission.
698. I acknowledge the above submissions that seek that generally seek that the sites be added to Schedule Nine. However, for the reasons I outlined below, it is my preliminary recommendation that Schedule Nine be deleted in its entirety.

Amend – Other

699. Straterra (S536.036) seeks that the Schedule be left open for additions to be made.
700. Rocky Mining Limited (S474.043) and Papahaua Resources Limited (S500.030) seek to include a requirement to avoid the establishment of sensitive activities and associated reverse sensitivity effects in proximity to mineral extraction activities and known mineral resources.
701. Forest & Bird (S560.023) seeks to clarify and state in Schedule Nine where lawfully established mineral extraction and processing areas are, including where these areas exist on public conservation land.
702. I acknowledge the other amendments sought in the above submissions, however for the reasons I outline below, it is my opinion that Schedule Nine be deleted.

Delete

703. Forest & Bird (S560.406) seeks to amend in line with submission or delete.
704. At this stage, based on the information I have available, I agree that Schedule Nine should be deleted because:
- There are no specific references to Schedule Nine within the pTTPP provisions. As such, its purpose and utility to is unclear in my opinion.
 - The information within the Schedule Nine appears to be inconsistent and incomplete. See for instance references to “non-consented gaps” as it relates to Denniston Plateau within the table within Schedule.
 - Despite seeking information from the Councils, I have been unable to obtain confirmation of the basis for determining that the locations and activities within the Schedule are in fact lawfully established. As such, I am not in a position to confirm that all of the areas listed (or any of those included within submissions outlined above) are in fact lawfully established as is suggested within Schedule Nine.
705. While it is my preliminary recommendation that Schedule Nine be deleted, I accept that more detailed evidence could be presented by submitters to justify the retention of this Schedule, including the specific locations referenced within it. However, in the absence of the necessary information, it is my opinion that the Schedule should be deleted.

Recommendations

706. It is recommended that Schedule Nine is deleted in its entirety as outlined below.

~~This Schedule provides information on the lawfully established mineral extraction and processing areas referred to within the Buller Coalfield and Mineral Extraction Zones.~~

~~Buller Coalfield Zone~~

Location	Type of Activity	Licence/ Permit Number	Area	Comment
Stockton Mine	2-5 haul road widening DoC concession	RC100064	73.69	Includes the area of the actual road alignment where there is already a concession in place
-	Aerial infrastructure DoC concession	DOC Concession	0.10	Already disturbed and part of a DOC concession
-	Cypress Mine	RC-030164	246.98	Authorised by existing resource consent
-	Fly Creek Haul Road DoC concession	DOC Concession	23.33	Already disturbed and part of a DOC concession
-	Historic disturbance areas	-	1.76	historic disturbance areas near Stockton bathhouse, Stockton CML and Mt Fred
-	Mt William North resource consent	RC11132	161.21	Authorised by existing resource consent
-	Whirlwind Stream – historic disturbance	-	3.57	Small area already disturbed adjacent to Stockton CML
-	Rockies Mining Limited MP52661	RC10055/1-4	14.25	Authorised by existing resource consent
-	Stockton 2-5 haul road and aerial	Ancillary Coal Mining Licence 3715002	183.83	Authorised under ancillary coal mining licence
-	Stockton CHPP at Ngakawau	Ancillary Coal Mining Licence 3715003	11.62	Authorised under ancillary coal mining licence
-	Stockton Coal Mining Licence	Coal Mining Licence 37150	2335.71	Authorised under coal mining licence
-	Stockton Triangle	DOC Concession	29.29	Area has a concession from DOC to disturb, already mostly disturbed, part covered by Resource consent

-	Stockton haul road expansion	RC-100064	6.26	Authorised by existing resource consent
-	Stockton No 2 South Mining Permit	RC-110043	94.10	Areas are disturbed in places and concession from DOC
-	Stockton existing disturbance at Mt Fred	-	-	Existing disturbance. Very small areas associated with CML
-	Stockton road to S14B monitoring site	-	10.75	This road and disturbance already formed and regularly used for access to the water monitoring station
-	Stockton power line and poles	-	0.84	Encompasses power line infrastructure
-	Stockton road from Millerton township to NW corner CML37150	-	1.35	Road already disturbed
Denniston Plateau	Cascade Mine infrastructure	RC-02146	12.78	Authorised by existing resource consent
	Cascade mine	RC-160055	186.76	Authorised by existing resource consent
	Denniston – Fairdown coal slurry pipeline route	RC10/70A-H	23.43	Authorised by existing resource consent
	Escarpment mine	RC10/70A-H	153.39	Authorised by existing resource consent
	Area around CSA and Coalbrookdale	-	49.13	This links some of the resource consents and the formed road to Cascade Mine
	Sullivan coal load-out at Waimangaroa	Ancillary Coal Mining Licence 3716104	3.62	Authorised under ancillary coal mining licence
	Sullivan – road seal extension	resource consent number?	2.45	Authorised by existing resource consent

	Sullivan–water-slurry pipeline	resource consent RC10/70A-H	10.59	Authorised-by-existing resource-consent
	Sullivan Access Tracks	Ancillary Coal Mining Licence 3716102	22.25	Authorised-under ancillary coal-mining licence
	Sullivan-Coal Mining Licence	Coal Mining Licence-37161	317.35	Authorised-under coal mining licence
	Escarpment Mine	resource consent RC10/70A-H	9.30	Authorised-by-existing resource-consent
	Escarpment haul road	resource consent RC10/70A-H	9.08	Authorised-by-existing resource-consent
	Sullivan infrastructure-area	resource consent number?	1.92	Authorised-by-existing resource-consent
	Sullivan infrastructure-at Denniston	Ancillary Coal Mining Licence 3716101	4.57	Authorised-under ancillary coal-mining licence
	Escarpment Mine-area	resource consent RC10/70A-H	1.30	Authorised-by-existing resource-consent
	Sullivan West-and access track	Ancillary Coal Mining Licence 3716103	17.77	Authorised-under ancillary coal-mining licence
	Sullivan/Escarpment infrastructure	-	0.93	non-consented-gaps-
	Sullivan/Escarpment infrastructure	-	0.12	non-consented-gaps-
	Sullivan/Escarpment permit	-	4.07	non-consented-gaps-

Mineral-Extraction-Zone

Location	Type-of-Activity	Authorisation mechanism	Lawfully Established-Mining Area	Comment-
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Roa Mine Blackball	Mine area including processing/handling/storage/ distribution area, site access, ancillary yard and handling/storage/rail loadout facility.	Coal Mining Licences 37168, 34056 and 34066. Ancillary Coal Mining Licence 34056-1. WCRC resource consents RC07102, RC10186, RC11143, RC12062, RC03105, RC08201, RC10194 and RC2019-0111. GDC lease 106462.2.	483.3haha	Established as a Permitted Activity under the existing District Plan. Authorised by West Coast Regional resource consents. Authorised by Coal Mining Licences and Ancillary Coal Mining Licences.
Rajah Mine, Blackball	Mine area including processing/handling/storage/ distribution area, site access, ancillary yard and handling/storage/rail loadout facility.	Coal Mining Licences 37168, 34056 and 34066. Ancillary Coal Mining Licence 34056-1. WCRC resource consents RC11143, RC12062, RC08201, RC2014-0013, RC2014-0051, RC2014-0109, RC2014-0123, RC10194, RC2016-0110 and RC2016-0111. GDC LU2502/15 and LU2528/15. GDC lease	329.5ha	Established as a Permitted Activity under the existing District Plan. Authorised by West Coast Regional and Grey District resource consents. Authorised by Coal Mining Licences and Ancillary Coal Mining Licences

		106462.2:		
Echo Mine, Reefton	Mine area including processing/handling/storage/ distribution area and site access.	BDC resource consents RC09/52 RC09/54 RC09/68 RC100087 RC110005 RC110057 RC120053 RC120096	467.16ha	Authorised by resource consents
New Creek Mine, New Creek	Mine area including water treatment facility, site access and processing/handling/storage/ distribution facility.	BDC resource consents RC120120 RC140030	517.74ha	Authorised by resource consents
Giles Creek Mine Reefton	Coal Mine, processing, storage, handling and loading. Includes existing access to the mine from Mai Mai Road. Gold also recovered as part of the operation.	Coal Mining Licence CML 37120- BDC resource consents- RC96015a RC96015B RC100078 RC100078A RC110051 RC180019	103.99ha - - 235.265ha - - -	Authorised by Coal Mining Licence and existing resource consents
Mai Mai Siding	Coal storage, handling and loading to rail. Includes vehicle access and movements associated with transport of coal. Loading to rail occurs via mobile machinery.	BDC resource consents- RC120080	3.46ha	Established as a Permitted Activity under the existing District Plan-
Reefton Distribution Centre	Coal Handling Facility— coal processing, blending, handling and loading to road and rail. Includes vehicle access.	Ancillary Coal Mining Licence AMCL 37160-01	3.662 ha	Authorised by Ancillary Coal Mining Licence -
Island Block Mine Reefton	Coal Mine, processing, storage, handling and loading.-	Coal Mining Licence CML 37160	654 ha	Authorised by Coal Mining Licence
Grey Valley Distribution Centre, Ikamatua	Coal storage, handling and loading to rail. Includes vehicle access and movements.	BDC Resource Consents- RC050029 RC080045	64.21 ha-	Authorised by existing resource consents

Strongman Mine, Rapahoe	Coal Mine, processing, storage, handling and loading.	Coal Mining Licence CML-37159	885.703	Authorised by Coal Mining Licence
Strongman Mine, Access and infrastructure	Strongman Mine access road and associated infrastructure.	Ancillary Coal Mining Licence AMCL 37159-01	49.376ha	Authorised by Ancillary Coal Mining Licence
Strongman East Mine	Open cast coal mine.	GDC Resource Consent LUC2243/11	-	Authorised by Resource Consent
Rapahoe Coal Yard	Coal Handling Facility – coal processing, blending, handling and loading to road and rail. Includes vehicle access.	Ancillary Coal Mining Licence AMCL 37159-02	11.334ha	Authorised by Ancillary Coal Mining Licence
Rocky Creek Coal Washery	Coal storage, handling, processing, loading to road and rail. Includes vehicle access.	GDC Resource Consents: LUC654/99 LUC2648/17 LUC2696/17	-	Authorised by Resource Consents
Kaiata Yard	Solid fuel storage, handling (loading and unloading) and public sales and associated vehicle movements.	-	-	Existing activity established under GDC Permitted Activity Rules
Kiwi Quarry	Rock quarry.	Resource Consents Minerals Permit 41295 -	5.824ha	Existing West Coast Regional Council quarry. Authorised by resource consents
Karamea Quarry	Rock quarry.	Resource Consents Minerals Permit 41757	20.234ha	Existing West Coast Regional Council quarry. Authorised by resource consents
Blackball Quarry	Rock quarry.	Minerals Permit 50851	3.616ha	Existing West Coast Regional Council quarry. Established under existing Permitted Activity Rules

Okuru Quarry	Rock-quarry:	Resource consents	-	Existing West Coast Regional Council quarry. – Authorised by resource consents
BRM Developments In the Forest Mine	Mine area including water treatment area and site access:	Minerals Permit 52010 WDC Resource Consent 110105	-	Authorised by resource consents
Birchfields-Ross Mine	Mine area including water treatment area and site access:	Minerals Permit 41702 WDC Resource Consent 010044	350.03ha	Authorised by resource consents
R&M Mining Mine Ross Township	Mine area including water treatment area and site access:	WCRC & WDC Resource Consent 2019-0070 MP41784 -	-	Authorised by resource consents
Reefton Restoration Project/ Globe Progress Mine-	Restoration of Globe Progress Mine area including process plant and infrastructure, water treatment plant, rock stacks, tailings storage facilities, open pits, access roads	[Formerly Mining Permit 41164] BDC resource consents RC00/43/A - RC00/43/D, RC04/11, RC11/09, RC11/66, RC12/06, RC11/133, RC12/22 -	550ha	Authorised by resource consents
Snowy River Gold Mine-	Underground gold mining operation with onsite processing facility and surface infrastructure to support mining operations including workshops, offices, amenities, storage areas, waste rock stack, water treatment plant, core	Minerals Permit under the CMA • MP 60473 • EP 60460 WCRC Resource	4518ha -	Authorised by resource consents

	shed, fuel and consumable storage.	consent RC04017		
Westland Schist Quarry	Quarry area including water treatment area and site access.	Mining Licence 323197	17.629ha	Authorised by Mining Licence
Karamea Lime Quarry	Quarry area	Resource consents	-	Authorised by resource consents

21.2 Schedule Ten - Previously Mined Locations in the Rural and Open Space and Recreation Zones

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
Grey District Council	S608.481	Support	Council supports the inclusion of this schedule
Grey District Council	S608.482		
Minerals West Coast	S569.050		
Straterra	S536.037	Support	that the Schedule be left open for additions to be made.
Bathurst Resources Limited and BT Mining Limited	S491.052	Amend	Ensure Schedule includes all areas in Appendix 1 of submission
Brian Anderson	S576.003	Oppose	Delete Schedule 10
Forest & Bird	S560.021		
Lynley Hargreaves	S481.013		
Forest & Bird	S560.407		Either delete or clarify the purpose of this schedule.

Analysis

Retain

707. Grey District Council (S608.481 and S608.482) and Minerals West Coast (S569.050) seek the inclusion of this schedule.
708. Bathurst Resources Limited and BT Mining Limited (S491.052) seeks that the Schedule includes all areas in Appendix 1 of its submission.
709. These submissions that seek to retain Schedule 10 are noted; however, for the reasons I outline below, I consider that this Schedule needs to be deleted.

Amend

710. Straterra (S536.037) seeks that the Schedule be left open for additions to be made. This submission is acknowledged; however, I consider that Schedule 10 should be deleted for the reasons I outline below.

Delete

711. Brian Anderson (S576.003), Forest & Bird (S560.021) and Lynley Hargreaves (S481.013) seek to delete Schedule 10.
712. Forest & Bird (S560.407) seeks to either delete or clarify the purpose of this schedule.
713. As I outlined previously, I recommend that Schedule 10 is deleted. In my opinion, Schedule 10 is unworkable and inappropriate. As notified, no sites are included within Schedule 10. Irrespective of this, I cannot see how the approach of indicating that sites that were previously used for mining during the period since 2002 could work. If those sites were lawfully established at the time and have been continuously operating in the same manner, they will have existing use rights. Where they have stopped for an extended period of time, and are no longer deemed to have existing use rights, I consider it entirely appropriate for them to be considered as new under the pTTPP rules that apply at the time, including GRUZ-R12 if they are located in the GRUZ.

Recommendations

714. It is recommended that Schedule 10 is deleted in its entirety as follows.

~~Schedule Ten: Previously Mined Locations in the Rural and Open Space and Recreation Zones~~

~~Te Rārangī Tuangahuru: Ngā Wāhi i te Tuawhenua i ngā Wāhi Pōaha Hoki i Keria Kētia Āhukahukatia~~

~~This schedule outlines the locations of previously mined areas subject to Controlled Activity Resource Consent for Mineral Extraction under Rules GRUZ-R18 and OSZ-R19.~~

~~To date no specific sites have been identified. In order to be included within this Schedule sites will need to have been previously mined during the period since 2002.~~

22.0 Plan Section - Planning maps and Rezoning Requests

22.1 Mapping and Overlays

Submissions

Submitter	Submission Point & Point Number	Position	Decision Requested
John Caygill	S290.011	Oppose	Remove the Buller Coalfield Zone from all public conservation land.
WMS Group (HQ) Limited and WMS Land Co. Limited	S599.124	Amend	Amend the planning maps to include an additional MINZ over Okari Road, 9 Mile, Westland Mineral Sands Co. Ltd
Ellis Mining Ltd	S146.001	Amend	The extent of 'Ianthé Forest mineral extraction area' (Westland Mapbook Grid Reference, sheet 80) to be increased to include the entirety

			of mining permit 54079.
Forest & Bird	FS34.019	oppose	The Mineral Extraction Zones in the Plan are not supported by Forest and Bird.
Rosemary Erickson	S280.001	Oppose	No mineral abstraction to be allowed in the Barrytown area.
Grey District Council	FS1.073	Neutral	Disallow
Teresa Wyndham-Smith	S312.008	Oppose	Oppose the Barrytown Flats area being classified as a Mineral Extraction Zone.
Ron Andrews	FS91.001	Support	Allow
Grey District Council	FS1.085	Neutral	Disallow
Lanah Hake Tarango	S337.001	oppose	I oppose the identification of the entry to Kahurangi National Park/Fenian Track/Adams Flat (aka The Pyramid) as an expanded mineral extraction area. The decision sought is to protect it from further environmental destruction that is now, and increasingly visible, part of the aesthetic character of Karamea, entry to a National Park with notable trees and species and is 30 million old rock with yet to be assessed protected species, fossils, and caves.
Karamea Community Incorporated	FS125.001	Oppose	Disallow
William McLaughlin	FS148.001	Oppose	Disallow
Catherine Jane Smart-Simpson	FS155.001	Oppose	Disallow
Nathan Simpson	156.001	Oppose	Disallow
Geoff Volckman	FS157.001	Oppose	Disallow
Kathleen Beveridge	FS158.001	Oppose	Disallow
Maurice Beveridge	FS159.001	Oppose	Disallow
Frans Volckman	FS160.001	Oppose	Disallow
Tom Murton	FS161.001	Oppose	Disallow

Maryann Volckman	FS162.001	Oppose	Disallow
Kylie Volckman	FS163.001	Oppose	Disallow
Barbara Bjerring	FS164.001	Oppose	Disallow
Brian Patrick Jones	FS165.001	Oppose	Disallow
Bryan Rhodes	FS166.001	Oppose	Disallow
Frank Bjerring	FS167.001	Oppose	Disallow
Jane Garrett	FS168.001	Oppose	Disallow
Allwyn Gourley	FS169.001	Oppose	Disallow
Bevan Langford	FS170.001	Oppose	Disallow
Shaun Rhodes	FS171.001	Oppose	Disallow
Jack Simpson	FS172.001	Oppose	Disallow
Roger Gibson	FS173.001	Oppose	Disallow
Rachel Shearer	FS174.001	Oppose	Disallow
Gareth Guglebreten	FS175.001	Oppose	Disallow
Charlotte Aitken	FS176.001	Oppose	Disallow
Glen Kingan	FS177.001	Oppose	Disallow
Hayden Crossman	FS178.001	Oppose	Disallow
Susan Waide	FS179.001	Oppose	Disallow
Desirae Bradshaw	FS180.001	Oppose	Disallow
Andrew Bruning	FS181.001	Oppose	Disallow
Marty Syron	FS182.001	Oppose	Disallow
Kelvin Jeff Neighbours	FS183.001	Oppose	Disallow
J & M Syron Farms	FS184.001	Oppose	Disallow
Michelle Joy Stevenson	FS185.001	Oppose	Disallow
Marnie Stevenson	FS186.001	Oppose	Disallow
Sophie Fox	FS187.001	Oppose	Disallow
Ed Tinomana	FS188.001	Oppose	Disallow

Dave Webster	FS189.001	Oppose	Disallow
Aidan Corkill	FS190.001	Oppose	Disallow
Shanae Douglas	FS191.001	Oppose	Disallow
Danielle O'Toole	FS192.001	Oppose	Disallow
Aimee Milne	FS193.001	Oppose	Disallow
Michael O'Regan	FS194.001	Oppose	Disallow
Neal Gallagher	FS195.001	Oppose	Disallow
Arthur Neighbours	FS196.001	Oppose	Disallow
Mat Knudsen	FS197.001	Oppose	Disallow
Brendon Draper	FS198.001	Oppose	Disallow
Matthew Thomas	FS199.001	Oppose	Disallow
Philip O'Connor	FS200.001	Oppose	Disallow
Tracy Moss	FS201.001	Oppose	Disallow
James Dunlop Stevenson	FS202.001	Oppose	Disallow
Murray Aitken	FS203.001	Oppose	Disallow
Joel Hands	FS204.001	Oppose	Disallow
Peter Hands	FS205.001	Oppose	Disallow
Patrick John Hands	FS206.001	Oppose	Disallow
Jackie O'Connor	FS207.001	Oppose	Disallow
Maurice Douglas	FS208.001	Oppose	Disallow
Gary Donaldson	FS209.001	Oppose	Disallow
Joy Donaldson	FS210.001	Oppose	Disallow
Selwyn Lowe	FS211.001	Oppose	Disallow
Sheryl Marie Rhind	FS212.001	Oppose	Disallow
Stewart James Rhind	FS213.001	Oppose	Disallow
Rosalie Sampson	FS123.001	Oppose	Disallow
Oparara Valley Project Trust	FS124.001	Oppose	Disallow

Eric Wayne Pratt	FS131.001	Oppose	Disallow
Eric Wayne Pratt	FS131.003	Oppose	Disallow
John Milne	FS225.001	Oppose	Disallow
Jo-Anne Milne	FS226.001	Oppose	Disallow
Jessie Gallagher	FS227.001	Oppose	Disallow
Cheryl Gallagher	FS228.001	Oppose	Disallow
Margaret Jane Milne	FS229.001	Oppose	Disallow
Chris Lowe	FS238.001	Oppose	Disallow
Fernando Tarango	S342.002	oppose	Oppose expansion of MINZ further into "The Pyramid" at Karamea
Karamea Community Incorporated	FS125.004	Oppose	Disallow
William McLaughlin	FS148.004	Oppose	Disallow
Catherine Jane Smart-Simpson	FS155.004	Oppose	Disallow
Nathan Simpson	156.004	Oppose	Disallow
Geoff Volckman	FS157.004	Oppose	Disallow
Kathleen Beveridge	FS158.004	Oppose	Disallow
Maurice Beveridge	FS159.004	Oppose	Disallow
Frans Volckman	FS160.004	Oppose	Disallow
Tom Murton	FS161.004	Oppose	Disallow
Maryann Volckman	FS162.004	Oppose	Disallow
Kylie Volckman	FS163.004	Oppose	Disallow
Barbara Bjerring	FS164.004	Oppose	Disallow
Brian Patrick Jones	FS165.004	Oppose	Disallow
Bryan Rhodes	FS166.004	Oppose	Disallow
Frank Bjerring	FS167.004	Oppose	Disallow
Jane Garrett	FS168.004	Oppose	Disallow
Allwyn Gourley	FS169.004	Oppose	Disallow

Bevan Langford	FS170.004	Oppose	Disallow
Shaun Rhodes	FS171.004	Oppose	Disallow
Jack Simpson	FS172.004	Oppose	Disallow
Roger Gibson	FS173.004	Oppose	Disallow
Rachel Shearer	FS174.004	Oppose	Disallow
Gareth Guglebreten	FS175.004	Oppose	Disallow
Charlotte Aitken	FS176.004	Oppose	Disallow
Glen Kingan	FS177.004	Oppose	Disallow
Hayden Crossman	FS178.004	Oppose	Disallow
Susan Waide	FS179.004	Oppose	Disallow
Desirae Bradshaw	FS180.004	Oppose	Disallow
Andrew Bruning	FS181.004	Oppose	Disallow
Marty Syron	FS182.004	Oppose	Disallow
Kelvin Jeff Neighbours	FS183.004	Oppose	Disallow
J & M Syron Farms	FS184.004	Oppose	Disallow
Michelle Joy Stevenson	FS185.004	Oppose	Disallow
Marnie Stevenson	FS186.004	Oppose	Disallow
Sophie Fox	FS187.004	Oppose	Disallow
Ed Tinomana	FS188.004	Oppose	Disallow
Dave Webster	FS189.004	Oppose	Disallow
Aidan Corkill	FS190.004	Oppose	Disallow
Shanae Douglas	FS191.004	Oppose	Disallow
Danielle O'Toole	FS192.004	Oppose	Disallow
Aimee Milne	FS193.004	Oppose	Disallow
Michael O'Regan	FS194.004	Oppose	Disallow
Neal Gallagher	FS195.004	Oppose	Disallow
Arthur Neighbours	FS196.004	Oppose	Disallow

Mat Knudsen	FS197.004	Oppose	Disallow
Brendon Draper	FS198.004	Oppose	Disallow
Matthew Thomas	FS199.004	Oppose	Disallow
Philip O'Connor	FS200.004	Oppose	Disallow
Tracy Moss	FS201.004	Oppose	Disallow
James Dunlop Stevenson	FS202.004	Oppose	Disallow
Murray Aitken	FS203.004	Oppose	Disallow
Joel Hands	FS204.004	Oppose	Disallow
Peter Hands	FS205.004	Oppose	Disallow
Patrick John Hands	FS206.004	Oppose	Disallow
Jackie O'Connor	FS207.004	Oppose	Disallow
Maurice Douglas	FS208.00	Oppose	Disallow
Gary Donaldson	FS209.004	Oppose	Disallow
Joy Donaldson	FS210.004	Oppose	Disallow
Selwyn Lowe	FS211.004	Oppose	Disallow
Sheryl Marie Rhind	FS212.004	Oppose	Disallow
Stewart James Rhind	FS213.004	Oppose	Disallow
Oparara Valley Project Trust	FS124.003	Oppose	Disallow
Rosalie Sampson	FS123.004	Oppose	Disallow
John Milne	FS225.004	Oppose	Disallow
Jo-Anne Milne	FS226.004	Oppose	Disallow
Jessie Gallagher	FS227.004	Oppose	Disallow
Cheryl Gallagher	FS228.004	Oppose	Disallow
Margaret Jane Milne	FS229.004	Oppose	Disallow
Chris Lowe	FS238.004	Oppose	Disallow
TiGa Minerals and Metals Limited	S493.107	Amend	Amend the planning maps to include additional Mineral Extraction Zones where mining permits have been granted by

			New Zealand Petroleum and Minerals, including permits 60785, 51803 and 60917.01.
Katheirne Crick	FS68.18	Oppose	Disallow
Wendy Whitehead	FS94.001		
Annie Inwood	FS147.012		
Annie Inwood	FS147.025		
Suzanne Hill	FS72.012		
Suzanne Hill	FS72.026		
Melissa McLuskie	FS144.012		
Melissa McLuskie	FS144.026		
TiGa Minerals and Metals Limited	S493.109		
Annie Inwood	FS147.027	Oppose	Disallow
John Caygill	FS44.9		
Tammy Ward	FS93.001		
Annie Inwood	FS147.014		
Suzanne Hill	FS72.014		
Suzanne Hill	FS72.028		
Melissa McLuskie	FS144.014		
Melissa McLuskie	FS144.028		
Maureen Reid	FS92.001		
Ron Andrews	FS91.002		
Peter Langford	S615.212	Support	Retain
Karamea Lime Company	S614.212	Support	Retain
Whyte Gold Limited	S607.096	Amend	Include additional areas at Rimu Channel as shown in Attachment

			B of the submission.
Marie Elder	S352.019	Oppose	Remove the MINZ from the Barrytown Flats.
Grey District Council	FS1.285	Neutral	Disallow
Greenstone Retreat	S459.001	Oppose	Rezone the relevant Kumara site to something in keeping with the sensitive use of surrounding area.
Phoenix Minerals Limited	FS215.041	oppose	These submission points all relate to the MINZ at Kumara. Phoenix supports the MINZ as notified
Greenstone Retreat	S459.002	Oppose	MINZ on the edge of Kumara Village be revoked
Phoenix Minerals Limited	FS215.042	oppose	These submission points all relate to the MINZ at Kumara. Phoenix supports the MINZ as notified
Karen and Dana Vincent	S591.001	Oppose	Delete mining extraction zone at 3261 Coast Road, Barrytown
Grey District Council	FS1.208	Neutral	Disallow
Maria McKay	S409.001	Oppose	I oppose limestone extraction behind or near our houses and quarrying to support farmers other than those living in the Karamea environs. Remove Karamea Lime Company MINZ and expansion.
Karamea Community Incorporated	FS125.009	Oppose	Disallow
William McLaughlin	FS148.009	Oppose	Disallow
Catherine Jane Smart-Simpson	FS155.008	Oppose	Disallow
Nathan Simpson	FS156.008	Oppose	Disallow
Geoff Volckman	FS157.008	Oppose	Disallow
Kathleen Beveridge	FS158.008	Oppose	Disallow
Maurice Beveridge	FS159.008	Oppose	Disallow
Frans Volckman	FS160.008	Oppose	Disallow

Tom Murton	FS161.008	Oppose	Disallow
Maryann Volckman	FS162.008	Oppose	Disallow
Kylie Volckman	FS163.008	Oppose	Disallow
Barbara Bjerring	FS164.008	Oppose	Disallow
Brian Patrick Jones	FS165.008	Oppose	Disallow
Bryan Rhodes	FS166.008	Oppose	Disallow
Frank Bjerring	FS167.008	Oppose	Disallow
Jane Garrett	FS168.008	Oppose	Disallow
Allwyn Gourley	FS169.008	Oppose	Disallow
Bevan Langford	FS170.008	Oppose	Disallow
Shaun Rhodes	FS171.008	Oppose	Disallow
Jack Simpson	FS172.008	Oppose	Disallow
Roger Gibson	FS173.008	Oppose	Disallow
Rachel Shearer	FS174.008	Oppose	Disallow
Gareth Guglebreten	FS175.008	Oppose	Disallow
Charlotte Aitken	FS176.008	Oppose	Disallow
Glen Kingan	FS177.008	Oppose	Disallow
Hayden Crossman	FS178.008	Oppose	Disallow
Susan Waide	FS179.008	Oppose	Disallow
Desirae Bradshaw	FS180.008	Oppose	Disallow
Andrew Bruning	FS181.008	Oppose	Disallow
Marty Syron	FS182.008	Oppose	Disallow
Kelvin Jeff Neighbours	FS183.008	Oppose	Disallow
J & M Syron Farms	FS184.008	Oppose	Disallow
Michelle Joy Stevenson	FS185.008	Oppose	Disallow
Marnie Stevenson	FS186.008	Oppose	Disallow
Sophie Fox	FS187.008	Oppose	Disallow

Ed Tinomana	FS188.008	Oppose	Disallow
Dave Webster	FS189.008	Oppose	Disallow
Aidan Corkill	FS190.008	Oppose	Disallow
Shanae Douglas	FS191.008	Oppose	Disallow
Danielle O'Toole	FS192.008	Oppose	Disallow
Aimee Milne	FS193.008	Oppose	Disallow
Michael O'Regan	FS194.008	Oppose	Disallow
Neal Gallagher	FS195.008	Oppose	Disallow
Arthur Neighbours	FS196.008	Oppose	Disallow
Mat Knudsen	FS197.008	Oppose	Disallow
Brendon Draper	FS198.008	Oppose	Disallow
Matthew Thomas	FS199.008	Oppose	Disallow
Philip O'Connor	FS200.008	Oppose	Disallow
Tracy Moss	FS201.008	Oppose	Disallow
James Dunlop Stevenson	FS202.008	Oppose	Disallow
Murray Aitken	FS203.008	Oppose	Disallow
Joel Hands	FS204.008	Oppose	Disallow
Peter Hands	FS205.008	Oppose	Disallow
Patrick John Hands	FS206.008	Oppose	Disallow
Jackie O'Connor	FS207.008	Oppose	Disallow
Maurice Douglas	FS208.008	Oppose	Disallow
Gary Donaldson	FS209.008	Oppose	Disallow
Joy Donaldson	FS210.008	Oppose	Disallow
Selwyn Lowe	FS211.008	Oppose	Disallow
Sheryl Marie Rhind	FS212.008	Oppose	Disallow
Stewart James Rhind	FS213.008	Oppose	Disallow
Oparara Valley Project Trust	FS124.007	Oppose	Disallow

Rosalie Sampson	FS123.008	Oppose	Disallow
John Milne	FS225.008	Oppose	Disallow
Jo-Anne Milne	FS226.008	Oppose	Disallow
Jessie Gallagher	FS227.008	Oppose	Disallow
Cheryl Gallagher	FS228.008	Oppose	Disallow
Margaret Jane Milne	FS229.008	Oppose	Disallow
Chris Lowe	FS238.008	Oppose	Disallow
Trevor Hayes	S377.007	Support in part	Rezone Barrytown Flats MINZ to General Rural Zone
Marie Elder	FS77.9	Support	Allow
Grey District Council	FS1.097	Neutral	Disallow
Catherine Smart-Simpson	S564.157	Support	Retain
William McLaughlin	S567.695	Support	Retain
Geoff Volckman	S563.148	Support	Retain
Geoff Volckman	S563.149	Amend	Amend Lot 1 DP 483059 to Mineral Extraction Zone.
Trevor Thorpe	S528.004	Support	Retain the MINZ at Barrytown,
Brian Anderson	FS237.084	Oppose	Disallow
John Thorpe	S529.001	Support	Retain the MINZ at Barrytown
Bathurst Resources Limited and BT Mining Limited	S491.053	Amend	Ensure maps include all areas in Appendix 1 of submission
Terra Firma Mining Limited	S537.035	Support	Retain proposed MINZ as shown.
Straterra	S536.012	Amend	Ensure that important mines and quarries are not left out of the zone
Stevenson Mining Limited	S502.013	Amend	Add the access road to the MINZ at Te Kuha.
Chris & Jan Coll	S558.665	Support	Retain
Chris J Coll Surveying Limited	S566.665	Support	Retain

Laura Coll McLaughlin	S574.665	Support	Retain
Department of Conservation	S602.221	Oppose	Amend the mapping of the MINZ and the Buller Coalfield Zone overlay to exclude any areas in the zone that do not have current authorisation for mining activity through the Coal Mining Act 1979 or resource consent under the RMA.
Bathurst Resources Limited and BT Mining Limited	FS89.033	Oppose	Disallow
John Caygill	S290.010	Oppose	Remove the MINZ from public conservation land.
Peter Haddock	S417.002	Amend	Rezone the land at on the property Quadrello Holdings Ltd own on Taylorville Road Coal Creek valuation 25420/375.07 Legal Desk PT Sect 121 SQ 119 to Mineral Extraction Zone
Ian Reynolds	S94.001	Support in part	For the Barrytown MINZ to include all the area from Cargill Road to Canoe Creek, from the State Highway down to the sea.
Te Tai o Poutini Plan Committee	S171.024	Amend	Rezone the entire Karamea Limestone quarry site as shown on the map included in the submission Mineral Extraction Zone
Stephen Page	S270.005	Oppose	Rezone the Kumara Mineral Extraction Zone. Consider sensible zoning using effects-based criteria to be included in this pTTPP, so that mining activity can occur in areas without detriment to neighbours or communities.
Roger Ewer	S316.001	Oppose	Remove the MINZ at Barrytown and make mineral extraction a restricted discretionary activity.
Grey District Council	FS1.286	Neutral	Disallow
TiGa Minerals and Metals Limited	S493.108	Amend	Rezone the following land to Mineral Extraction Zone: Lot 2 DP 314606, Sections 1-2 Block 1 Waiwhero SD, Lot 2 DP

			402366, Part RS 3870, RS 2605, RS 431, RS 3250 Block I Waiwhero SD, Lot 2 DP 423442, RS 2841, Lot 1 DP 412689, RS 2847, Section 4-6 Block V Waiwhero SD, Section 7-8 Block V Waiwhero SD, RS 2931, RS 2932, Part RS 2639, RS 2933, Section 4033 Block V Waiwhero SD, RS 3316, Lot 1 DP 335367, RS 2930, RS 2929, Part RS 2928, Lot 1 DP 2719, Lot 2 DP 339364, Part RS 2635, Part RS 2634, Lot 1 DP 2178, Lot 1 DP 790, RS 4033, RS 2847, RS 3250
Katherine Crick	FS68.24	Oppose	I strongly oppose any zoning on the Barrytown Flats to include a MINZ; rather keep the areas General Rural, in line with most of the flats. Mineral Extraction should be a discretionary activity.
Annie Inwood	FS147.013	Oppose	Disallow
Annie Inwood	FS147.026		
Suzanne Hill	FS72.013		
Suzanne Hill	FS72.027		
John Caygill	FS44.11		
Melissa McLuskie	FS144.013		
Melissa McLuskie	FS144.027		
Phoenix Minerals Limited	S606.076		
Birchfield Ross Mining Limited	S604.123	Amend	Amend to include additional areas at Mikonui as shown in Attachment B of the submission.
BRM Developments Limited	S603.071	Amend	Amend to include areas at Callaghans and Kumara/Greenstone
Westreef Services Limited	S518.001	Amend	Rezone the land legally described within Records of Title 111109, NL8B/740 and 511485 and within ROT 695049 as Lot 2 Deposited Plan 486827

			(McPaddens Pit and proposed expansion) as Mineral Extraction Zone.
Julie Madigan	S363.001	Amend	Retain the status quo under the Westland District Plan. (No MINZ - area zoned rural]
Lynley Hargreaves	FS65.009	Support	Allow
Shirley Godfrey	S390.001	Oppose	Include the Koiterangi Limestone Quarry at Camelback Road Kowhitirangi Lots 1 2 DP 315 SECS 2 3 SO11712 BLK I TOAROHA S D in the Mineral Extraction Zone.
Koiterangi Lime Co Ltd	S414.001	Support in part	include Koiterangi Lime Co Ltd quarry in the MINZ
Sharon Langridge	S388.001	Amend	Delete - Barrytown Flats Mineral Zone on the Property Lot 1 DP412689 Rural Section 2847 Section 5 Block 5. This should be changed to General Rural Zone.
Marie Elder	FS77.31	Support	Allow
Grey District Council	FS1.101	Neutral	Disallow
Karen Lippiatt	S439.007	Oppose	Exclude Denniston Plateau from the Buller Coalfield Zone
Karen Lippiatt	S439.009	Oppose	Rezone Te Kuha so it is not MINZ or Buller Coalfield Zone.
Forest & Bird	S560.022	Amend	Amend zoning maps to remove the BCZ and MINZ capture areas of lawfully established mineral extraction and ancillary activities as General Rural Zone (GRUZ) where they occur on private land, NOSZ if on private land but with high natural values, and as Natural Open Space Zone (NOSZ) where they occur on public conservation land, other than where zoning consistency with adjacent land is more appropriate.
Bathurst Resources Limited and BT Mining Limited	FS89.051	Oppose	Contrary to BRL submission and intent of the plan

Murray Stuart and Karen Jury Rob Lawrence	S455.001	Oppose	Remove the MINZ at Kumara.
Phoenix Minerals Limited	FS215.040	Oppose	Phoenix supports the as notified over its landholding at Kumara.
Inger Perkins	S462.026	Amend	Rezone MINZ areas where there are no resource consents in place.
Phoenix Minerals Limited	FS215.045	oppose	Disallow
Paul Elwell-Sutton	FS74.3	Support	Fully support this submission. No pre-emptive mining zones to be allowed in the pTTPP.
Grey District Council	FS1.146	Oppose	Disallow
Katherine Gilbert	S473.008	Amend	Where BCZ and MINZ have been proposed on public conservation land (PCL) rezone this land in these areas as Natural Open Space (NOSZ) and in other areas as General Rural Zone (GRUZ) or as consistent with adjacent zoning where appropriate.
Paul Elwell-Sutton	FS75.7	Support	Mining on conservation land must prohibited, while mining beneath conservation land should be a discretionary activity, subject to no impact on the overlying conservation land.
Lynley Hargreaves	S481.005	Amend	Delete the MINZ at Ross.
Birchfields Ross ltd	FS150.039	Oppose	Disallow
Brian Jones	S525.001	Amend	Rezone land for the Karamea Lime Company to MINZ as outlined in their submission
New Zealand Coal & Carbon Limited	S472.049	Oppose in part	Remove the overlap of the Precinct from the 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).
Rocky Mining Limited	S474.012	Amend	That the MEZ apply across the full permit areas for the Wombat Creek and Rimu Channel

			exploration permits
Bathurst Resources Limited and BT Mining Limited	S491.034	Amend	Add the Upper Waimangaroa Valley and Denniston Plateau to the BCZ
Bathurst Resources Limited and BT Mining Limited	FS89.004	Support	Allow in part - The original submission was based on the assumption that the areas of the Buller Coalfields Zone as provided to the Council were included in the plan. However, there are some mapping inconsistencies in the notified plan and some active mining and infrastructure areas have been excluded from the BCZ. These need to be rectified for consistency.
Rocky Mining Limited	S474.046	Amend	application of the MEZ across permits EP60567, EP60761 and EPA60880 (refer to submission for maps)
Evelyn Hewlett	S112.001	Amend	Amend zoning of Barrytown flats from Mineral extraction to General Rural and Rural Lifestyle Zone
Marie Elder	FS77.4	Support	Classification as a MINZ is entirely inappropriate. It would have adverse effects on the high value natural amenities including wetlands, forest remnants, taiko habitat and biodiversity, and on the wellbeing of residents, many of whom contribute to the nature economy
Brian Anderson	S576.022	Amend	Amend to provide for Rural Lifestyle Zone surrounding the Ross township
Birchfields Ross ltd	FS150.045	Oppose	Disallow
Dean Mason	S356.001	Oppose	I seek to remove Mineral Extraction Zoning from the Barrytown Flats and apply GRUZ zoning by default to all areas not otherwise zoned, eg lifestyle.
Grey District Council	FS1.093	Neutral	Disallow
Riarnne Klempel	S67.004	Amend	Rezone the MINZ on the Barrytown flats.

			The land highest above sea level should be rezoned rural lifestyle or general rural zone. The lower lying land should be rezoned open space or natural open space.		
Grey District Council	FS1.288	Neutral	Disallow		
Kate Kennedy	S46.001	Amend	For the proposed MINZ on the Barrytown Flats to be rezoned General Rural in line with the rest of the Flats.		
Katherine Crick	FS68.23	Support	Allow		
David Moore	S65.024	Amend	Rezone the Barrytown MINZ as General Rural.		
Katherine Crick	S101.002				
Jan Fraser	S129.002				
SOPHIA ALLAN	S82.002				
Michael Hill	S70.005				
Jane Nolan	S397.001				
Janice Flinn	S260.001				
Lindy Mason	S355.005				
Ross Wildbore	S389.001				
David Moore	S65.025				
Suzanne Hills	S443.051				
Grey District Council	FS1.127			Neutral	Disallow
	FS1.283				
	FS1.275				
	FS1.067				
	FS1.102				
	FS1.109				
	FS1.092				
	FS1.279				
	FS1.280				

Veronica Carroll	S399.001	Oppose	Remove the MINZ from Barrytown Flats.
Karen Vincent	S393.001		
Barry Mason	S208.001		
Deb Langridge	S252.001		
Louise Jaeger	S135.002		
Graham Wood	S160.002		
Marie Elder	FS77.39	Support	For the exact same reasons as s160. The only modification is that although in the current application TIGA 'only' plan to mine to a depth of 9 metres [not 15], the objections s160 cites remain valid at this depth as well.
Grey District Council	FS1.045	Neutral	Disallow
	FS1.058		
	FS1.207		
	FS1.105		
	FS1.110		
Chris & Jan Coll	S558.500	Amend	Amend so that Lot 1 DP 483059 is zoned MINZ
Catherine Smart-Simpson	S564.158		
Peter Langford	S615.175		
Peter Langford	S615.213		
William McLaughlin	S567.545		
William McLaughlin	S567.696		
Chris & Jan Coll	S558.666		
Chris J Coll Surveying Limited	S566.500		
Chris J Coll Surveying Limited	S566.666		
Laura Coll McLaughlin	S574.500		

Laura Coll McLaughlin	S574.666		
Karamea Lime Company	S614.175	Amend	Amend so that Lot 1 DP 483059 is zoned MINZ
Linda Brownie	FS130.001	Support	Allow
Matthew Lone	FS132.001		
Karamea Community Incorporated	FS125.016		
William McLaughlin	FS148.016		
Marty Syron	FS182.015		
Kelvin Jeff Neighbours	FS183.015		
J & M Syron Farms	FS184.015		
Michelle Joy Stevenson	FS185.015		
Marnie Stevenson	FS186.015		
Sophie Fox	FS187.015		
Susan Waide	FS179.015		
Desirae Bradshaw	FS180.015		
Maryann Volckman	FS162.015		
Barbara Bjerring	FS164.015		
Brian Patrick Jones	FS165.015		
Bryan Rhodes	FS166.015		
Frank Bjerring	FS167.015		
Jane Garrett	FS168.015		
Allwyn Gourley	FS169.015		
Shaun Rhodes	FS171.015		
Jack Simpson	FS172.015		
Roger Gibson	FS173.015		
Rachel Shearer	FS174.015		
Gareth Guglebreten	FS175.015		

Oparara Valley Project Trust	FS124.015		
Rosalie Sampson	FS123.015		
Chris Lowe	FS238.015		
Karamea Lime Company	S614.213	Support	Amend Lot 1 DP 483059 to MINZ
Karamea Community Incorporated	FS125.017	Support	Allow
William McLaughlin	FS148.017		
Marty Syron	FS182.016		
Kelvin Jeff Neighbours	FS183.016		
J & M Syron Farms	FS184.016		
Marnie Stevenson	FS186.016		
Sophie Fox	FS187.016		
Susan Waide	FS179.016		
Desirae Bradshaw	FS180.016		
Maryann Volckman	FS162.016		
Barbara Bjerring	FS164.016		
Brian Patrick Jones	FS165.016		
Bryan Rhodes	FS166.016		
Frank Bjerring	FS167.016		
Jane Garrett	FS168.016		
Allwyn Gourley	FS169.016		
Shaun Rhodes	FS171.016		
Roger Gibson	FS173.016		
Rachel Shearer	FS174.016		
Gareth Gulebreten	FS175.016		
Oparara Valley Project Trust	FS124.016		
Rosalie Sampson	FS123.016		

Chris Lowe	FS238.016		
Chris & Jan Coll	S558.667	Amend	Amend Sections 2 SO 11712, Section 3 SO 11712, Lot 1 DP 315 and Part Lot 2 DP 315 be rezoned to Mineral Extraction Zone
Chris J Coll Surveying Limited	S566.667		
Laura Coll McLaughlin	S574.502		
Phil and Helen Cook	S600.005		
Laura Coll McLaughlin	S574.667		
Alvin & Kay Godfrey	S580.008		
William McLaughlin	S567.697		
Anna & Jeremy Hart	S582.005		
Paula Jones	S590.005		
Steve and Anne Staples	S584.005		
Tim Burden	S585.005		
Tane & Rachel Little	S586.005		
Linda Elcock	S587.005		
Marty & Nicky, Von Ah	S588.005		
Charmaine Michell	S589.005		
Koiterangi Lime Co LTD	S577.124	Amend	Amend for land adjoining Section 2 SO 11712, Section 3 SO 11712, Lot 1 DP 315 and Pt Lot 2 DP 315 to be zoned Mineral Extraction Zone
Greenstone Retreat	S459.015	Support	MINZ on the edge of Kumara Village be revoked
Phoenix Minerals Limited	FS215.044	Oppose	These submission points all relate to the MINZ at Kumara. Phoenix supports the MINZ as notified.

715. It is clear that a significant volume of submissions has been made regarding the spatial application of the MINZ and BCZ. I address these below in a single section based on the spatial location to which I understand the submissions relate.¹⁹

¹⁹ In itself, this has been challenging, as the Section 32 Evaluation – Report Fourteen

Zoning Criteria

716. The analysis and recommendations I make within this section are linked to my recommendations on the zoning criteria for the MINZ and BCZ which I discuss in Section 10.7 (MINZ-P1) and Section 11.6 (BCZ-P1). Within those sections, I have recommended the inclusion of a policy which clearly states where the MINZ and BCZ should be applied - see these previous sections above and **Appendix 1** for my recommended wording.
717. In my opinion, this is a fundamental matter that needs to be resolved prior to determining rezoning requests. The wording and approach to these policies / zoning criteria, will have an impact on the ultimate determination that is made with regard to the rezoning requests. I have proceeded with my assessment of rezoning requests below based on my recommended policy wording above, but acknowledge that if the Hearings Panel come to a different determination as to the appropriate wording of the zoning criteria for the MINZ and BCZ, then these recommendations will need to be revisited.

Rezoning Requests

718. Upon detailed review of the submissions and further submissions on the rezoning topic, my overall observation is that there appears to be a significant disconnect between what the notified spatial extent of the MINZ and BCZ, and the proposed criteria used to identify the zone. More specifically, there appears to be large areas of land that have been included within the proposed BCZ and MINZ, with no evidence or link to current authorisations (e.g., Coal Mining Licence / Ancillary Coal Mining Licence and resource consents).
719. Based on discussions and correspondence with Council staff, I understand that this disconnect is a result of the TTPP Committee determining prior to notification, to include a large extent of additional areas within the BCZ and MINZ. I also understand that the TTPP Committee determination was against planning officer advice at the time, that the decision to include additional areas was inconsistent with the criteria developed to determine the appropriate spatial extent of these Zones (see **Appendix 4** for copies of TTPP Committee agenda items and minutes regarding this matter). While I understand this was a political decision at the time, I must address this matter as an independent planning expert in accordance with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023.
720. Given what I have outlined above, there appear to be a number of areas proposed and notified as MINZ and BCZ that do not currently have a defensible basis to be included. This is referenced in a number of submissions seeking better alignment of the proposed MINZ and BCZ and what is sought to be provided for.²⁰ For such instances, I have included a preliminary recommendation that the MINZ or BCZ be deleted or amended. I have not however provided a recommendation on what these areas should be rezoned as because:
- My recommendations are preliminary recommendations, and I accept that information and evidence could be presented during the hearing by submitters

Mineral Extraction does not include a clear map depicting the extent of the zones and their common names. The best information available is the written information regarding the "extent of the zone" in 2.6.1 (re the BCZ) and Table 2.6.2 (re the MINZ). Many submissions are also unclear on this, as they do not include maps outlining specifically the area(s) that the submission relates to. To assist the Hearings Panel and submitters, maps of the various sites and areas proposed to be notified as BCZ and MINZ in the notified version of the pTTPP have been prepared – see **Appendix 3**.

²⁰ See for instance, the submission from DoC (S602) and others which have highlighted this issue which I have canvassed in previous sections of this report.

and further submitters to justify the inclusion of these areas within the MINZ or BCZ; and

- For other zones within the pTTPP (e.g., Rural Zones and Open Space Zones), I understand that there are similar issues relating to unclear zoning criteria that need to be addressed within the respective hearings for those topics (which I understand are scheduled to occur after the Mining and Mineral Extraction Hearing). Without clear and consistent rezoning criteria, I am unable to recommend what would be the most appropriate zoning to apply.

721. Noting the above challenges, I would recommend that the Hearings Panel determine to hear all rezoning requests within the Part B Hearing.
722. In a broader sense, I have addressed all of the rezoning requests based on the best available information at the time of preparing this report, and focused on whether or not, the proposed zoning is the most appropriate for each location and that the proposed extent of zoning meets the zoning criteria I have recommended for the BCZ and MINZ. If I do not have sufficient information or am unclear on something, I have signalled this, and generally recommended that the relief be rejected for now based on insufficient information. I acknowledge there is scope for the submitters and further submitters to submit more up to date or clearer information to support their rezoning request that may change these recommendations.

Analysis

Buller Coalfield Zone

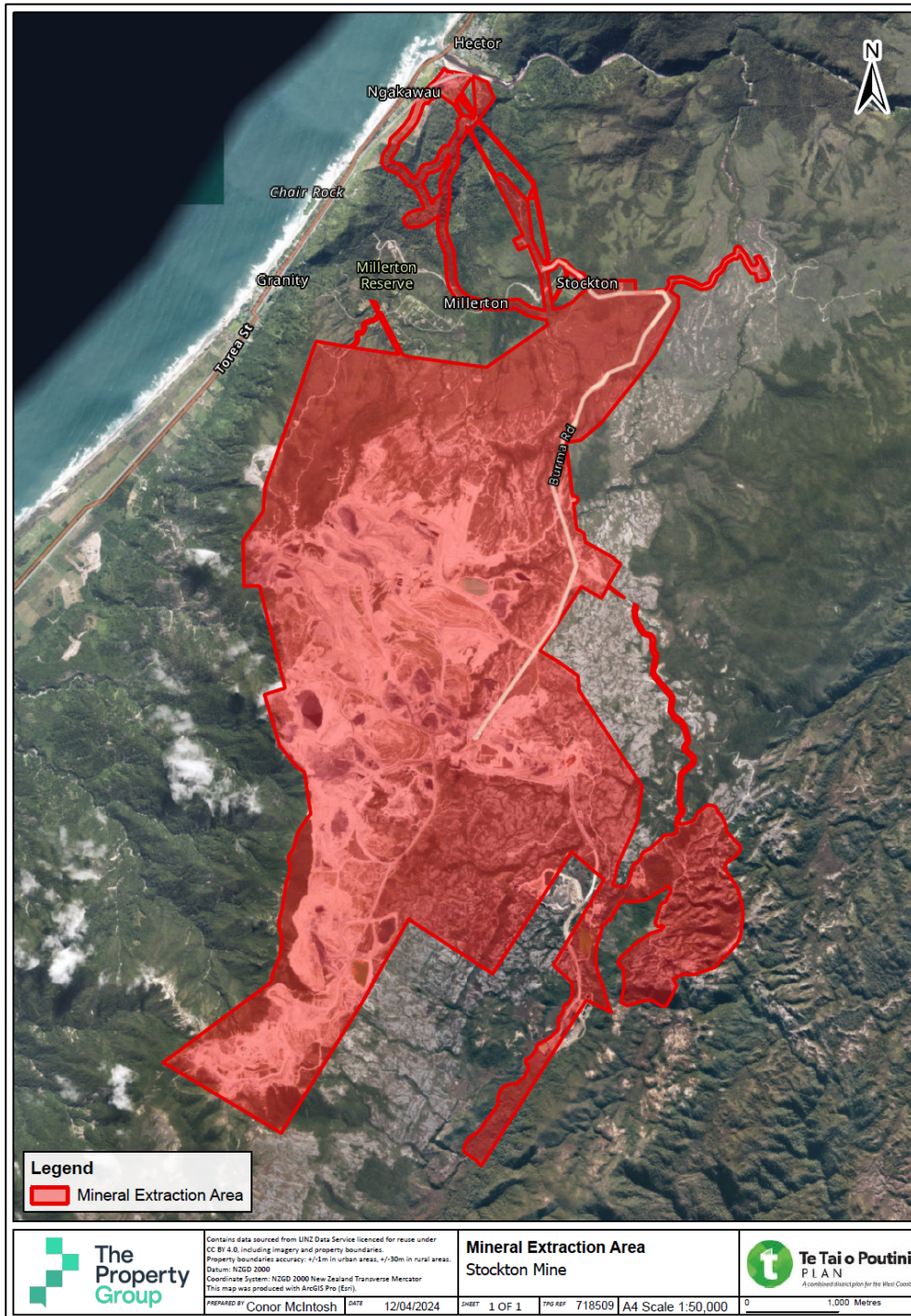


Figure 1 – Stockton Mine / Buller Coalfield Zone as notified – see **Appendix 3**.

Oppose:

723. John Caygill (S290.011) seeks to remove the Buller Coalfield Zone from all public conservation land. The submitter has provided description of the important species within the Denniston-Stockton plateau within their submission; they have not specifically identified areas of public conservation land located within the proposed Buller Coalfield Zone which they request to be removed. On this basis, I recommend this submission be rejected.

724. Karen Lippiatt (S439.007) seeks to exclude Denniston Plateau from the Buller Coalfield Zone. The submitter has not specifically identified land within the Denniston Plateau located within the proposed Buller Coalfield Zone which they request to be removed from the BCZ. On this basis I recommend this submission be rejected.

Amend:

725. Bathurst Resources Limited and BT Mining Limited (S491.053 and S491.034) seeks to ensure maps include all areas in **Appendix 1** of their submission. The submitter seeks to amend the Open Space Zone boundaries in the Buller Plateau, to add the upper Waimangaroa Valley and Denniston Plateau to the BCZ. This is supported in part by Bathurst Resources Limited and BT Mining Limited (FS89.004). From the information provided, it is difficult to understand the precise extent of what the submitter is requesting, and there is no technical information (e.g., such as the provision of mining permits, licences and / or resource consents related to this) to justify the request. On this basis, it is my opinion, insufficient information has been provided to justify this rezoning request, and should be rejected.

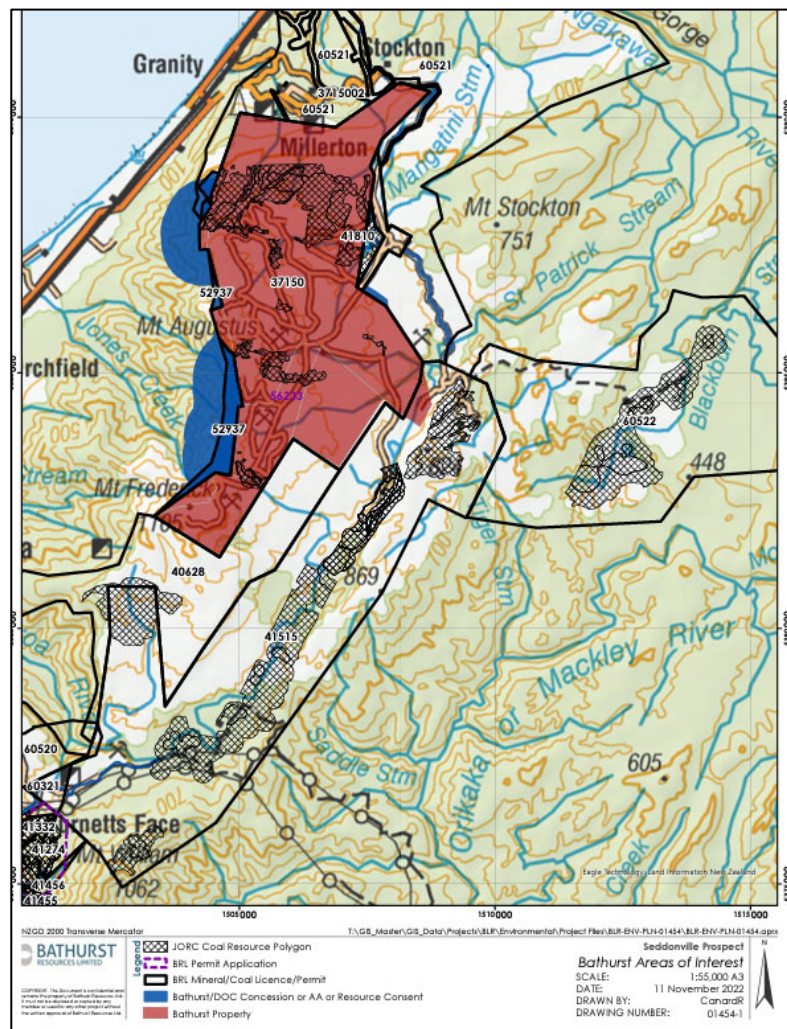


Figure 2 – Bathurst Resources Limited and BT Mining Limited submission extract from Appendix 1 of the submission.

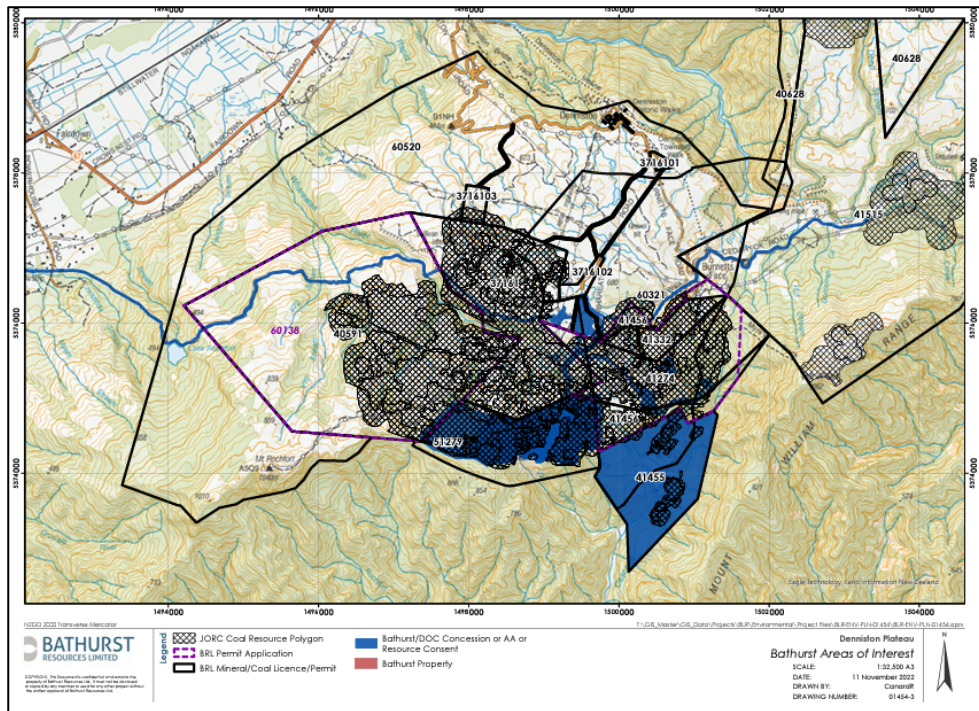


Figure 3 – Bathurst Resources Limited and BT Mining Limited submission extract from Appendix 1 of the submission.

726. Department of Conservation (S602.221) seeks to amend the mapping of the MINZ and the Buller Coalfield Zone overlay to exclude any areas in the zone that do not have current authorisation for mining activity through the Coal Mining Act 1979 or resource consent under the RMA. This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.033). There may be merit to this request, however Department of Conservation have not provided supporting evidence or mapping (e.g., the precise areas where they consider that authorisations or resource consents do not apply) for me to confirm that the BCZ zone should be removed in accordance with the zoning criteria, and on this basis I recommend this relief be rejected in part.

Barrytown / Paparoa Coal Field Mineral Extraction Area

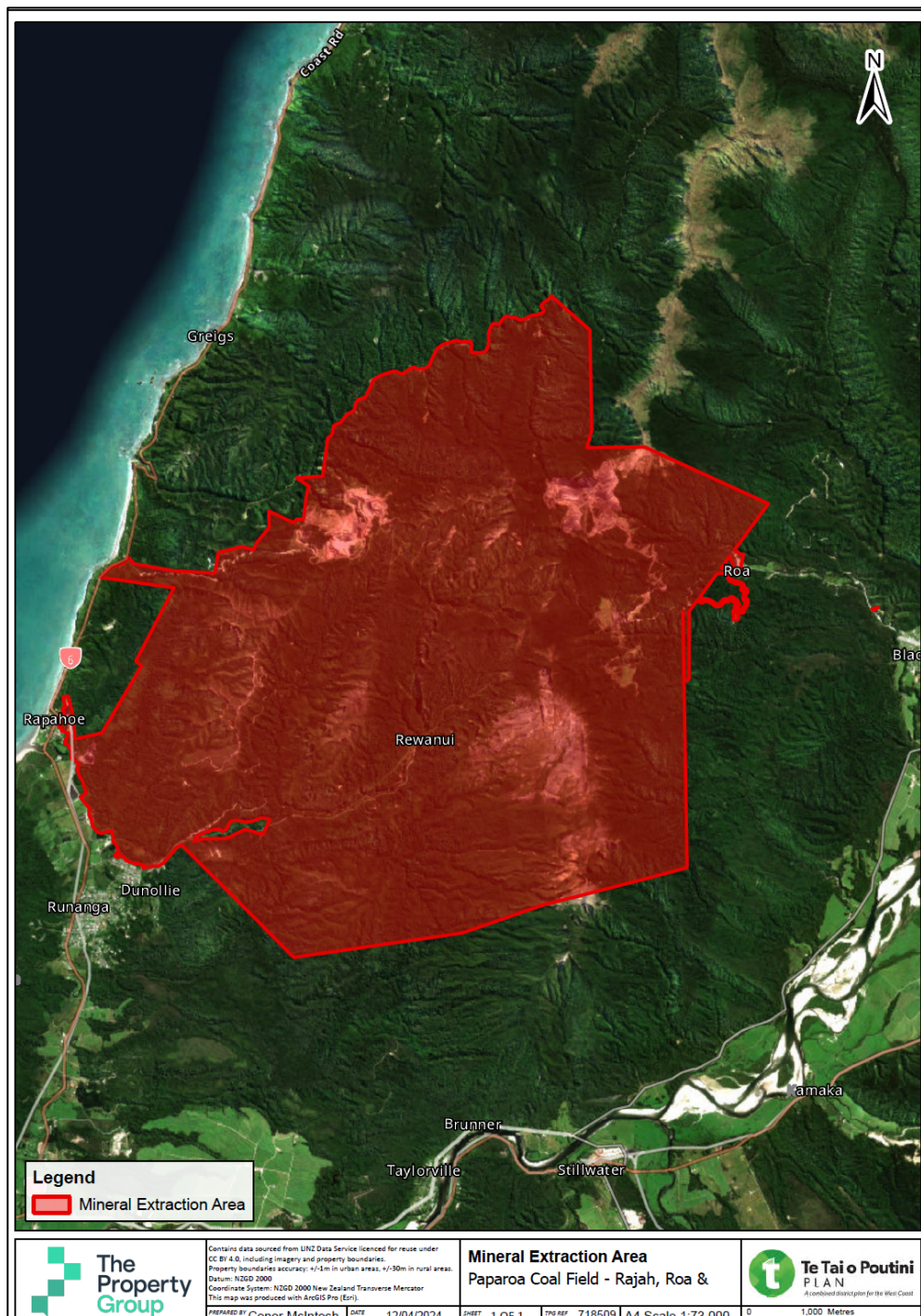


Figure 4 – Barrytown / Paparoa Coal Field MINZ as notified – see **Appendix 3**.

Oppose:

- 727. Rosemary Erickson (S280.001) seeks that no mineral abstraction to be allowed in the Barrytown area. This is opposed by Grey District Council (FS1.073).
- 728. Roger Ewer (S316.001) seeks to remove the MINZ at Barrytown and make mineral extraction a restricted discretionary activity. A neutral position on this is held by Grey District Council (FS1.286).
- 729. David Moore (S65.024), Katherine Crick (S101.002), Jan Fraser (S129.002), Sophie Allan (S82.002), Michael Hill (S70.005), Jane Nolan (S397.001), Janice Flinn (S260.001), Lindy Mason (S355.005), Ross Wildbore (S389.001), David Moore

(S65.025) and Suzanne Hills (S443.051) seeks to rezone the Barrytown MINZ as General Rural. A neutral position is held by Grey District Council (FS1.127, FS1.283, FS1.275, FS1.067, FS1.102, FS1.109, FS1.092, FS1.280 and FS1.279).

730. Marie Elder (S352.019) seeks to remove the Mineral Extraction Zone from the Barrytown Flats. A neutral position on this is held by Grey District Council (FS1.285).
731. Department of Conservation (S602.221) seeks to amend the mapping of the MINZ and the Buller Coalfield Zone overlay to exclude any areas in the zone that do not have current authorisation for mining activity through the Coal Mining Act 1979 or resource consent under the RMA. Department of Conservation states that resource consent application for the Barrytown Mine was declined. Furthermore, noting that the site at Te Kuha is included in the Overview of the Buller Coalfield Zone, but in the planning maps it is in the Mineral Extraction Zone. This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.033).
732. As I understand it, authorisation does not exist for mining in this location, as resource consent has recently been declined. Therefore, zoning this area to MINZ does not comply with the zoning criteria that I have recommended above, and as such I recommend that the area be rezoned.
733. I recommend that the Overview of the BCZ be amended to remove reference to the Te Kuha Mine. I recommend these submissions be accepted.

Barrytown Flats Mineral Extraction Area

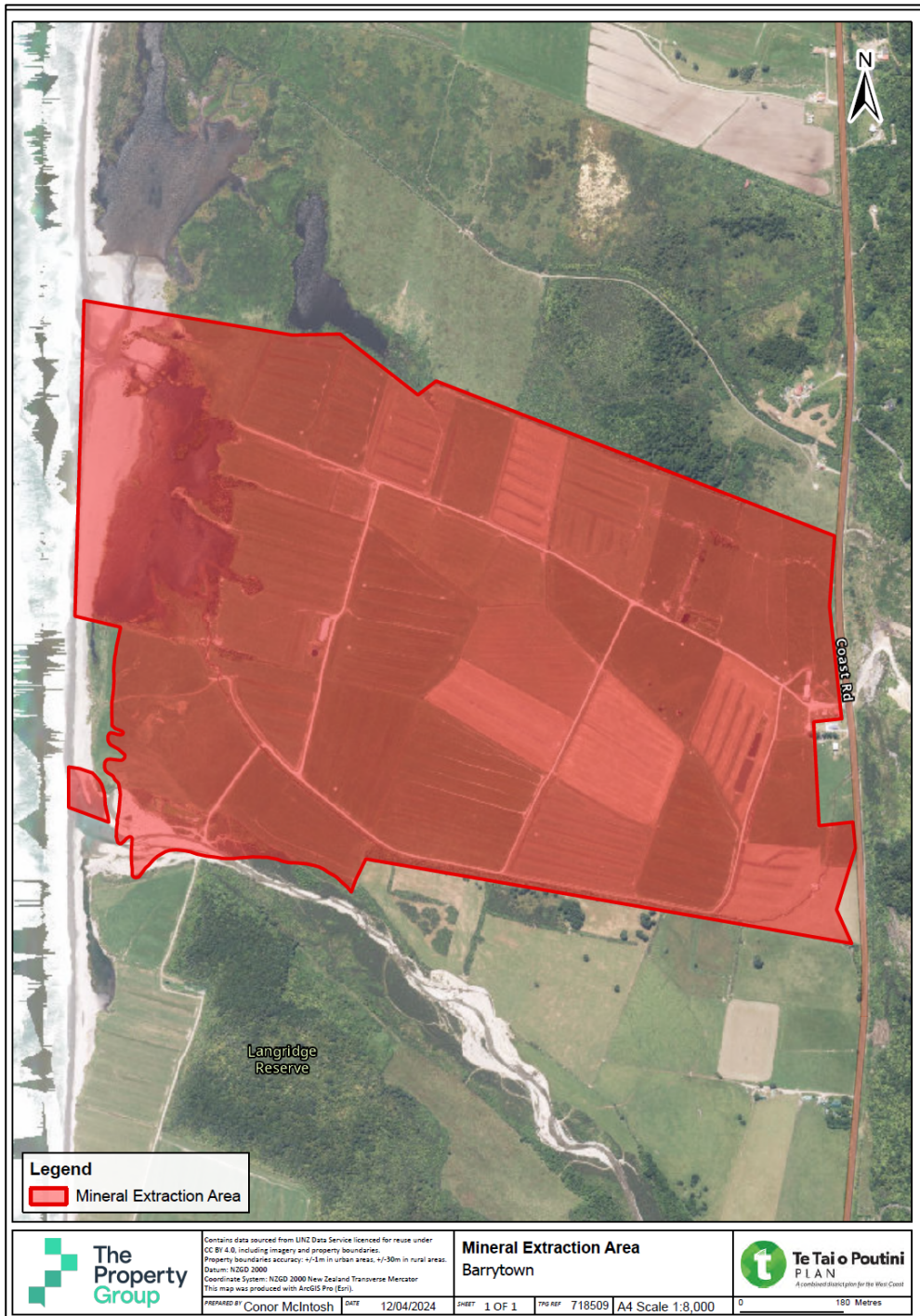


Figure 5 – Barrytown Flats MINZ as notified – see Appendix 3.

Oppose:

- 734. Teresa Wyndham-Smith (S312.008) seeks that the Barrytown Flats area is not classified as a Mineral Extraction Zone. This is supported by Ron Andrews (FS91.001). A neutral position is held by Grey District Council (FS1.085).
- 735. Karen and Dana Vincent (S591.001) seek to delete mining extraction zone at 3261 Coast Road, Barrytown. A neutral position is held by Grey District Council (FS1.208).

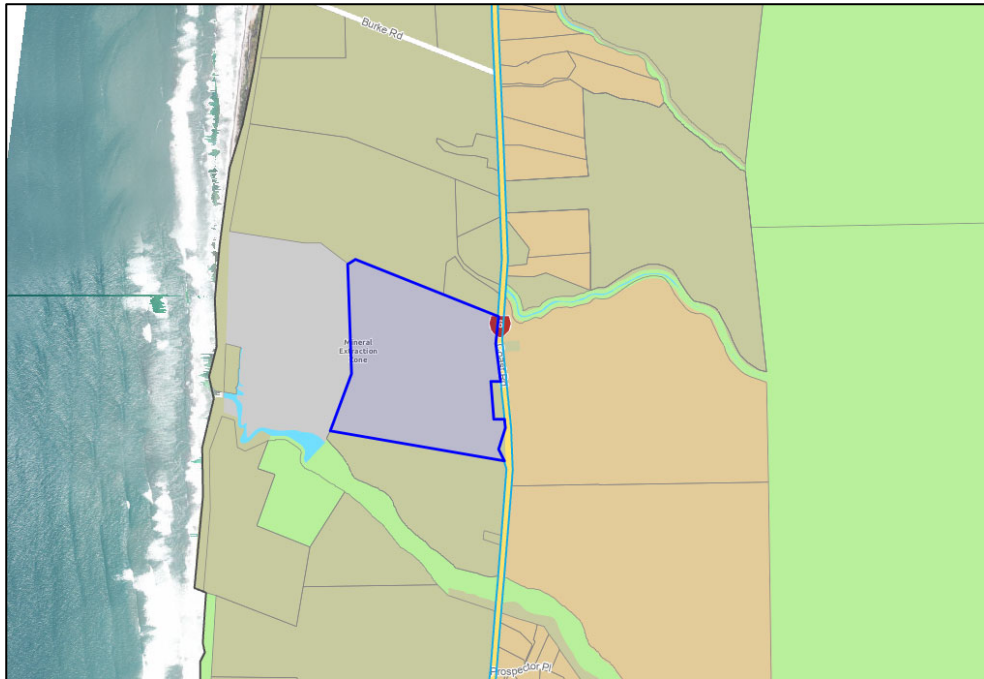


Figure 6 – Submission S591.001 3261.

736. Sharon Langridge (S388.001) seeks to delete - Barrytown Flats Mineral Zone on the Property Lot 1 DP412689 Rural Section 2847 Section 5 Block 5. This should be changed to General Rural Zone. This is supported by Marie Elder (FS77.31). A neutral position is held by Grey District Council (FS1.101).

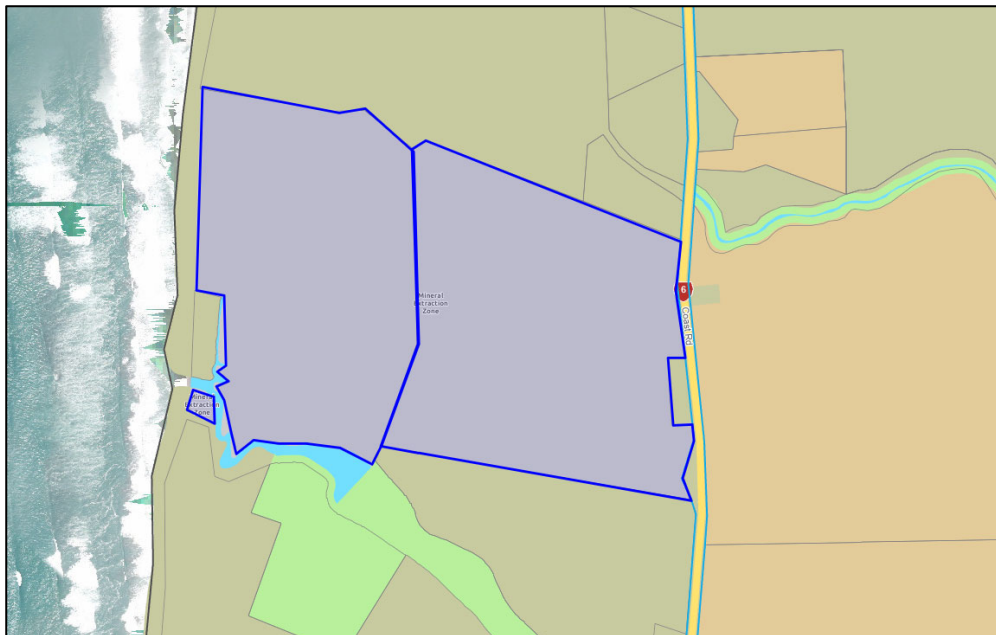


Figure 7 – Submission S388.001.

737. Evelyn Hewlett (S112.001) seeks to amend zoning of Barrytown flats from Mineral extraction to General Rural and Rural Lifestyle Zone. This is supported by Marie Elder (FS77.4).
738. Dean Mason (S356.001) seeks to remove Mineral Extraction Zoning from the Barrytown Flats and apply GRUZ zoning by default to all areas not otherwise zoned, eg lifestyle. A neutral position is held by Grey District Council (FS1.093).

739. Riarnne Klempel (S67.004) seeks to rezone the MINZ on the Barrytown flats. The land highest above sea level should be rezoned rural lifestyle or general rural zone. The lower lying land should be rezoned open space or natural open space. A neutral position is held by Grey District Council (FS1.288).
740. Kate Kennedy (S46.001) seeks for the proposed MINZ on the Barrytown Flats to be rezoned General Rural in line with the rest of the Flats. This is supported by Katherine Crick (FS68.23).
741. Veronica Carroll (S399.001), Karen Vincent (S393.001), Barry Mason (S208.001), Deb Langridge (S252.001), Louise Jaeger (S135.002) and Graham Wood (S160.002) seek to remove the MINZ from Barrytown Flats. This is supported by Marie Elder (FS77.39). A neutral position is held by Grey District Council (FS1.045, FS1.058, FS1.207, FS1.105 and FS1.110).
742. As authorisation does not exist for mining in this location, the zoning this area to MINZ does not comply with the zoning criteria as such I recommend that the area be rezoned. I recommend these submissions be accepted.

Support:

743. Trevor Thorpe (S528.004) and John Thorpe (S529.001) seek to retain the MINZ at Barrytown. This is opposed by Brian Anderson (FS237.084).
744. TiGa Minerals and Metals Limited (S493.109) seeks to retain the MINZ over Lot 1 DP 412689, RS 2847, and Section 5 Block V Waiwhero SD on the Barrytown Flats as notified, with amendments as proposed in relation to specific provisions throughout this submission. This is opposed by Annie Inwood (FS147.027, FS147.014), John Caygill (FS44.9), Tammy Ward (FS93.001), Suzanne Hill (FS72.014, FS72.028), Melissa McLuskie (FS144.014, FS144.028), Maureen Reid (FS92.001) and Ron Andrews (FS91.002).
745. Support for the proposed Barrytown Flats MINZ is acknowledged. The Barrytown Flats MINZ does not have current authorisation for mining activity therefore the zoning fails to meet the rezoning criteria, as such I recommend these submissions be rejected.

Amend:

746. Trevor Hayes (S377.007) seeks to rezone Barrytown Flats MINZ to General Rural Zone. This is supported by Marie Elder (FS77.9). This is opposed by Grey District Council (FS1.097).
747. TiGa Minerals and Metals Limited (S493.108) seeks to rezone the following land to Mineral Extraction Zone: Lot 2 DP 314606, Sections 1-2 Block 1 Waiwhero SD, Lot 2 DP 402366, Part RS 3870, RS 2605, RS 431, RS 3250 Block I Waiwhero SD, Lot 2 DP 423442, RS 2841, Lot 1 DP 412689, RS 2847, Section 4-6 Block V Waiwhero SD, Section 7-8 Block V Waiwhero SD, RS 2931, RS 2932, Part RS 2639, RS 2933, Section 4033 Block V Waiwhero SD, RS 3316, Lot 1 DP 335367, RS 2930, RS 2929, Part RS 2928, Lot 1 DP 2719, Lot 2 DP 339364, Part RS 2635, Part RS 2634, Lot 1 DP 2178, Lot 1 DP 790, RS 4033, RS 2847, RS 3250. This is opposed by Katherine Crick (FS68.24), Annie Inwood (FS147.013), Annie Inwood (FS147.026), Suzanne Hill (FS72.013), Suzanne Hill (FS72.027), John Caygill (FS44.11), Melissa McLuskie (FS144.013) and Melissa McLuskie (FS144.027).

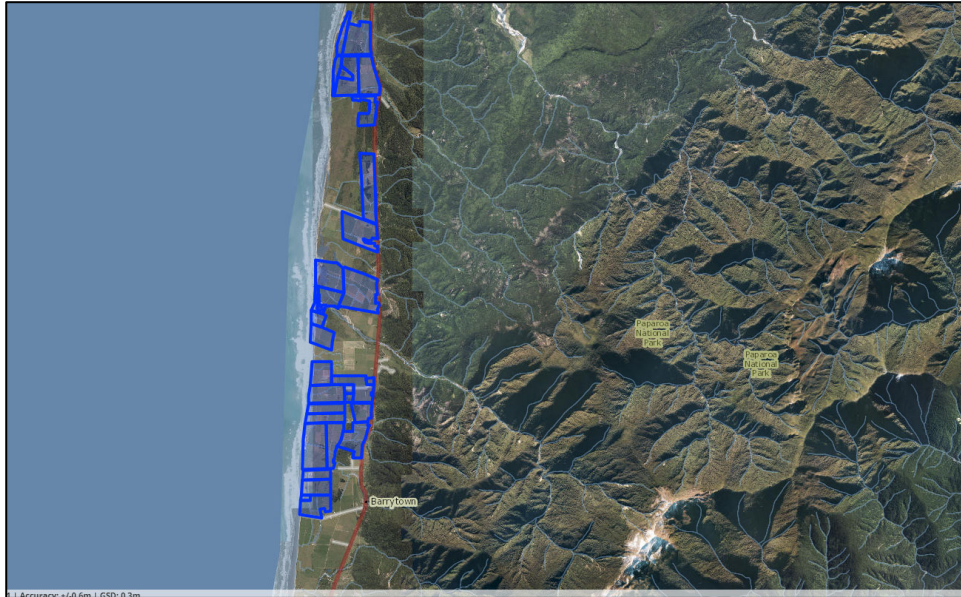


Figure 8 – Submission S493.108 (source Emaps).

748. Ian Reynolds (S94.001) seeks for the Barrytown MINZ to include all the area from Cargill Road to Canoe Creek, from the State Highway down to the sea.
749. Department of Conservation (S602.221) seeks to amend the mapping of the MINZ and the Buller Coalfield Zone overlay to exclude any areas in the zone that do not have current authorisation for mining activity through the Coal Mining Act 1979 or resource consent under the RMA. Department of Conservation state that the proposed mineral sands mine on Barrytown Flats does not have current authorisation. This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.033).
750. I note that resource consent applications RC2023-0046 is before West Coast Regional Council and LUN3154/23 is before Grey District Council for determination and at the time of writing this report the hearing was adjourned and no decision released. Submitters seeking extension to zoning have provided no information to support their requests. As authorisation does not exist for the operation, zoning this area MINZ does not comply with the zoning criteria as such I recommend that the area be rezoned and no further amendments are recommended. For these reasons I recommend that these submissions be rejected.

Ianthe Forest Mineral Extraction Areas

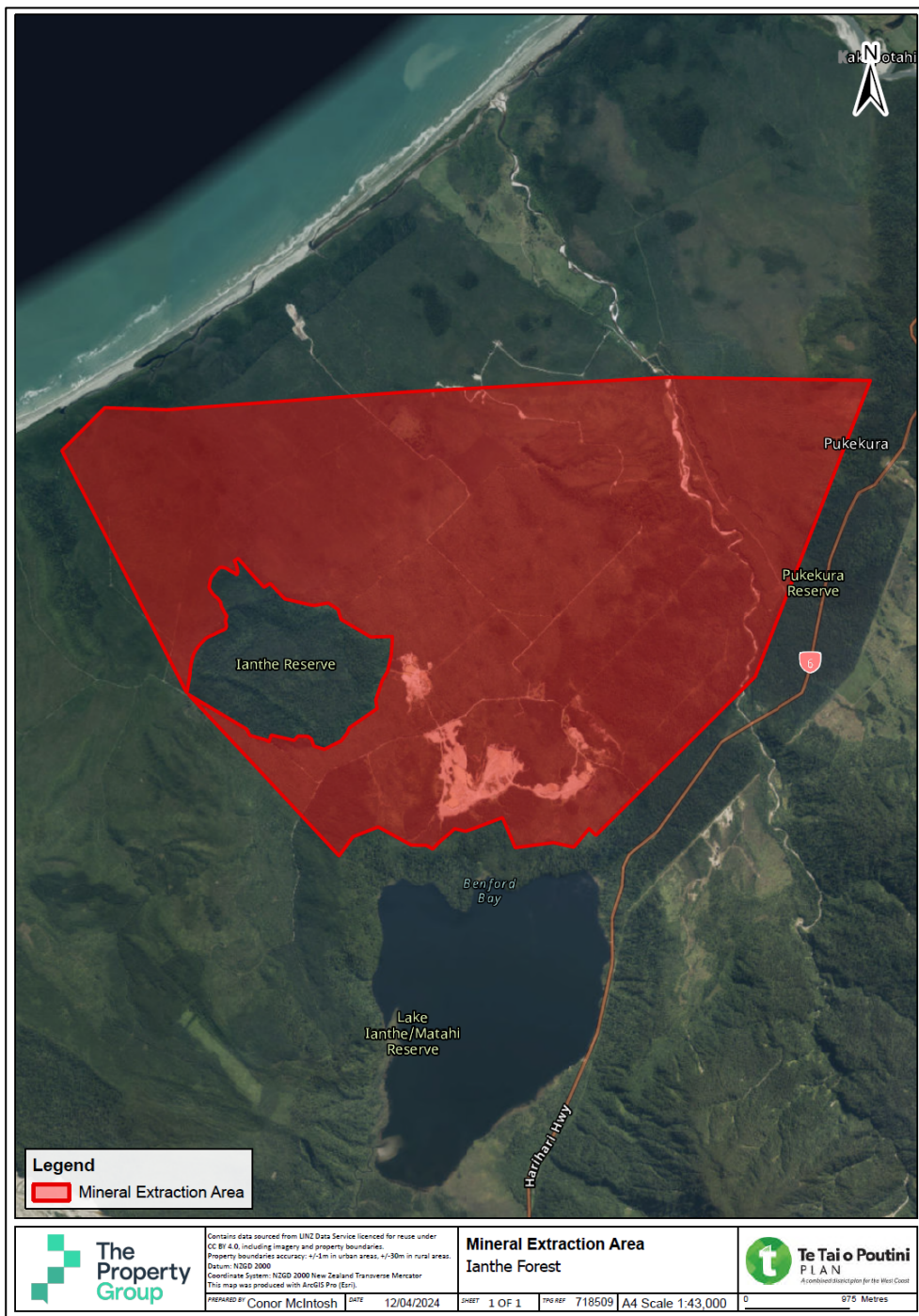


Figure 9 – Ianthe MINZ as notified – See **Appendix 3**.

Amend:

751. Ellis Mining Ltd (S146.001) seeks that the extent of 'Ianthe Forest mineral extraction area' (Westland Mapbook Grid Reference, sheet 80) to be increased to include the entirety of mining permit 54079. This is opposed by Forest & Bird (FS34.019). The submission does not provide sufficient information to identify the extent of land to be rezoned, in the absence of detailed information I recommend this submission be rejected. I welcome the submitter to provide further information in support of their relief sought.
752. BRM Developments Limited (S603.071) seeks to amend to amend the Ianthe MINZ to include areas identified in Attachment A of their submission. The submitter has

an existing Mining Permit MP52010 (recently been extended until 2030) and are waiting extension decision for Mining Permit MP54079. The submission states that there are additional areas in proximity to the Ianthe MINZ which have Minerals Permits granted for mineral extraction which the submitter considers should be included in the MINZ. My recommendation for the MINZ zoning criteria is limited to areas of land which have authorisation in the form of coal mining licences, ancillary coal mining licences and resource consents. I consider that there could be scope to accept this relief, however I consider that additional information (e.g., confirmed copies of the mining licences) needs to be provided to confirm this. Until such time as that information is available, I recommend that this request is declined.

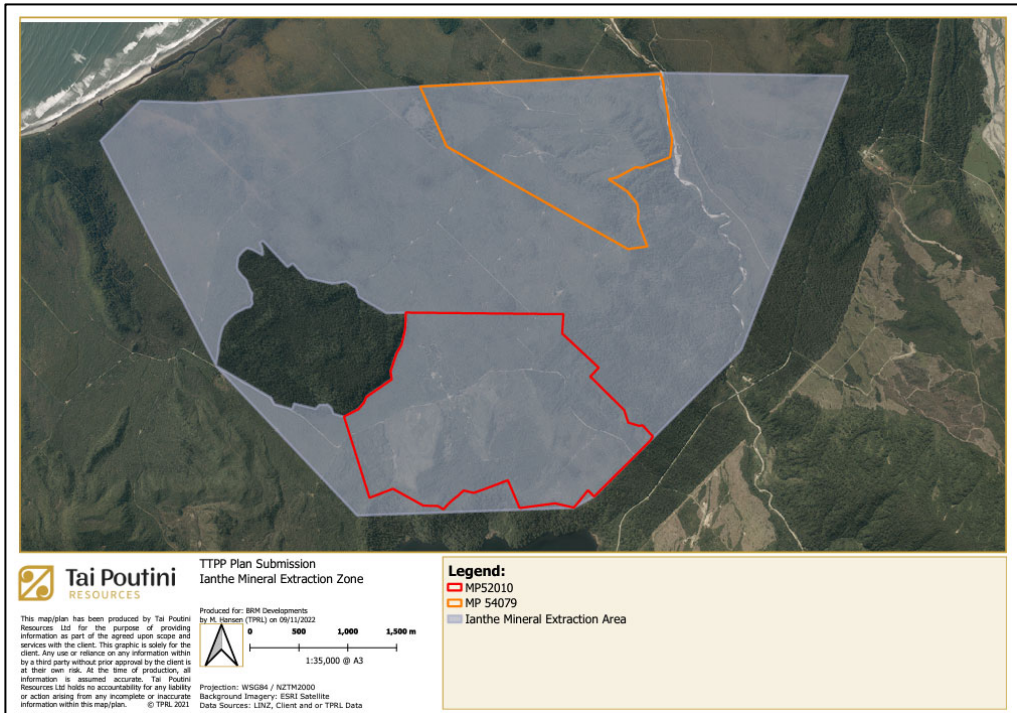


Figure 10 - Submission S603.071 extract Attachment A.

Karamea Mineral Extraction Area



Figure 11 – Karamea MINZ as notified – see **Appendix 3**.

Oppose:

753. Lanah Hake Tarango (S337.001) seeks to oppose the identification of the entry to Kahurangi National Park/Fenian Track/Adams Flat (aka The Pyramid) as an expanded mineral extraction area. The decision sought is to protect it from further environmental destruction that is now, and increasingly visible, part of the aesthetic character of Karamea, entry to a National Park with notable trees and species and is 30 million old rock with yet to be assessed protected species, fossils, and caves. This is opposed by Karamea Community Incorporated (FS125.001), William McLaughlin (FS148.001), Catherine Jane Smart-Simpson (FS155.001), Nathan Simpson (FS156.001), Geoff Volckman (FS157.001), Kathleen Beveridge

(FS158.001), Maurice Beveridge (FS159.001), Frans Volckman (FS160.001), Tom Murton (FS161.001), Maryann Volckman (FS162.001), Kylie Volckman (FS163.001), Barbara Bjerring (FS164.001), Brian Patrick Jones (FS165.001), Bryan Rhodes (FS166.001), Frank Bjerring (FS167.001), Jane Garrett (FS168.001), Allwyn Gourley (FS169.001), Bevan Langford (FS170.001), Shaun Rhodes (FS171.001), Jack Simpson (FS172.001), Roger Gibson (FS173.001), Rachel Shearer (FS174.001), Gareth Gulebreten (FS175.001), Charlotte Aitken (FS176.001), Glen Kingan (FS177.001), Hayden Crossman (FS178.001), Susan Waide (FS179.001), Desirae Bradshaw (FS180.001), Andrew Bruning (FS181.001), Marty Syron (FS182.001), Kelvin Jeff Neighbours (FS183.001), J & M Syron Farms (FS184.001), Michelle Joy Stevenson (FS185.001), Marnie Stevenson (FS186.001), Sophie Fox (FS187.001), Ed Tinomana (FS188.001), Dave Webster (FS189.001), Aidan Corkill (FS190.001), Shanae Douglas (FS191.001), Danielle O'Toole (FS192.001), Aimee Milne (FS193.001), Michael O'Regan (FS194.001), Neal Gallagher (FS195.001), Arthur Neighbours (FS196.001), Mat Knudsen (FS197.001), Brendon Draper (FS198.001), Matthew Thomas (FS199.001), Philip O'Connor (FS200.001), Tracy Moss (FS201.001), James Dunlop Stevenson (FS202.001), Murray Aitken (FS203.001), Joel Hands (FS204.001), Peter Hands (FS205.001), Patrick John Hands (FS206.001), Jackie O'Connor (FS207.001), Maurice Douglas (FS208.001), Gary Donaldson (FS209.001), Joy Donaldson (FS210.001), Selwyn Lowe (FS211.001), Sheryl Marie Rhind (FS212.001), Stewart James Rhind (FS213.001), Rosalie Sampson (FS123.001), Oparara Valley Project Trust (FS124.001), Eric Wayne Pratt (FS131.001), Eric Wayne Pratt (FS131.003), John Milne (FS225.001), Jo-Anne Milne (FS226.001), Jessie Gallagher (FS227.001), Cheryl Gallagher (FS228.001), Margaret Jane Milne (FS229.001) and Chris Lowe (FS238.001).

754. Fernando Tarango (S342.002) seeks to oppose the expansion of MINZ further into "The Pyramid" at Karamea. This is opposed by Karamea Community Incorporated (FS125.004), William McLaughlin (FS148.004), Catherine Jane Smart-Simpson (FS155.004), Nathan Simpson (FS156.004), Geoff Volckman (FS157.004), Kathleen Beveridge (FS158.004), Maurice Beveridge (FS159.004), Frans Volckman (FS160.004), Tom Murton (FS161.004), Maryann Volckman (FS162.004), Kylie Volckman (FS163.004), Barbara Bjerring (FS164.004), Brian Patrick Jones (FS165.004), Bryan Rhodes (FS166.004), Frank Bjerring (FS167.004), Jane Garrett (FS168.004), Allwyn Gourley (FS169.004), Bevan Langford (FS170.004), Shaun Rhodes (FS171.004), Jack Simpson (FS172.004), Roger Gibson (FS173.004), Rachel Shearer (FS174.004), Gareth Gulebreten (FS175.004), Charlotte Aitken (FS176.004), Glen Kingan (FS177.004), Hayden Crossman (FS178.004), Susan Waide (FS179.004), Desirae Bradshaw (FS180.004), Andrew Bruning (FS181.004), Marty Syron (FS182.004), Kelvin Jeff Neighbours (FS183.004), J & M Syron Farms (FS184.004), Michelle Joy Stevenson (FS185.004), Marnie Stevenson (FS186.004), Sophie Fox (FS187.004), Ed Tinomana (FS188.004), Dave Webster (FS189.004), Aidan Corkill (FS190.004), Shanae Douglas (FS191.004), Danielle O'Toole (FS192.004), Aimee Milne (FS193.004), Michael O'Regan (FS194.004), Neal Gallagher (FS195.004), Arthur Neighbours (FS196.004), Mat Knudsen (FS197.004), Brendon Draper (FS198.004), Matthew Thomas (FS199.004), Philip O'Connor (FS200.004), Tracy Moss (FS201.004), James Dunlop Stevenson (FS202.004), Murray Aitken (FS203.004), Joel Hands (FS204.004), Peter Hands (FS205.004), Patrick John Hands (FS206.004), Jackie O'Connor (FS207.004), Maurice Douglas (FS208.00), Gary Donaldson (FS209.004), Joy Donaldson (FS210.004), Selwyn Lowe (FS211.004), Sheryl Marie Rhind (FS212.004), Stewart James Rhind (FS213.004), Oparara Valley Project Trust (FS124.003), Rosalie Sampson (FS123.004), John Milne (FS225.004), Jo-Anne Milne (FS226.004), Jessie Gallagher (FS227.004), Cheryl Gallagher (FS228.004), Margaret Jane Milne (FS229.004) and Chris Lowe (FS238.004).

755. Maria McKay (S409.001) seeks remove Karamea Lime Company MINZ and expansion. This is opposed by Karamea Community Incorporated (FS125.009),

William McLaughlin (FS148.009), Catherine Jane Smart-Simpson (FS155.008), Nathan Simpson (FS156.008), Geoff Volckman (FS157.008), Kathleen Beveridge (FS158.008), Maurice Beveridge (FS159.008), Frans Volckman (FS160.008), Tom Murton (FS161.008), Maryann Volckman (FS162.008), Kylie Volckman (FS163.008), Barbara Bjerring (FS164.008), Brian Patrick Jones (FS165.008), Bryan Rhodes (FS166.008), Frank Bjerring (FS167.008), Jane Garrett (FS168.008), Allwyn Gourley (FS169.008), Bevan Langford (FS170.008), Shaun Rhodes (FS171.008), Jack Simpson (FS172.008), Roger Gibson (FS173.008), Rachel Shearer (FS174.008), Gareth Gulebreten (FS175.008), Charlotte Aitken (FS176.008), Glen Kingan (FS177.008), Hayden Crossman (FS178.008), Susan Waide (FS179.008), Desirae Bradshaw (FS180.008), Andrew Bruning (FS181.008), Marty Syron (FS182.008), Kelvin Jeff Neighbours (FS183.008), J & M Syron Farms (FS184.008), Michelle Joy Stevenson (FS185.008), Marnie Stevenson (FS186.008), Sophie Fox (FS187.008), Ed Tinomana (FS188.008), Dave Webster (FS189.008), Aidan Corkill (FS190.008), Shanae Douglas (FS191.008), Danielle O'Toole (FS192.008), Aimee Milne (FS193.008), Michael O'Regan (FS194.008), Neal Gallagher (FS195.008), Arthur Neighbours (FS196.008), Mat Knudsen (FS197.008), Brendon Draper (FS198.008), Matthew Thomas (FS199.008), Philip O'Connor (FS200.008), Tracy Moss (FS201.008), James Dunlop Stevenson (FS202.008), Murray Aitken (FS203.008), Joel Hands (FS204.008), Peter Hands (FS205.008), Patrick John Hands (FS206.008), Jackie O'Connor (FS207.008), Maurice Douglas (FS208.008), Gary Donaldson (FS209.008), Joy Donaldson (FS210.008), Selwyn Lowe (FS211.008), Sheryl Marie Rhind (FS212.008), Stewart James Rhind (FS213.008), Oparara Valley Project Trust (FS124.007), Rosalie Sampson (FS123.008), John Milne (FS225.008), Jo-Anne Milne (FS226.008), Jessie Gallagher (FS227.008), Cheryl Gallagher (FS228.008), Margaret Jane Milne (FS229.008) and Chris Lowe (FS238.008).

756. Whilst I recognise the submitters concerns with respect to Kahurangi National Park, the MINZ proposed to be located to the south of Fenian Road being limited to apply only to privately owned land currently utilised for a lawfully established mining operation (Karamea Lime Company). As such zoning the location MINZ fits with the zoning criteria and I recommend these submissions be rejected.

Amend:

757. Karamea Lime Company (S614.175) seeks to amend so that Lot 1 DP 483059 is zoned MINZ. This is supported by Linda Brownie (FS130.001), Matthew Lone (FS132.001), Karamea Community Incorporated (FS125.016), William McLaughlin (FS148.016), Marty Syron (FS182.015), Kelvin Jeff Neighbours (FS183.015), J & M Syron Farms (FS184.015), Michelle Joy Stevenson (FS185.015), Marnie Stevenson (FS186.015), Sophie Fox (FS187.015), Susan Waide (FS179.015), Desirae Bradshaw (FS180.015), Maryann Volckman (FS162.015), Barbara Bjerring (FS164.015), Brian Patrick Jones (FS165.015), Bryan Rhodes (FS166.015), Frank Bjerring (FS167.015), Jane Garrett (FS168.015), Allwyn Gourley (FS169.015), Shaun Rhodes (FS171.015), Jack Simpson (FS172.015), Roger Gibson (FS173.015), Rachel Shearer (FS174.015), Gareth Gulebreten (FS175.015), Oparara Valley Project Trust (FS124.015), Rosalie Sampson (FS123.015), Chris Lowe (FS238.015), Karamea Lime Company (S614.213), Karamea Community Incorporated (FS125.017), William McLaughlin (FS148.017), Marty Syron (FS182.016), Kelvin Jeff Neighbours (FS183.016), J & M Syron Farms (FS184.016), Marnie Stevenson (FS186.016), Sophie Fox (FS187.016), Susan Waide (FS179.016), Desirae Bradshaw (FS180.016), Maryann Volckman (FS162.016), Barbara Bjerring (FS164.016), Brian Patrick Jones (FS165.016), Bryan Rhodes (FS166.016), Frank Bjerring (FS167.016), Jane Garrett (FS168.016), Allwyn Gourley (FS169.016), Shaun Rhodes (FS171.016), Roger Gibson (FS173.016), Rachel Shearer (FS174.016), Gareth Gulebreten (FS175.016), Oparara Valley Project Trust (FS124.016), Rosalie Sampson (FS123.016) and Chris Lowe (FS238.016).

758. Geoff Volckman (S563.149) seeks to amend Lot 1 DP 483059 to Mineral Extraction Zone. Te Tai o Poutini Plan Committee (S171.024) seeks to rezone the entire Karamea Limestone quarry site as shown on the map included in the submission Mineral Extraction Zone.
759. Chris & Jan Coll (S558.500), Catherine Smart-Simpson (S564.158), Peter Langford (S615.175, S615.213), William McLaughlin (S567.545, S567.696), Chris & Jan Coll (S558.666), Chris J Coll Surveying Limited (S566.500, S566.666) and Laura Coll McLaughlin (S574.500, S574.666) seek to amend so that Lot 1 DP 483059 is zoned MINZ.
- Brian Jones (S525.001) seeks to rezone land for the Karamea Lime Company to MINZ as outlined in their submission.
760. The submissions do not provide sufficient information to confirm that the land in question has a permit or resource consent granted to operate a mining activity within the subject site. I acknowledge that the site is adjacent to the existing Karamea Mineral Extraction Zone, however in the absence of detailed information I recommend these submissions be rejected. I welcome the submitter to provide further information in support of their relief sought.

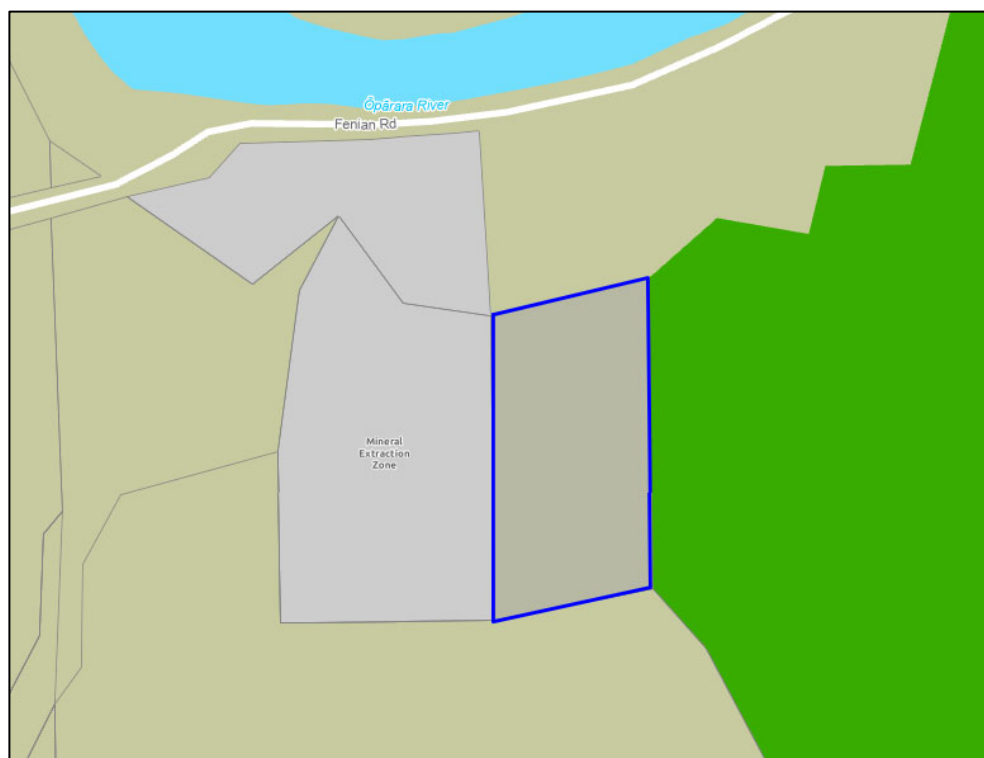


Figure 12 – pTTPP Map extract – Lot 1 DP 483059

Rimu Channel Mineral Extraction Area

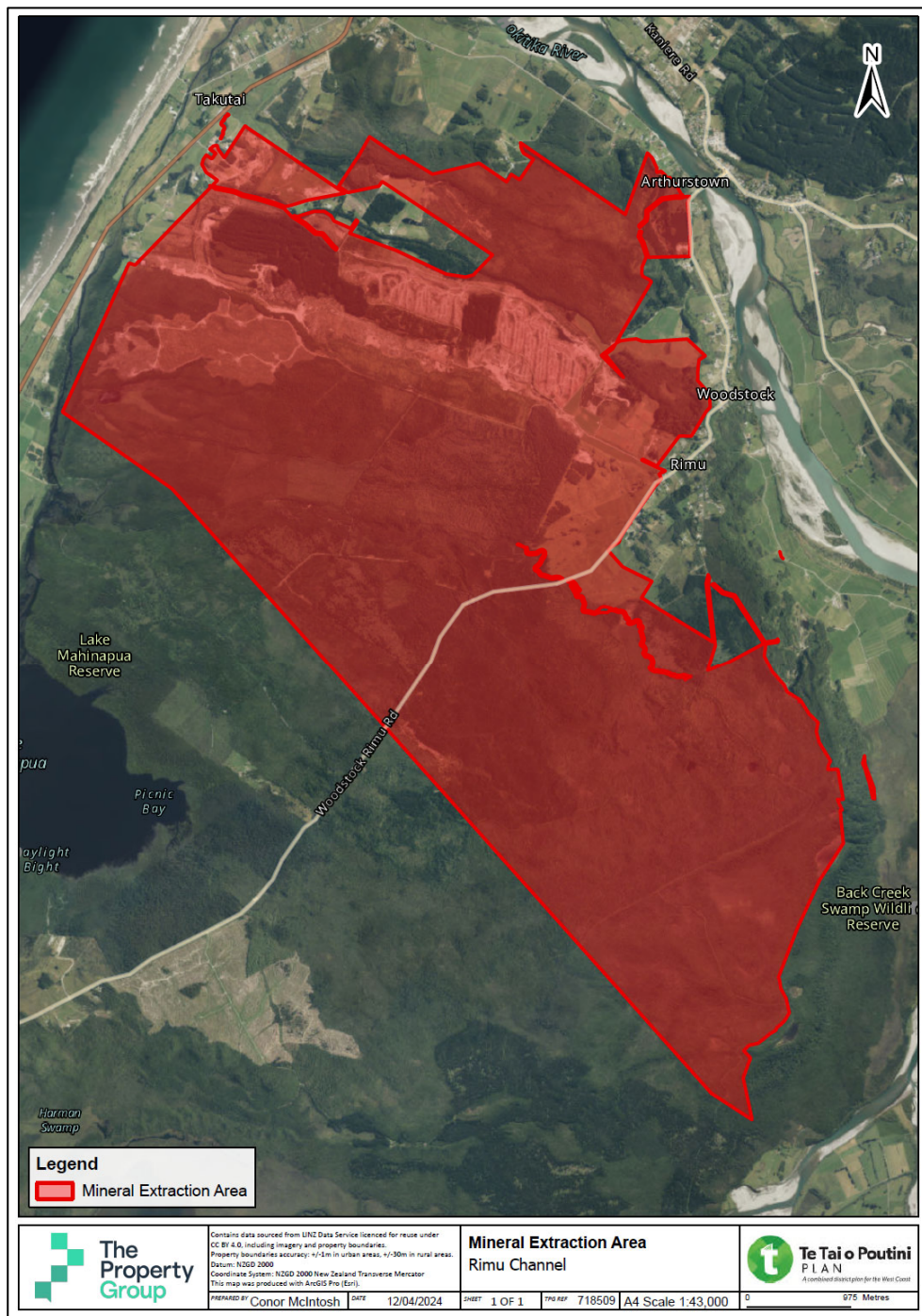


Figure 13 – Rimu Channel MINZ as notified – see **Appendix 3**.

Amend:

761. Whyte Gold Limited (S607.096) seeks to include additional areas RS 6030 LOT 1 2 DP 3690 LOT 1 DP 3393 LOT 1 DP 389075 SEC 2 SO 12415 BLKS V VII MAHINAPUA SD BLKS I V KANIERE SD at Rimu Channel as shown in Attachment B of the submission. The submission states that there are additional areas in proximity to the Rimu Channel MINZ which have Minerals Permits granted for mineral extraction which the submitter considers should be included in the MINZ. My recommendation for the MINZ zoning criteria is limited to areas of land which have authorisation in the form of coal mining licences, ancillary coal mining licences and resource consents. I understand that portions of the notified extent of

the Rimu Mineral Extraction Area have lawfully established activities authorised under resource consent, as such I consider that there could be scope to accept this relief, however I consider that additional information (e.g., confirmed copies of the mining licences) needs to be provided to confirm this. Until such time as that information is available, I recommend that this request is rejected. Furthermore, I recommend that the spatial extent of the Rimu Mineral Extraction Area be reduced to comply with the zoning criteria, and the removed areas be rezoned.

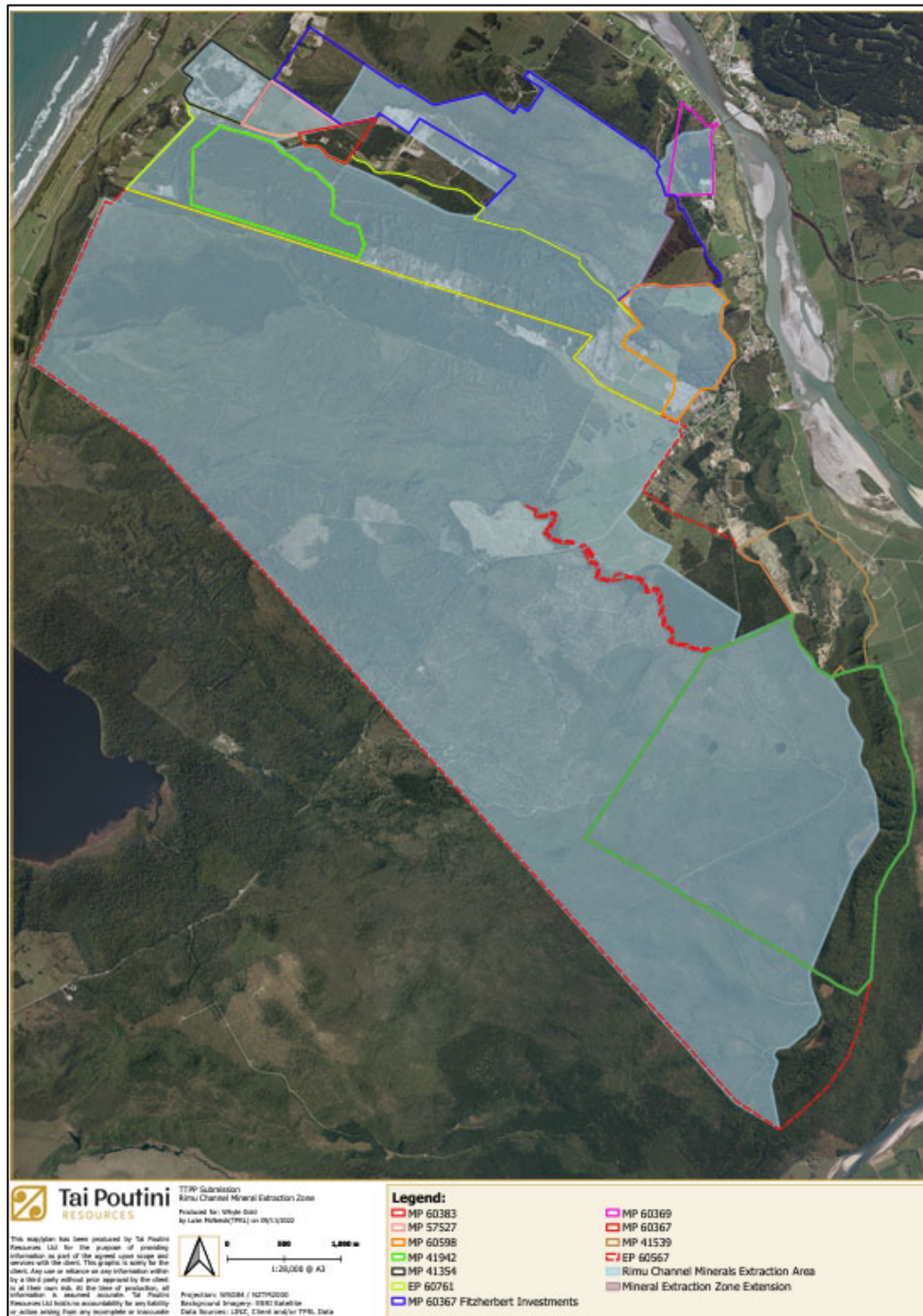


Figure 14 –Submission S607.096 extract – see Appendix B of submission.

762. Rocky Mining Limited (S474.012) seeks that the MEZ apply across the full permit areas for the Wombat Creek and Rimu Channel exploration permits. Rocky Mining Limited (S474.046) seeks to amend the application of the MEZ across permits EP60567, EP60761 and EPA60880 (refer to submission for maps). The submitter

has not provided evidence to confirm that minerals permits or resource consent has been granted for mineral extraction. As such, the request does not meet the MINZ zoning criteria, therefore I do not support the expansion of the MINZ to include those areas with mineral permits only and I recommend that the relief sought is rejected.

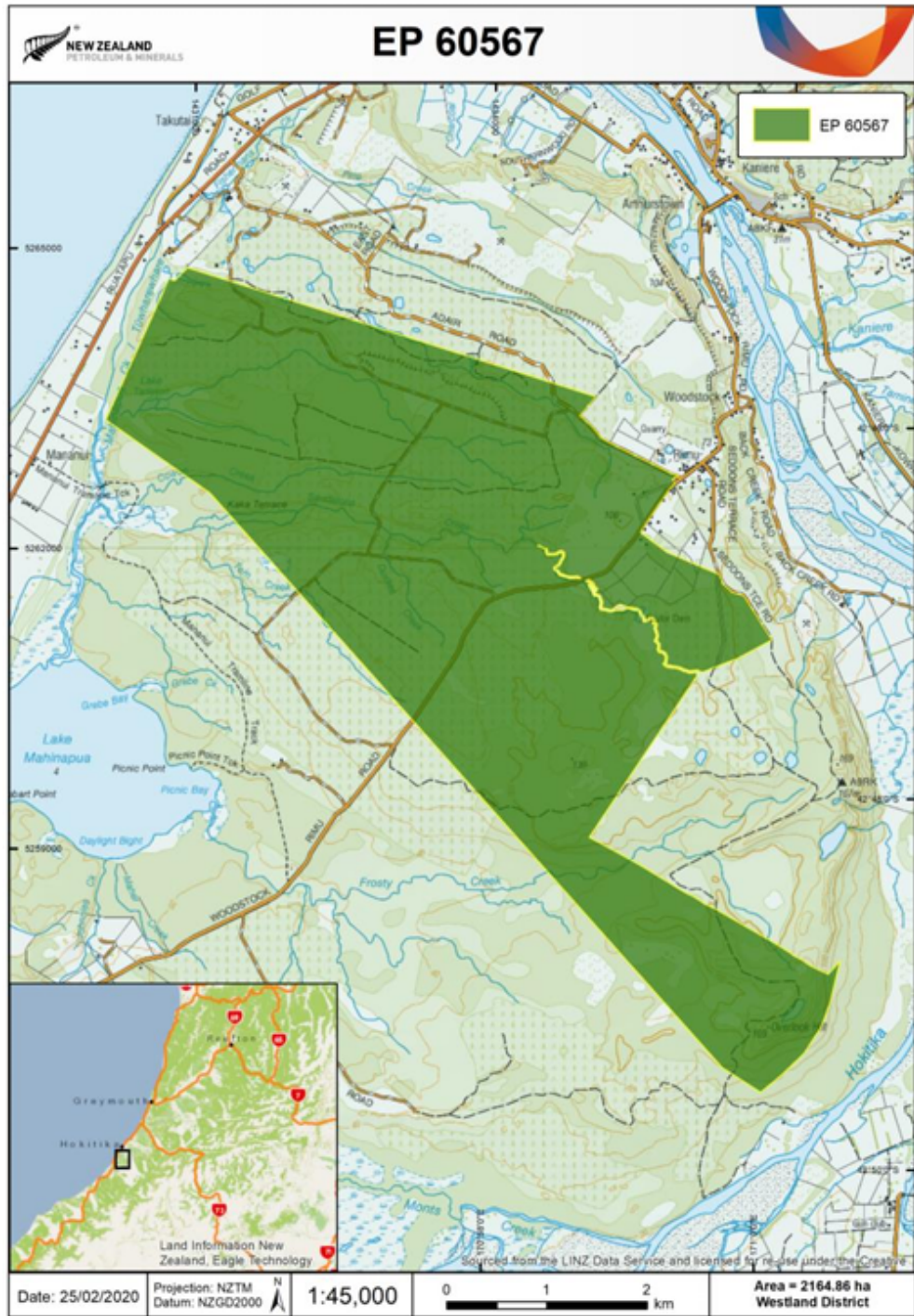


Figure 15 – Submission S474.012 extract – see Appendix 1 of submission.

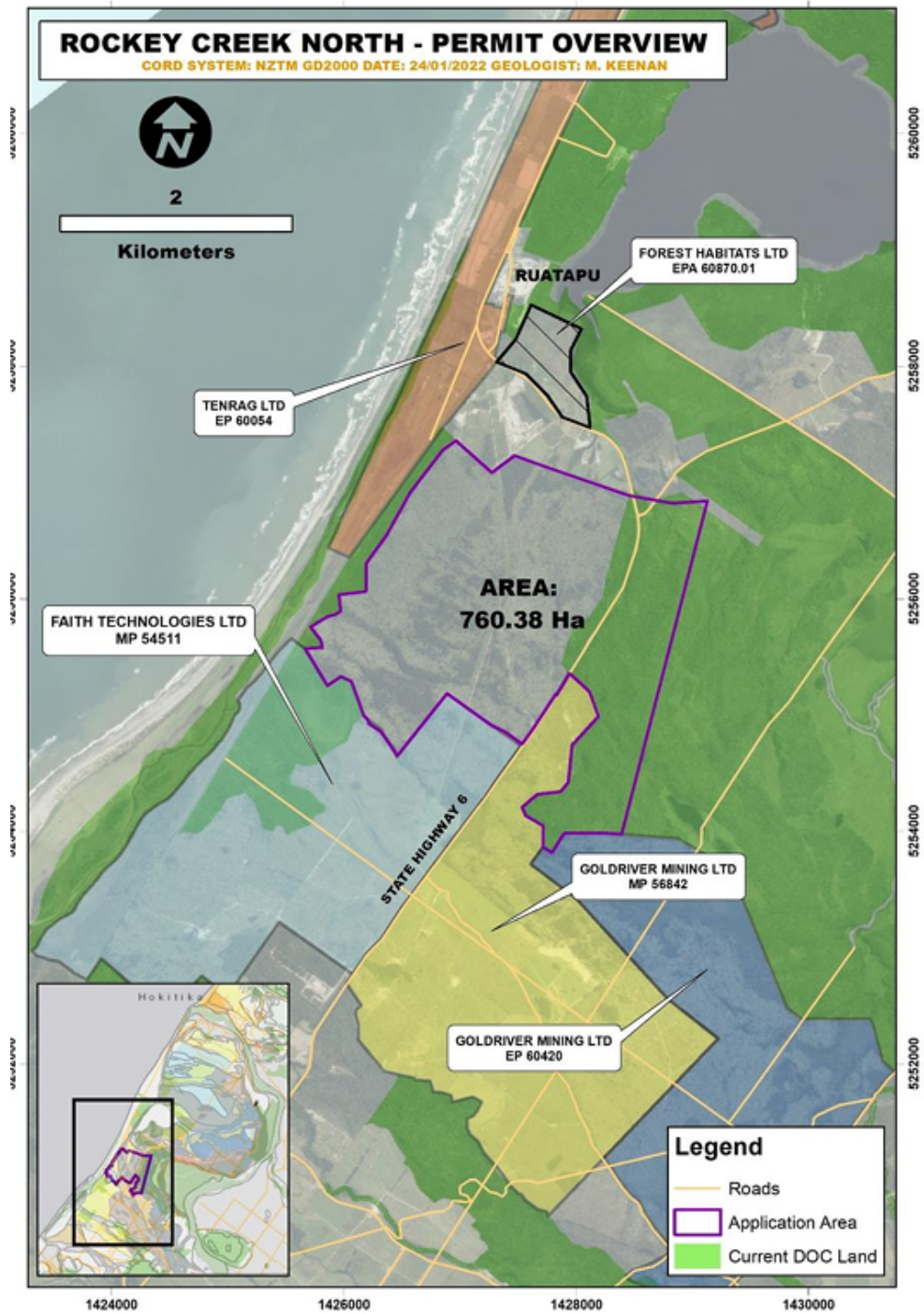


Figure 17 – Submission S474.012 extract – See Appendix 1 of submission.

Kumara Mineral Extraction Area

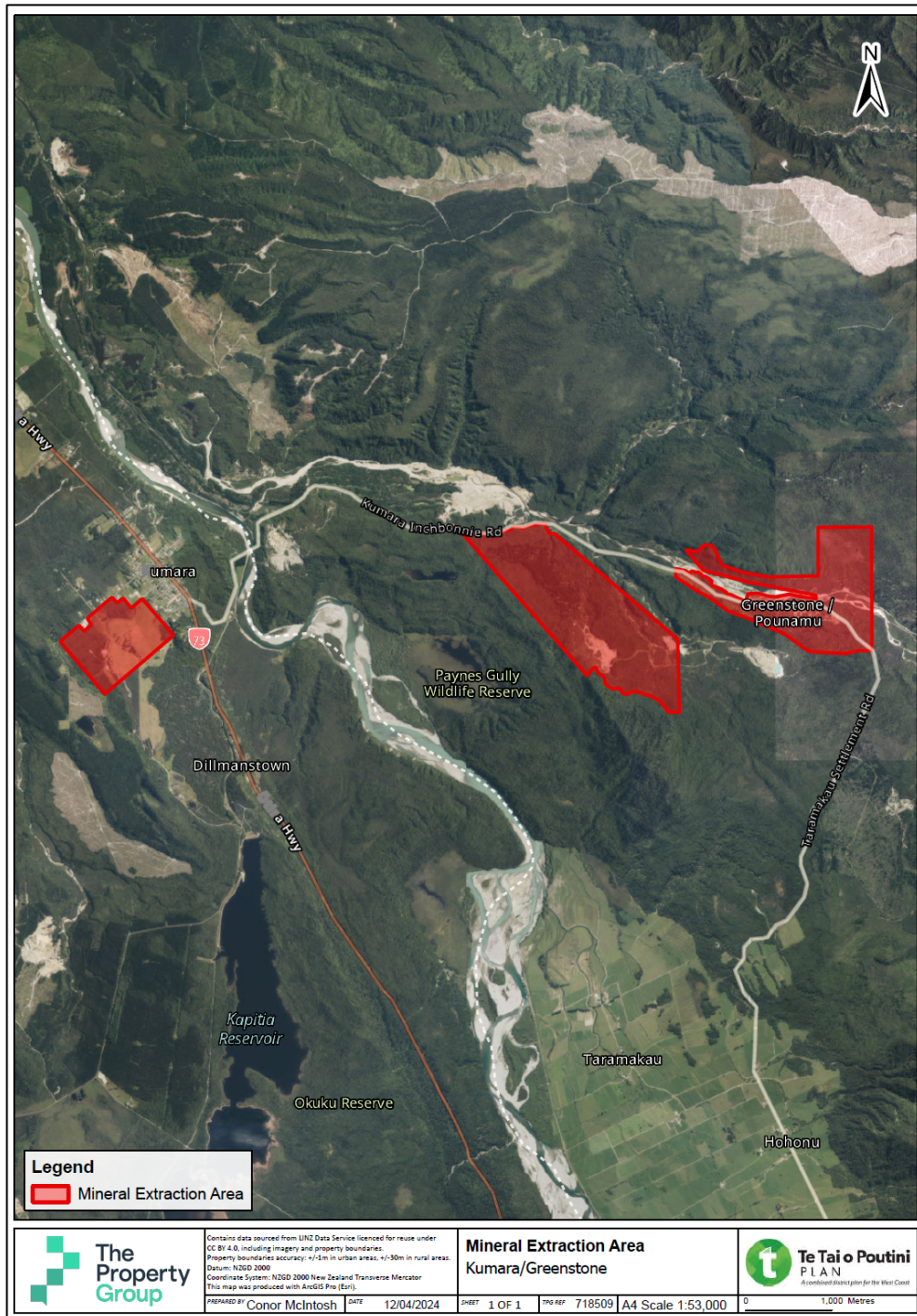


Figure 18 –Kumara / Greenstone MINZ as notified – see **Appendix 3**.

Oppose:

763. Greenstone Retreat (S459.001 and S459.015) seeks to rezone the relevant Kumara site to something in keeping with the sensitive use of surrounding area. This is opposed by Phoenix Minerals Limited (FS215.041 and FS215.044). Greenstone Retreat (S459.002) seeks that the MINZ on the edge of Kumara Village be revoked. This is opposed by Phoenix Minerals Limited (FS215.042). Stephen Page (S270.005) seeks to rezone the Kumara Mineral Extraction Zone. Consider sensible zoning using effects-based criteria to be included in this pTTPP, so that mining activity can occur in areas without detriment to neighbours or communities.

764. Murray Stuart and Karen Jury Rob Lawrence (S455.001) seeks to remove the MINZ at Kumara. This is opposed by Phoenix Minerals Limited (FS215.040). I understand that there is no authorisation for mineral extraction or processing within the Kumara MINZ, therefore zoning this area MINZ does not comply with the zoning criteria as such I recommend that the area be rezoned. For these reasons, I recommend these submissions be accepted or rejected accordingly.

Greenstone Mineral Extraction Area

Amend:

765. Phoenix Minerals Limited (S606.076) seek to include additional areas at Callaghans and Greenstone/Kumara as shown in Attachments A and B of the submission.
766. Kumara/Greenstone: PT RES 1662, LOT 1 DP 381890, SEC 1 SO 12048 THREE MILE AMENITY AREA, SEC 2 SO 12388 THRE MILE HILL ECOLOGICAL AREA, SEC 2 SO 12048 THREE MILE AMENITY AREA, SEC 2 SO 12048 THREE MILE AMENITY AREA
767. The submission states that there are additional areas in proximity to the Greenstone MINZ which have Minerals Permits granted for mineral extraction which the submitter considers should be included in the MINZ. I understand that portions of the notified extent of the Greenstone Mineral Extraction Area have lawfully established activities authorised under resource consent, as such I consider that there could be scope to accept this relief, however I consider that additional information (e.g., confirmed copies of the mining licences) needs to be provided to confirm this. Until such time as that information is available, I recommend that this request is rejected. Furthermore, I recommend that the spatial extent of the Greenstone Mineral Extraction Area be reduced to comply with the zoning criteria, and the removed areas be rezoned.

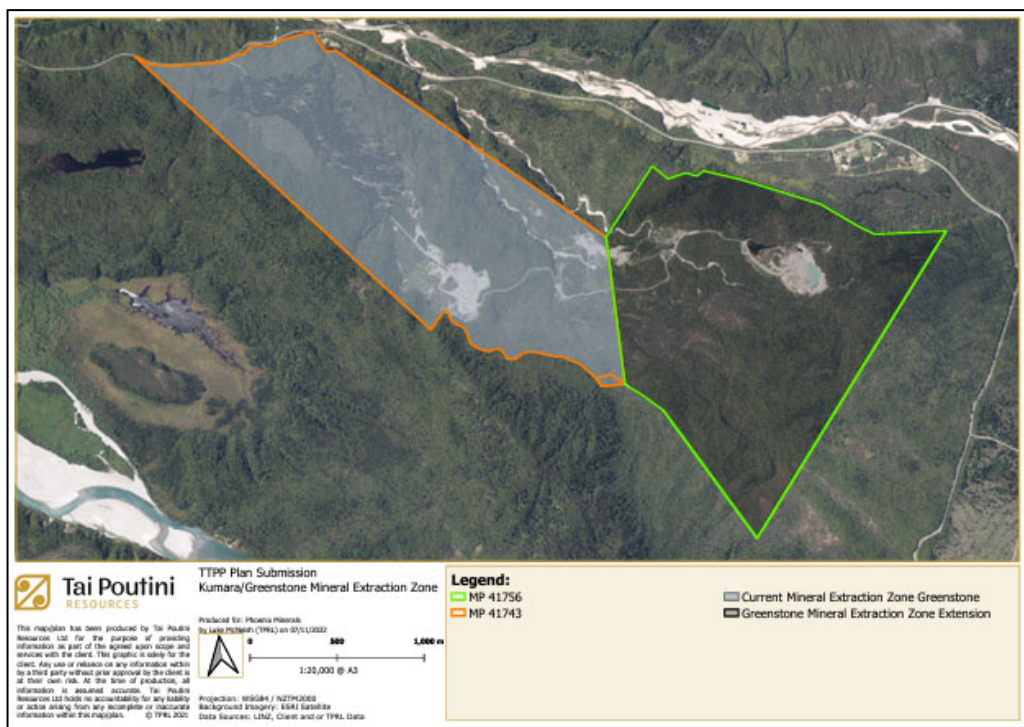


Figure 19 – Submission S606.076 extract Attachment A of the submission.

768. BRM Developments Limited (S603.071) seeks to amend to include areas at Callaghans and Kumara/Greenstone. The submission does not provide sufficient information to confirm the extent of land requested to be rezoned and the land in question has a permit or resource consent granted to operate a mining activity within the subject site. For these reasons I recommend this submission is rejected.

Te Kahu Mineral Extraction Zone

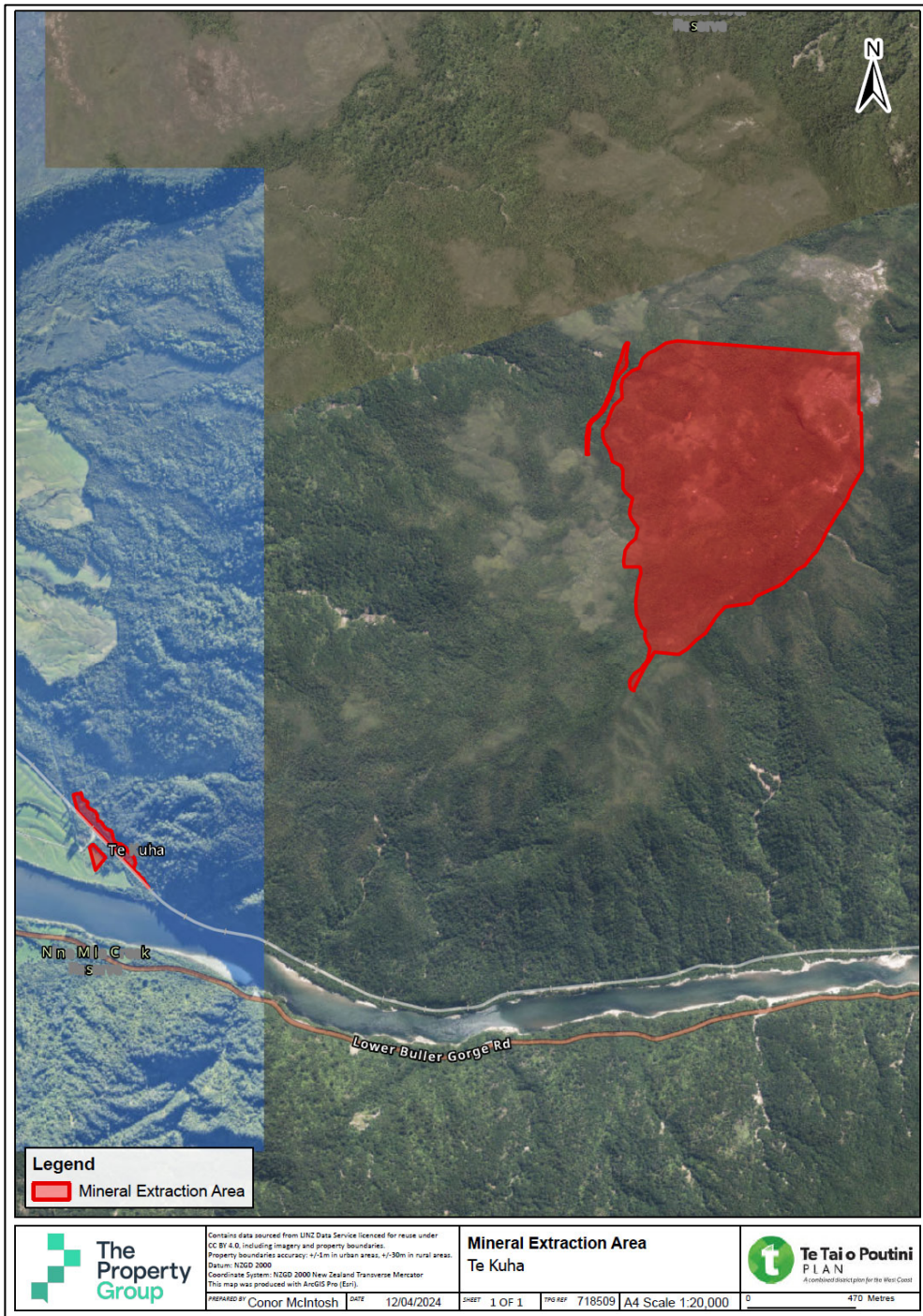


Figure 20 – Te Kahu MINZ as notified – see **Appendix 3**.

Oppose:

- 769. Karen Lippiatt (S439.009) seeks to rezone Te Kahu so it is not MINZ or Buller Coalfield Zone.
- 770. Department of Conservation (S602.221) seeks to amend the mapping of the MINZ and the Buller Coalfield Zone overlay to exclude any areas in the zone that do not have current authorisation for mining activity through the Coal Mining Act 1979 or resource consent under the RMA. Department of Conservation state that the Te Kahu coal mine does not have a current authorisation and the resource consent

applications are currently subject to an appeal. This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.033).

771. I agree with original submitters above, as authorisation does not exist for the operation, zoning this area MINZ or BCZ does not comply with the zoning criteria as such I recommend that the area be rezoned.

Amend:

772. Stevenson Mining Limited (S502.013) seeks to add the access road to the MINZ at Te Kuha. The submitter has not provided a specific site reference or map of the area of land to be rezoned as such relief sought is unclear and, on this basis, I recommend rejection of the submission.

Birchfield Ross Mineral Extraction Zone

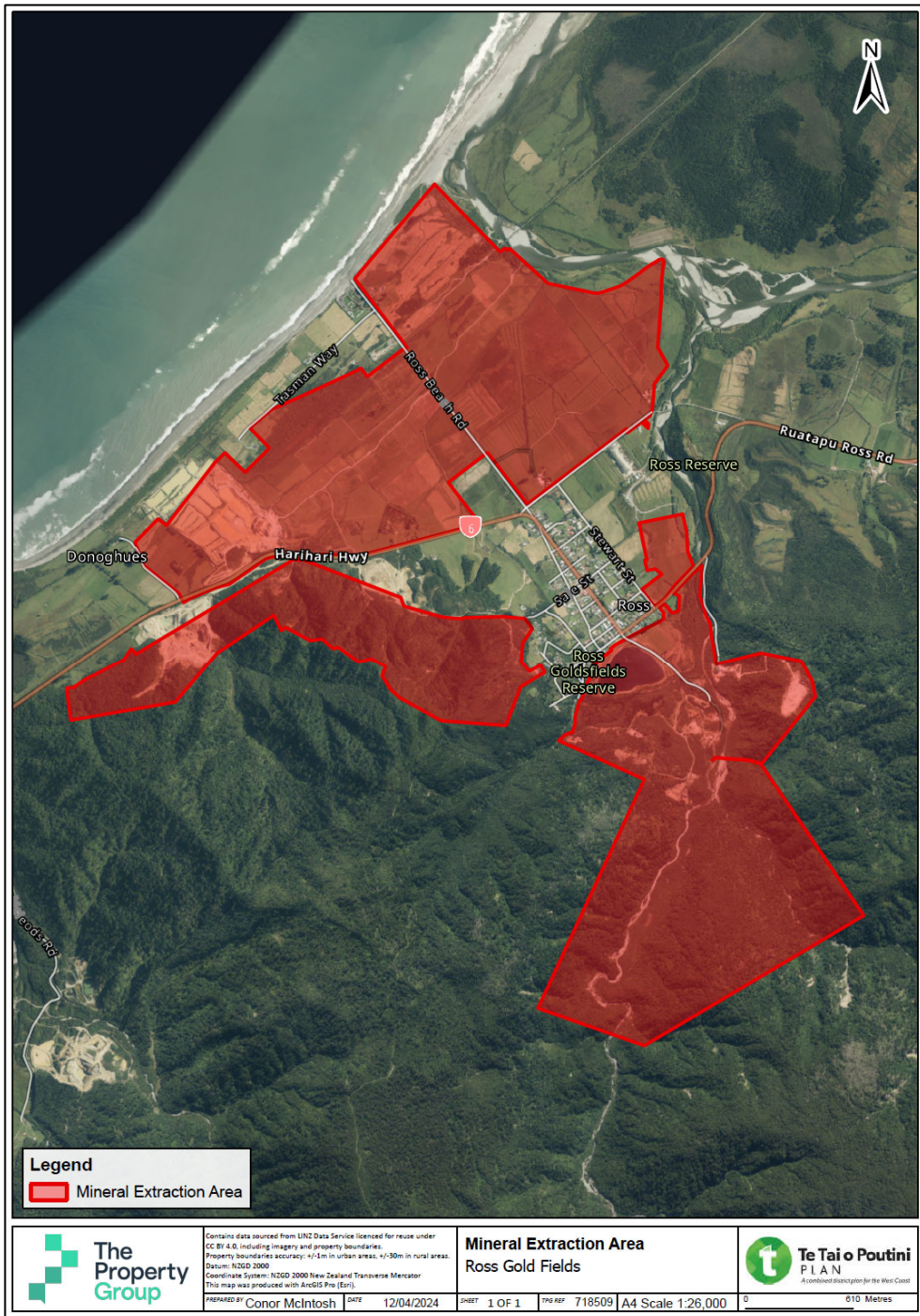


Figure 21 – Birchfield Ross MINZ as notified – see **Appendix 3**.

Oppose:

773. Lynley Hargreaves (S481.005) seeks to delete the MINZ at Ross. This is opposed by Birchfields Ross ltd (FS150.039). The submitter has not provided a specific site reference or map of the area of land to be rezoned as such relief sought is unclear and, on this basis, I recommend rejection of the submission.
774. Brian Anderson (S576.022) seeks to amend to provide for Rural Lifestyle Zone surrounding the Ross township. This is opposed by Birchfields Ross ltd (FS150.045). The submitter has not provided a specific site reference or map of

the area of land to be rezoned as such relief sought is unclear and, on this basis, I recommend rejection of the submission.

Amend:

775. Birchfield Ross Mining Limited (S604.123) seeks to amend to include additional areas at Mikonui as shown in Attachment B of the submission. Birchfields Ross Mining Limited hold a number of mining, exploration permits and resource consents on across various parcels of land on the West Coast for the purpose of mining gold including MP41702 and MP 53078 at Ross and MP53078 at the Mikonui River. The MINZ zoning criteria is limited to areas of land which have authorisation in the form of coal mining licences, ancillary coal mining licences and resource consents. I consider that there could be scope to accept this relief, however I consider that additional information (e.g., confirmed copies of the mining licences) needs to be provided to confirm this. Until such time as that information is available, I recommend that this request is declined.

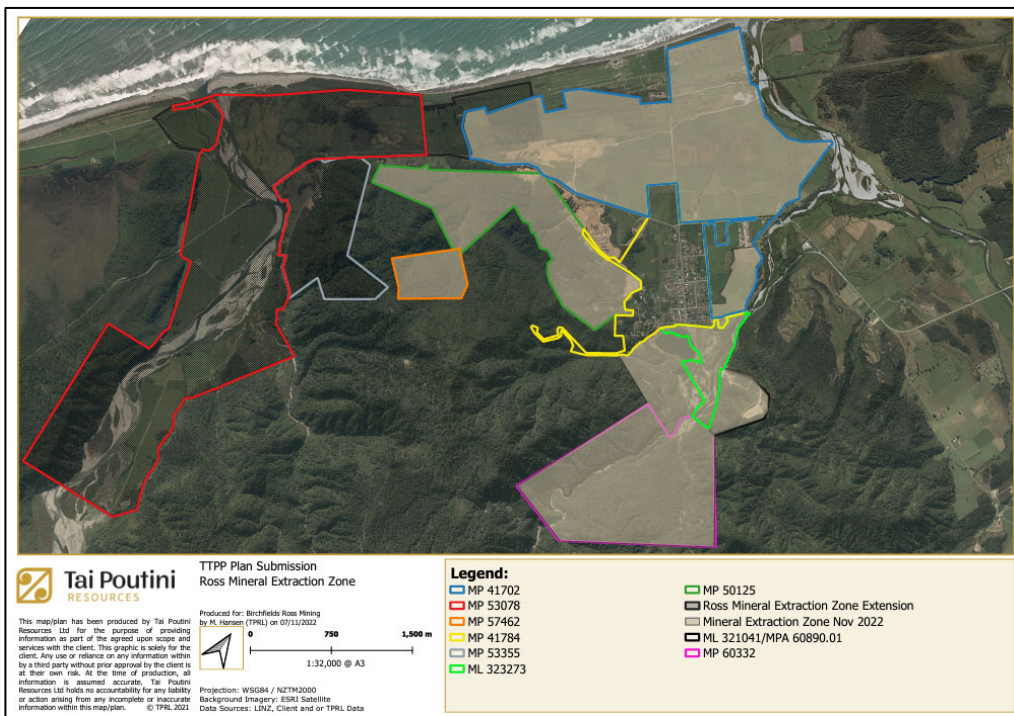


Figure 22 – Submission S604.123 extract – see Attachment B of submission.

776. I understand that the spatial extent of the notified MINZ area exceeds that of the area lawfully established as such I recommend that the spatial extent of the Birchfield Ross Mineral Extraction Area be reduced to comply with the zoning criteria and the removed areas be rezoned.

Koiterangi Mineral Extraction Zone

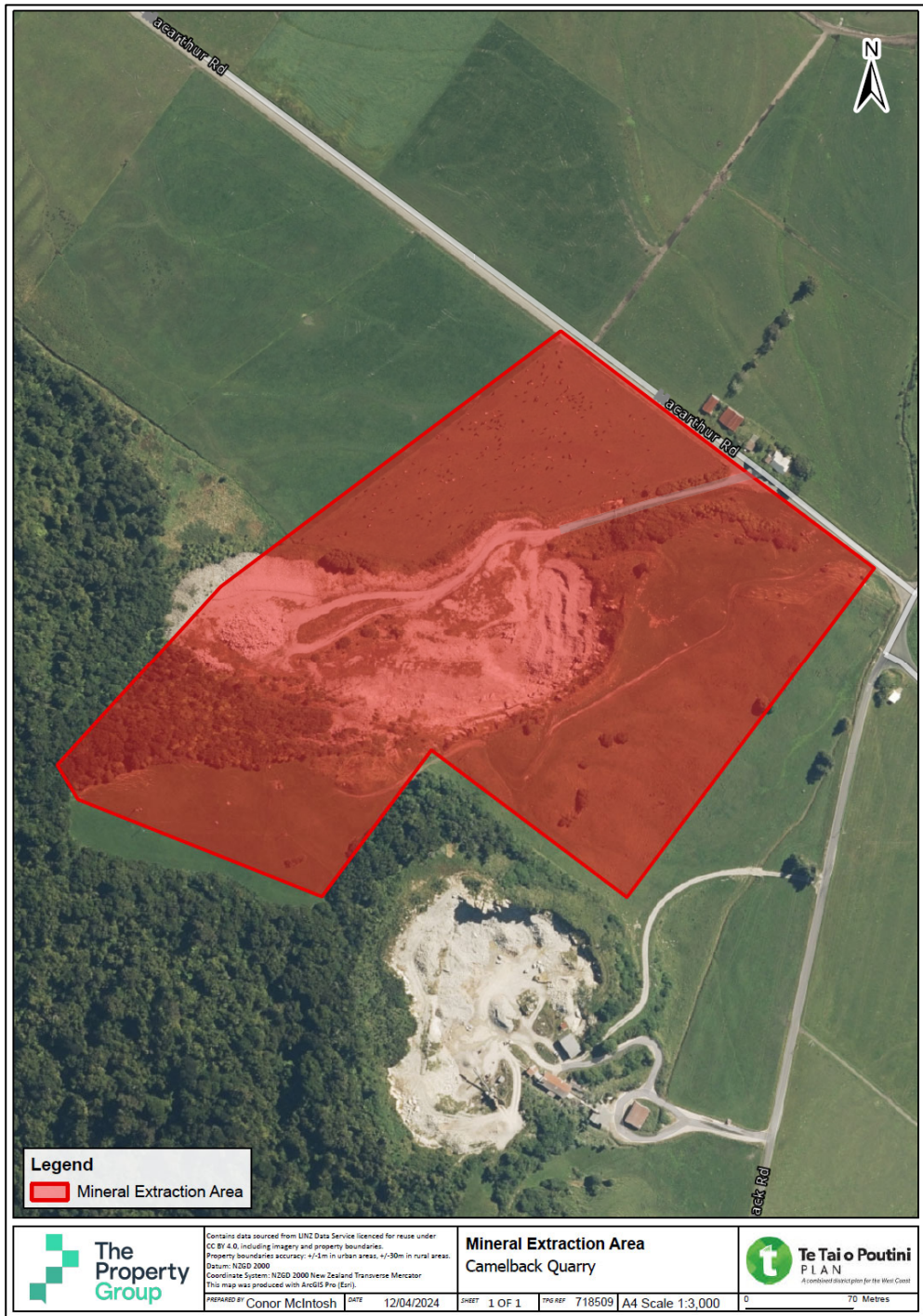


Figure 23 – Koiterangi MINZ as notified – see **Appendix 3**.

Support:

777. Koiterangi Lime Co Ltd (S414.001) seeks to include Koiterangi Lime Co Ltd quarry in the MINZ. The Koiterangi quarry has been notified as proposed MINZ, support for this zone is noted.

Amend:

778. Shirley Godfrey (S390.001) seeks to include the Koiterangi Limestone Quarry at Camelback Road Kowhitirangi Lots 1 2 DP 315 SECS 2 3 SO11712 BLK I TOAROHA S D in the Mineral Extraction Zone.

779. Koiterangi Lime Co LTD (S577.124) seeks for land adjoining Section 2 SO 11712, Section 3 SO 11712, Lot 1 DP 315 and Pt Lot 2 DP 315 to be zoned Mineral Extraction Zone.
780. Chris & Jan Coll (S558.667), Chris J Coll Surveying Limited (S566.667), Laura Coll McLaughlin (S574.502), Phil and Helen Cook (S600.005), Laura Coll McLaughlin (S574.667), Alvin & Kay Godfrey (S580.008), William McLaughlin (S567.697), Anna & Jeremy Hart (S582.005), Paula Jones (S590.005), Steve and Anne Staples (S584.005), Tim Burden (S585.005), Tane & Rachel Little (S586.005), Linda Elcock (S587.005), Marty & Nicky, Von Ah (S588.005) and Charmaine Michell (S589.005) seeks to amend Sections 2 SO 11712, Section 3 SO 11712, Lot 1 DP 315 and Part Lot 2 DP 315 be rezoned to Mineral Extraction Zone.
781. The submissions do not provide sufficient information to confirm that the land in question has a permit or resource consent granted to operate a mining activity within the subject site. I acknowledge that the site is adjacent to the existing Koiterangi MINZ, however in the absence of detailed information in accordance with the zoning criteria I have recommended previously, I recommend that these submissions be rejected. I welcome the submitter to provide further information in support of their relief sought.

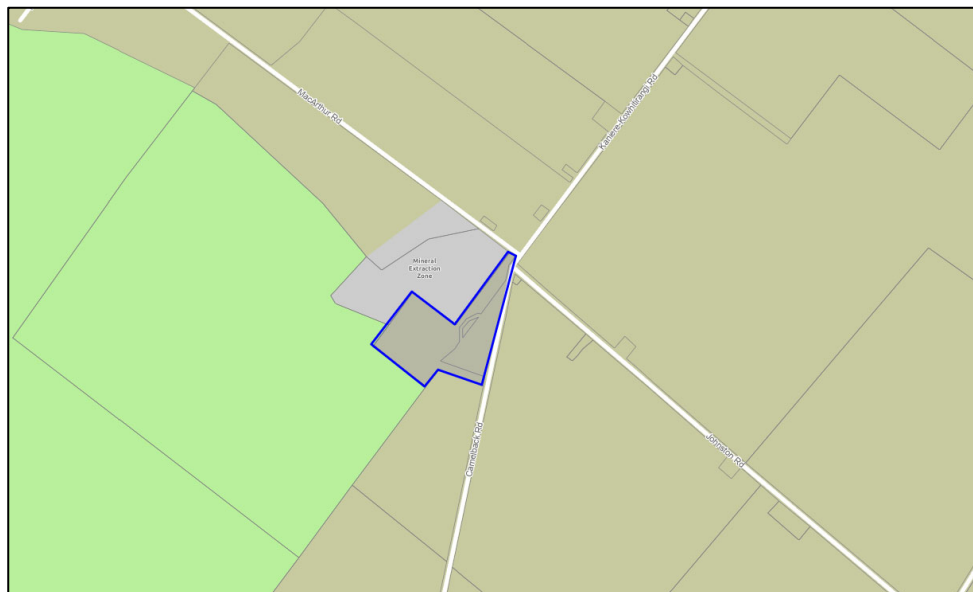


Figure 24 – area sought for rezoning in Submission S390.001.

New Mineral Extraction Areas

782. WMS Group (HQ) Limited and WMS Land Co. Limited (S599.124) seeks to amend the planning maps to include an additional MINZ over Okari Road, 9 Mile, Westland Mineral Sands Co. Ltd (Lot 4 DP 534034, Lot 12 DP 354487, Lot 5 DP 13269 and Lot 4 DP 13269). The submitter has sought rezoning of an existing operational mine, which currently operating under an approved resource consent RC210051. I consider that there could be scope to accept this relief, however I consider that additional information (e.g., copy of the confirmed resource consent) needs to be provided to confirm this. Until such time as that information is available, I recommend that this request is rejected.

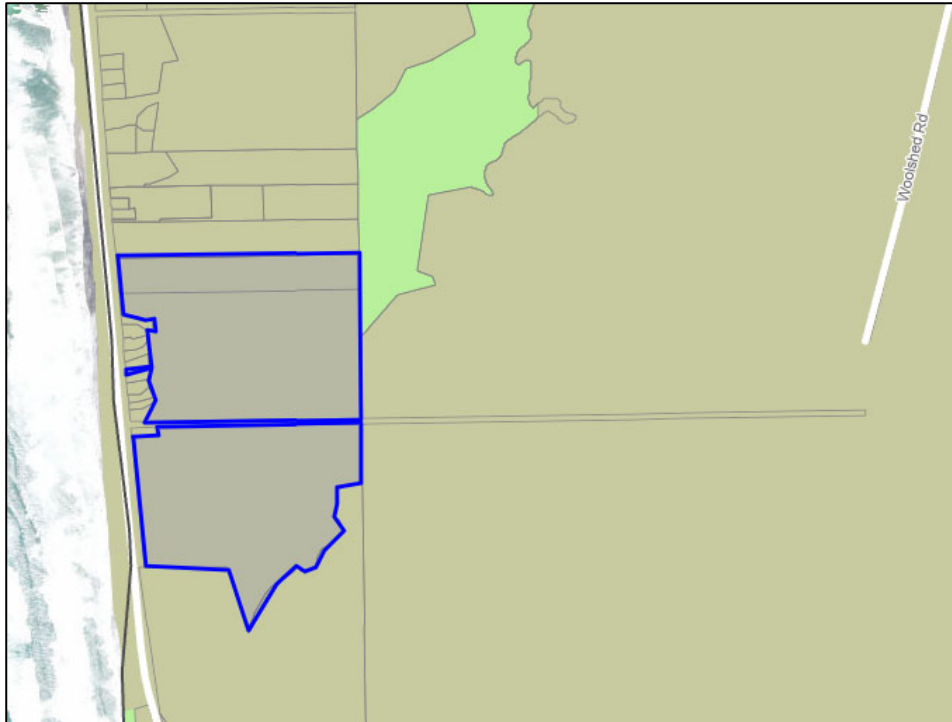


Figure 25 – New Mineral Extraction area sought in Submission S599.124.

783. Peter Haddock (S417.002) seeks to rezone the land at on the property Quadrello Holdings Ltd down on Taylorville Road Coal Creek valuation 25420/375.07 Legal Desk PT Sect 121 SQ 119 to Mineral Extraction Zone. The submission does not provide sufficient information to confirm that the land in question has a permit or resource consent granted to operate a mining activity within the subject site. In the absence of detailed information, I recommend this submission be rejected.

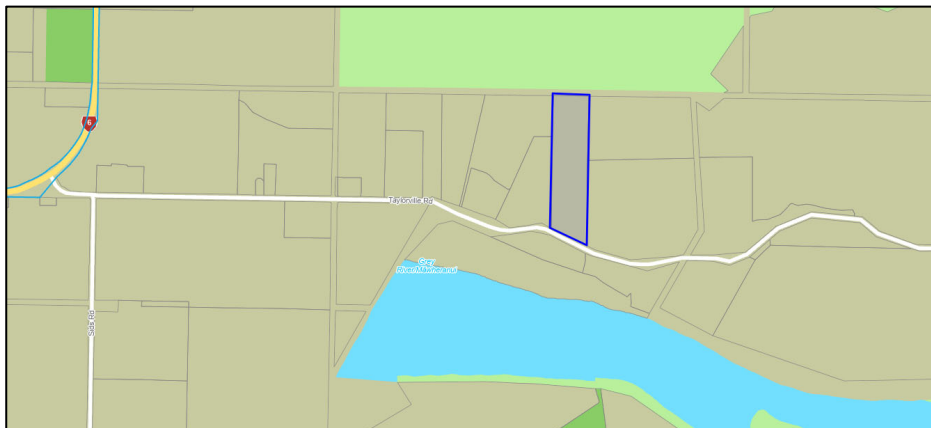


Figure 26 – New Mineral Extraction area sought in Submission S417.002.

784. Phoenix Minerals Limited (S606.076) seek to include additional areas at Callaghans and Greenstone/Kumara as shown in Attachments A and B of the submission.

Callaghans: LOT 5 DP 382020, SEC 1 SO 12395 BLKS XVI WALMEA SD, SEC 4 SO 12395 BLKS XVI WALMEA SD, WAIMEA EXOTIC FOREST LOT 1 DP 382020, SEC 15 SO 12171 WAIMEA INDIGENOUS FOREST, SEC 1927 BLK XVI WAIMEA SD, SECS 1771 1772 1849-1852 BLK XVI WAIMEA SD, SEC 16 SO 12171 WAIMEA INDIGENOUS FOREST

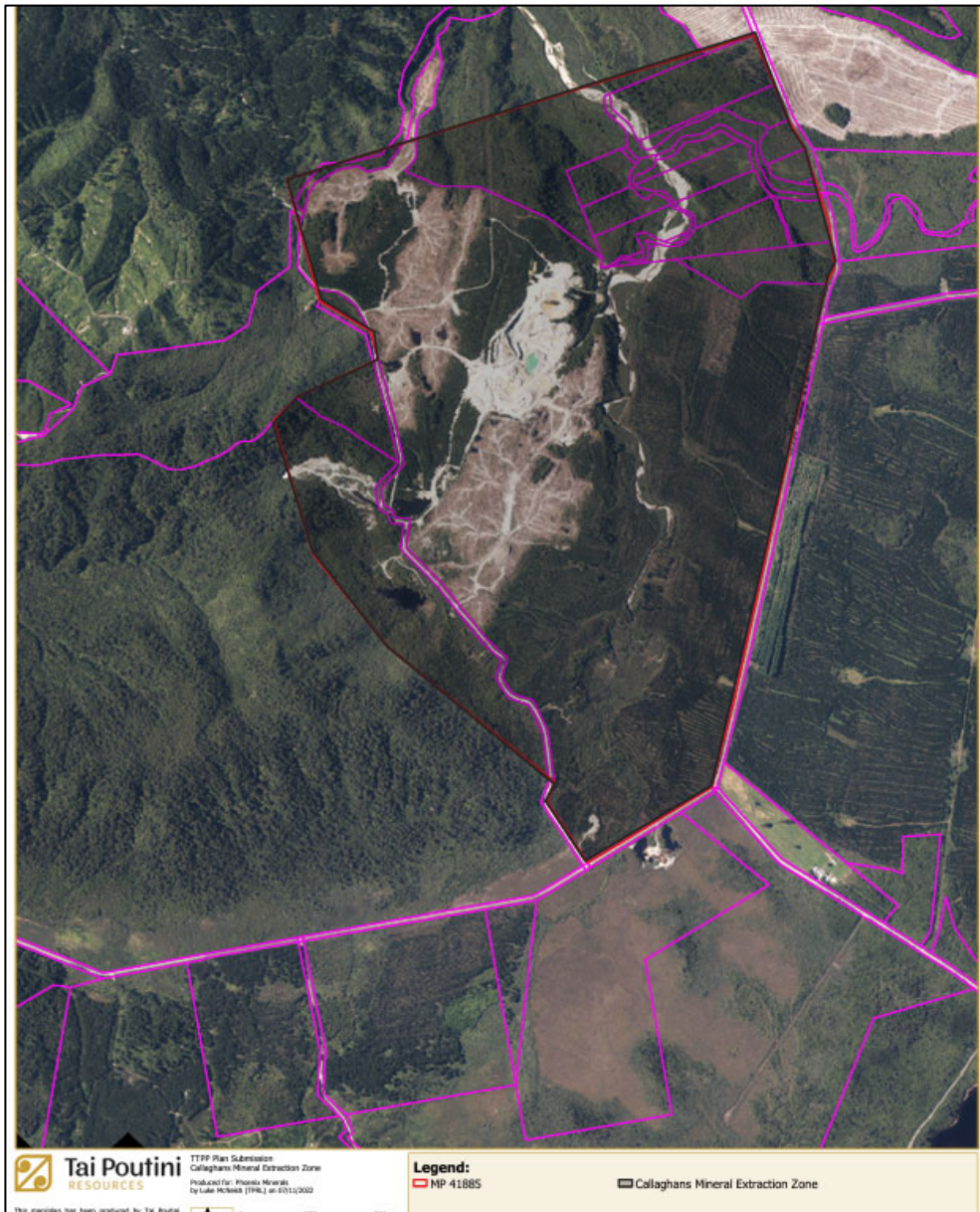


Figure 27 – Submission S606.076 extract.

785. The submission S606.076 states that minerals permits have been granted for mineral extraction in the Callaghans location which the submitter considers should be included in the MINZ. The site is proposed to be zoned General Rural Zone. The MINZ zoning criteria is limited to areas of land with have authorisation in the form of coal mining licences, ancillary coal mining licences and resource consents. I consider that there could be scope to accept this relief, however I consider that additional information (e.g., confirmed copies of the mining licences and / or resource consent) needs to be provided to confirm this. Until such time as that information is available, I recommend that this request is rejected.

786. Westreef Services Limited (S518.001) seeks to rezone the land legally described within Records of Title 111109, NL8B/740 and 511485 and within ROT 695049 as Lot 2 Deposited Plan 486827 (McPaddens Pit and proposed expansion) as MINZ. The site is proposed to be zoned General Rural Zone, General Residential Zone with Designation BDC33. The MINZ zoning criteria is limited to areas of land with have authorisation in the form of coal mining licences, ancillary coal mining licences and resource consents. From the information provided, it is difficult to understand the precise extent of what the submitter is requesting, and there is no technical information to justify the request. On this basis, it is my opinion, insufficient information has been provided to justify this rezoning request, and should be rejected.

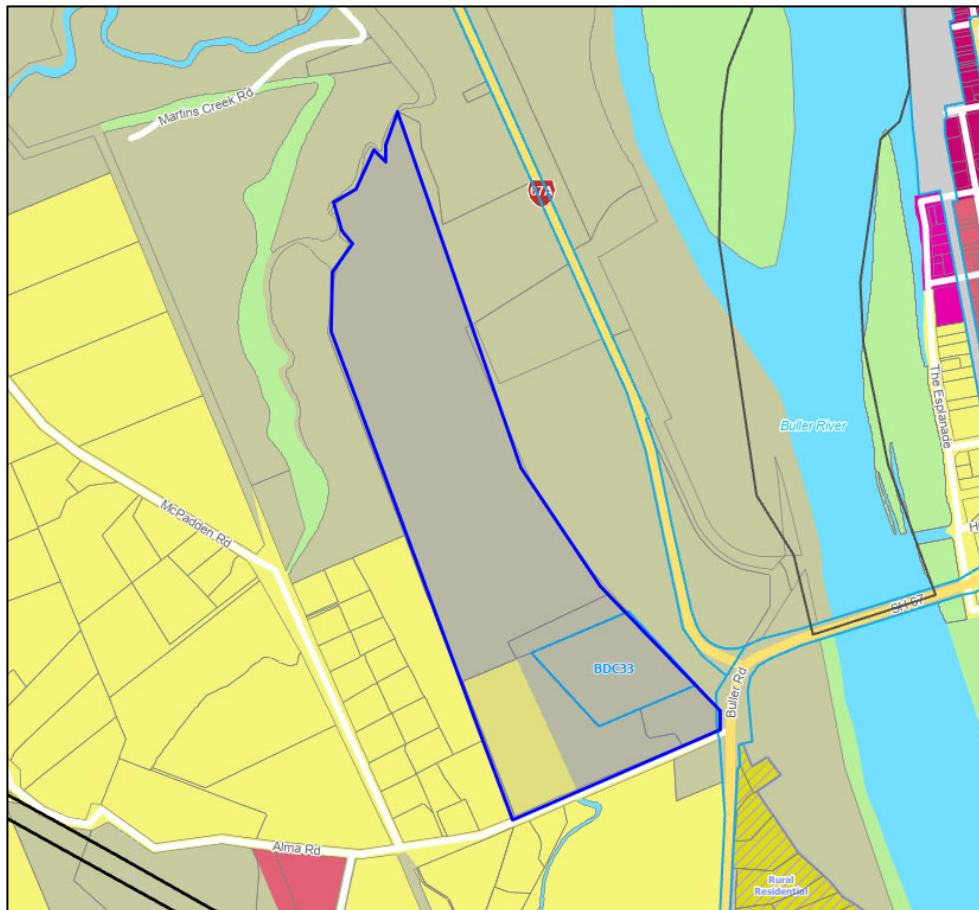


Figure 28 – New Mineral Extraction area sought in Submission S518.001.

Incomplete Zoning Requests

787. TiGa Minerals and Metals Limited (S493.107) seeks to amend the planning maps to include additional MINZ where mining permits have been granted by New Zealand Petroleum and Minerals, including permits 60785, 51803 and 60917.01. This is opposed by Katheirne Crick (FS68.18), Wendy Whitehead (FS94.001), Annie Inwood (FS147.012), Annie Inwood (FS147.025), Suzanne Hill (FS72.012), Suzanne Hill (FS72.026), Melissa McLuskie (FS144.012) and Melissa McLuskie (FS144.026).
788. Peter Langford (S615.212) and Karama Lime Company (S614.212) seek to retain, however it is not clear what is sought to be retained.
789. Catherine Smart-Simpson (S564.157), William McLaughlin (S567.695), Geoff Volckman (S563.148), Chris & Jan Coll (S558.665), Chris J Coll Surveying Limited

(S566.665) and Laura Coll McLaughlin (S574.665) seek to retain, however it is not clear what is sought to be retained.

790. Terra Firma Mining Limited (S537.035) seeks to retain proposed MINZ as shown. Support for MINZ is noted.
791. Straterra (S536.012) seeks to ensure that important mines and quarries are not left out of the zone.
792. John Caygill (S290.010) seeks to remove the MINZ from public conservation land.
793. Julie Madigan (S363.001) seeks to retain the status quo under the Westland District Plan. (No MINZ - area zoned rural). This is supported by Lynley Hargreaves (FS65.009).
794. Forest & Bird (S560.022) seeks amend zoning maps to remove the BCZ and MINZ capture areas of lawfully established mineral extraction and ancillary activities as General Rural Zone (GRUZ) where they occur on private land, NOSZ if on private land but with high natural values, and as Natural Open Space Zone (NOSZ) where they occur on public conservation land, other than where zoning consistency with adjacent land is more appropriate. This is opposed by Bathurst Resources Limited and BT Mining Limited (FS89.051).
795. Inger Perkins (S462.026) seeks to rezone MINZ areas where there are no resource consents in place. This is supported by Paul Elwell-Sutton (FS74.3). This is opposed by Phoenix Minerals Limited (FS215.045) and Grey District Council (FS1.146).
796. Katherine Gilbert (S473.008) seeks where BCZ and MINZ have been proposed on public conservation land (PCL) rezone this land in these areas as Natural Open Space (NOSZ) and in other areas as General Rural Zone (GRUZ) or as consistent with adjacent zoning where appropriate. This is supported by Paul Elwell-Sutton (FS75.7).
797. New Zealand Coal & Carbon Limited (S472.049) seeks to remove the overlap of the Precinct from the MINZ for SEC 39 SO11207 TWN OF ROA BLK II MAWHERANUI SD (Valuation ID 254320700) and SEC 48 SO 11207 BLK II MAWHERANUI SD (Valuation ID 2543020701).
798. All of the above submissions do not provide sufficient information or clarity as to the relief requested. As such, I am unable to undertake an assessment of their appropriateness, and in the absence of detailed information I recommend all of these submissions be rejected. I welcome the submitters to provide further information in support of their relief sought.

Recommendations

799. It is recommended that the submission points accepted, accepted in part or rejected as outlined above and as per **Appendix 1**.

23.0 S32AA Evaluation

800. Section 32AA of the RMA requires a further evaluation to be undertaken in accordance with s32(1)-(4) if any amendment has been made to the proposal (in this case pTTPP) since the original s32 evaluation report was completed. Section 32AA requires that the evaluation is undertaken in a level of detail that corresponds to the scale and significance of the changes. Minor changes to correct errors or improve the readability of pTTPP have not been individually evaluated. In terms of s32AA, these minor amendments are efficient and effective in improving the administration of pTTPP provisions, being primarily matters of clarification rather than substance.
801. While I consider that many of the amendments to the various chapters to be minor, I have undertaken a more detailed evaluation of what I consider are the

more significant amendments recommended to the following provisions in accordance with the requirements of s32AA:

- MINZ-O2 & BCZ-O2 – Amendments to Environmental Effects Objective;
- RURZ-O5 – Amendments Mineral Extraction Objective;
- MINZ-P1 & BCZ-P1 – Amendments to Zoning Criteria Policy;
- MINZ-P4, MINZ-P5, BCZ-P4, BCZ-P5 & RURZ-P25 – Deletion of Indigenous Biodiversity Policies;
- RURZ-P24 – Deletion of this Policy;
- BCZ-PX – New Poutini Ngāi Tahu Policy;
- MINZ-R1, BCZ-R1, OSZ-R11, GRUZ-R11, RLZ-R11 & SETZ-R15 – Amendments Mineral Prospecting and Mineral Exploration Permitted Activity Rules;
- MINZ-R2 & BCZ-R2 – Amendments to Mineral Extraction and Mineral Processing Permitted Activity Rules;
- MINZ-R3 and BCZ-R3 – Amendments to Activities ancillary to lawfully established Mineral Extraction and Mineral Processing;
- MINZ-R4 and BCZ-R4 – Deletion of Conservation, Recreation and Research Activity Rules;
- MINZ-RX and BCZ-RX – New Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards;
- MINZ-RX and BCZ-RX – New Any Buildings Rules;
- MINZ-RX and BCZ-RX – New Rule Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Restricted Discretionary Standards;
- OSZ-R19 – Amendments Mineral Extraction and Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards;
- GRUZ-R25 & GRUZ-32 – Amendments to Mineral Prospecting, Mineral Exploration and Mineral Extraction Activities not meeting Permitted or Controlled Activity Standards;
- RLZ-R15 & SETZ-R23 – Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards;
- RLZ-RX & SETZ-RX – New Mineral Extraction Rules;
- Appendix Seven – amendments to the Mineral Extraction Plan requirements;
- Schedule Nine and Schedule Ten – deletion of Schedule Nine and Schedule Ten; and
- Amendments to the Zoning Maps as addressed in Section 22.1 above.

802. I have grouped the above provisions into subject headings below.

23.1 MINZ-O2 & BCZ-O2 - Amendments to Environmental Effects Objective

Most Appropriate

803. Changes recommended to MINZ-O2 and BCZ-O2 change the notified objective from 'minimising' adverse effects to 'managing' adverse effects with minor amendment to improve the language of the objective. S32A(1) requires the examination to which the objectives are the most appropriate way to achieve the purpose of the RMA.

804. In my opinion the recommended MINZ-O2 and BCZ-O2 will be more appropriate that the notified objectives because:
- a. "Minimise" is too narrow and unclear in its interpretation, the objectives include lists of many matters to which adverse effects must be addressed and, in my opinion, it will be difficult to minimise effects on all these varied matters;
 - b. "Manage" encompasses all forms of effects management which more appropriately reflects the varied list of matters;
 - c. The West Coast Regional Council Policy Statement does not support the minimisation of adverse effects; and
 - d. "Manage" is consistent with section 5 of the RMA which requires the management of use and development whilst avoiding, remedying or mitigating any adverse effects.

23.2 RURZ-O5 – Amendments Mineral Extraction Objective

Most Appropriate

805. Changes recommended to RURZ-O5 include redrafting of the objective to amend:
- b. Amend the notified objective from 'supporting the use and extraction of mineral resources' to 'providing for mineral prospecting, mineral exploration and mineral extraction activities' within the rural environment;
 - c. Amend clause a, to state that activities can be appropriate in a range of locations; and
 - d. Amend clause b, changing 'provided that adverse effects are minimised' to 'ensuring that adverse effects are managed'
 - e. Amend clause b, to ensure rehabilitation of land occurs at the completion of the activity.
806. I consider that my recommended amendments to RURZ-O5 is consistent with RPS Policy 5.1 which seeks "*Enabling sustainable resource use and development on the West Coast to contribute to the economic, social and cultural wellbeing of the region's people and communities.*" I consider that providing for the use and extraction of mineral resources is more directive that simply supporting the use and extraction.
807. I also consider that my recommended amendments to RURZ-O5 ensure that adverse effects are managed, which is consistent with section 5 of the RMA which requires the management of use and development whilst avoiding, remedying or mitigating any adverse effects.
808. Noting the above, I consider that recommended RURZ-O5 is the most appropriate objective to give effect to the RMA.

23.3 MINZ-P1 & BCZ-P1 – Amendments to Zoning Criteria Policy

809. The proposed amendments include:
- Amendment to MINZ-P1 and BCZ-P1 provide for significant mineral resource by identifying MINZ and and BCZ to include reference to zoning criteria.

Effectiveness and Efficiency

810. Overall, I consider that these amendments will improve the efficiency and effectiveness of the provisions ensuring that zoning criteria is considered not only at District Plan preparation, but when out of zone resource consent applications are proposed. In my opinion it is more effective to include the zone criteria within a policy which has legal effect rather than the notified wording of an Overview Section which is generally given less weighting when compared to a policy.

811. Inclusion of the criteria in these policies ensure that clear and consistent application for plan users.

Costs and Benefits

812. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. However, I consider that there is increased benefit associated with the recommended amendments, as the inclusion of zoning criteria in enforceable policy, will achieve consistency and certainty for where the MINZ and BCZ zoning is appropriate for plan users.

Risk of Acting/Not Acting

813. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.4 MINZ-P4, MINZ-P5, BCZ-P4, BCZ-P5 & RURZ-P25 – Deletion of Indigenous Biodiversity Policies

814. The proposed amendment:
- Deletion of policies MINZ-P4, MINZ-P5, BCZ-P4, BCZ-P5 & RURZ-P25 which provide for the removal of indigenous vegetation or significant fauna habitat.

Effectiveness and Efficiency

815. The TTPP includes a district wide overlay chapter which addresses the protection of indigenous biodiversity, as an overlay the provisions apply in addition to those within zones. I consider that duplication of provisions is inefficient, and inconsistencies between zone and overlay provisions will result in confusion or plan users, impacting upon the effectiveness of the provisions. In my opinion, it is more appropriate to address removal of indigenous vegetation or significant fauna habitat within the Ecosystems and Indigenous Biodiversity (ECO) chapter on a District Wide basis, in accordance with the National Direction under the RMA (e.g., NPS-IB) that applies.

Costs and Benefits

816. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. However, I consider that there is increased benefit as the recommended amendments, as the recommendation will avoid duplication of provisions and potential consenting costs, improving the efficiency of the plan for users.

Risk of Acting/Not Acting

817. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.5 RURZ-P24 – Deletion of Policy

818. The proposed amendment is:
- Deletion of policy RURZ-P24 which requires the consideration of including areas of mineral resources of regional or national significance when identified in the MINZ.

Effectiveness and Efficiency

819. The only possible method to include identified areas of mineral resources within the MINZ is by way of plan review or plan change, which must include an evaluation of whether or not a zone is the most appropriate method. In my opinion, RURZ-P24 as notified, affords no policy direction for such a plan review or

change, as it is specific to the RURZ, and deletion of this policy will improve the efficiency of the plan.

820. I note that I have recommended changes to MINZ-P1 and BCZ-P1 to include zoning criteria which will in my opinion, afford greater policy direction for any plan review or change mineral extraction area zoning.

Costs and Benefits

821. It is considered that the recommended amendment will not result in any change to costs and benefits, as the policy as notified is redundant in my opinion.

Risk of Acting/Not Acting

822. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.6 BCZ-PX – New Poutini Ngāi Tahu Policy

823. The recommended amendment:

- Insertion of a new policy within the BCZ which protects the relationship and mana of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga.
- Subsequential deletion of references to “Poutini Ngāi Tahu cultural values” in Policy BCZ-P4.

Effectiveness and Efficiency

824. In my opinion, the new policy is efficient and effective as it will:
- Achieve objective BCZ-O2 which seeks to manage adverse effects on the environment including the relationship of Ngāti Waewae with their ancestral lands, sites, water, wāhi tapu and other taonga;
 - Ensure consistency between the BCZ and MINZ;
 - Give effect to RPS objective 3.1, and policy 3.3 which seek to recognise and provide for the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga within the West Coast Region; and
 - Give effect to section 6(e) of the RMA.

Costs and Benefits

825. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. However, I consider that there is increased benefit as the policy will appropriate consideration of potential cultural effects.

Risk of Acting/Not Acting

826. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.7 Mineral Prospecting and Mineral Exploration Rules

827. The proposed amendments include:

- Amend MINZ-R1, BCZ-R1, OSZ-R11, GRUZ-R11, RLZ-R11 and SETZ-R15 permitted activity standards to include the requirement to be authorised under a permit and, written approval is provided to Council 10 working days prior to commencement, apply a 20m setback from boundary, amend rehabilitation timing, limit excavation of material to 5,000m³ and that the activities do not occur within an overlay area. Delete standards limiting topsoil stripping and disturbance.

- Introduce MINZ-RX and BCZ-RX, Mineral Prospecting and Mineral Exploration activities not meeting Permitted Activity Standards default to a restricted discretionary activity status, with standards including that the activity does not occur within overlay areas.
- Introduce MINZ-RX and BCZ-RX, Mineral Prospecting and Mineral Exploration, not meeting the restricted discretionary standards default to a discretionary activity.
- Amend OSZ-R19 that any Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards (OSZ-R11) defaults to a discretionary activity status.
- Deletion of GRUZ-R18 and GRUZ-R32 and amendment of GRUZ-R25 Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards default to a discretionary activity status.
- Amend RLZ-R15 & SETZ-R23 that any Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards default to discretionary activity status.

Effectiveness and Efficiency

828. In my opinion the various amendments to the above provisions will be efficient and effective because:
- The provisions for Mineral Prospecting and Mineral Exploration across the various zones will be clearer and more aligned with the direction within the applicable objectives and policies;
 - They will bring greater consistency to the management of Mineral Prospecting and Mineral Exploration across the various zones, noting subtle differences between each zone in accordance with their respective objectives and policies; and
 - They will better give effect to the direction within the objectives and policies for the various zones regarding the management of adverse effects on the environment, which I consider are not achieved by the provisions as notified.

Costs and Benefits

829. I acknowledge that there will be costs associated with the changes that I have recommended to the rules for mineral prospecting and mineral exploration. These will be associated with more resource consents being potentially triggered than would have necessarily been the case for the notified provisions. However, I consider that these costs are outweighed by the benefits associated with a clearer and consistent rule framework that appropriately address the management of adverse effects on the environment, as directed by the relevant objectives and policies for the respective zones that these activities occur within.

Risk of Acting/Not Acting

830. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.8 Amendments to Mineral Extraction and Mineral Processing Rules

831. The proposed amendments:
- Amendments to MINZ-R2 & BCZ-R2 to provide for mineral extraction and processing which is lawfully established and limit hours of blasting. Deleting clauses 2 – 4, 6 -8.

- Introduce MINZ-RX and BCZ-RX, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards default to a restricted discretionary activity status, with standards including that the activity does not occur within overlay areas.
- Introduce MINZ-RX and BCZ-RX, Mineral Extraction, Mineral Processing and ancillary activities not meeting the restricted discretionary standards default to a discretionary activity.
- Amend OSZ-R19 Mineral Extraction not meeting permitted activity standards default to a discretionary activity.
- Amendments to GRUZ-R25 and GRUZ-32 Mineral Extraction Activities not meeting permitted activity standards default to discretionary activity.
- Introduce RLZ-RX & SETZ-RX Mineral Extraction Activities are a non-complying activity.

Effectiveness and Efficiency

832. In my opinion the various amendments to the above provisions will be efficient and effective because:
- As I have outlined previously, the current provisions for mineral extraction and mineral processing across the various zones have significant issues, including the provision of permitted activity standards that, in my opinion are not clear and measurable, and therefore “ultra vires”;
 - The provisions for mineral extraction and mineral processing across the various zones will be clearer and more aligned with the direction within the applicable objectives and policies;
 - They will bring greater consistency to the management of mineral extraction and mineral processing across the various zones, noting subtle differences between each zone in accordance with their respective objectives and policies; and
 - They will better give effect to the direction within the objectives and policies for the various zones regarding the management of adverse effects on the environment.

Costs and Benefits

833. I acknowledge that there will be costs associated with the changes that I have recommended to the rules for mineral extraction and mineral processing. These will be associated with more resource consents being potentially triggered than would have necessarily been the case for the notified provisions. However, there are significant issues with the provisions as notified, associated with unclear and unmeasurable standards, that in my opinion, simply do not work as permitted activity standards and are “ultra vires” as a result. Furthermore, I consider that these costs are outweighed by the benefits associated with a clearer and consistent rule framework that appropriately address the management of adverse effects on the environment, as directed by the relevant objectives and policies for the respective zones that these activities occur within.

Risk of Acting/Not Acting

834. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.9 Activities ancillary to lawfully established Mineral Extraction and Mineral Processing

835. The proposed amendments:

- Amend MINZ-R3 and BCZ-R3 to provide for activities ancillary to mineral extraction and mineral processing that are lawfully established at the date which the plan becomes operative and delete clauses 2 – 4, and amend the default activity status to Restricted Discretionary.

Effectiveness and Efficiency

836. In my opinion the various amendments to the above provisions will be efficient and effective because:
- As I have outlined previously, the current provisions for ancillary activities across the BCZ and MINZ have issues, including the provision of permitted activity standards that, in my opinion are not clear and measurable, and therefore “ultra vires”;
 - The provisions for ancillary activities across the BCZ and MINZ will be clearer and more aligned with the direction within the applicable objectives and policies;
 - They will bring greater consistency to the management of ancillary across the various zones, noting subtle differences between each zone in accordance with their respective objectives and policies; and
 - They will better give effect to the direction within the objectives and policies for the various zones regarding the management of adverse effects on the environment.

Costs and Benefits

837. I acknowledge that there will be costs associated with the changes that I have recommended to the rules for ancillary activities. These will be associated with more resource consents being potentially triggered than would have necessarily been the case for the notified provisions. However, there are issues with the provisions as notified, associated with unclear and unmeasurable standards, that in my opinion, simply do not work as permitted activity standards and are “ultra vires” as a result. Furthermore, I consider that these costs are outweighed by the benefits associated with a clearer and consistent rule framework that appropriately address the management of adverse effects on the environment, as directed by the relevant objectives and policies for the respective zones that these activities occur within.

Risk of Acting/Not Acting

838. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.10 Conservation, Recreation and Research Activity Rules

839. The proposed amendments:
- Deletion of MINZ-R4 and BCZ-R4.

Effectiveness and Efficiency

840. In my opinion the amendments to the above provisions will be efficient and effective because I have concerns that a permitted activity for these activities would not give effect to policies within the MINZ and BCZ relating to reverse sensitivity and the management of incompatible activities. Furthermore, there is no specific direction for these activities to be enabled within the MINZ, therefore I consider that they are activities that are not specifically anticipated and provided for within the BCZ and MINZ.

Costs and Benefits

841. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. However, I consider that there is increased benefit as the policy will allow appropriate consideration of these activities on a case by case basis as activities not specifically anticipated and provided for within the BCZ and MINZ.

Risk of Acting/Not Acting

842. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.11 Buildings Rules

843. The proposed amendments include:
- Introduce rules MINZ-RX and BCZ-RX, providing for buildings as a permitted activity, with permitted activity standards for building height and setbacks.

Effectiveness and Efficiency

844. Within the notified plan provisions currently, buildings are only controlled for certain activities within the MINZ and BCZ that contain these rules. In my opinion, this is an inefficient and ineffective approach, because a building is a building, irrespective of what activity it is used for. I consider that it is more efficient and effective to apply a consistent height limit and setback within each Zone.

Costs and Benefits

845. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. I consider that there is increased benefit from having a consistent building height and setback within the MINZ and BCZ that will better manage adverse effects on adjacent properties.

Risk of Acting/Not Acting

846. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.12 Amendments to Appendix Seven

847. The proposed amendments:
- Amend the Mineral Extraction Management Plan Requirements within Appendix Seven.

Effectiveness and Efficiency

848. In my opinion, the amendments to the Management Plan Requirements within Appendix Seven are more efficient and effective than the notified provisions, because they are clearer and include relevant matters that need to be addressed.

Costs and Benefits

849. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32. However, I consider that there is increased benefit as there will be greater clarity in the management plan requirements.

Risk of Acting/Not Acting

850. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.13 Deletion of Schedule Nine and Schedule Ten

851. The proposed amendments:

- Delete Schedule Nine
- Delete Schedule Ten

Effectiveness and Efficiency

852. As outlined previously, I consider that the purpose of Schedule Nine is unclear and contains incomplete information. Given that the Schedule is not specifically referenced within the pTTPP provisions, I consider that it is more efficient and effective that it is deleted.

853. For Schedule Ten, this is currently empty and its purpose and value are unclear. As such I consider it is more efficient and effective if this Schedule is deleted.

Costs and Benefits

854. It is considered that the recommended amendments will not result in significant change to the cost and benefits evaluated in the pre-notification s32 as I have recommended the retention of allowances for lawfully established mineral related activities within the various zones. However, I consider that there is increased benefit in deleting Schedule Nine and Schedule Ten which purpose is unclear and ultimately unnecessary.

Risk of Acting/Not Acting

855. Given the nature and scale of amendments proposed, I consider that there is sufficient information to determine the subject matter of the relevant provisions.

23.14 Amendments to Zoning Maps

856. The proposed amendments relate to preliminary recommendations to alter the Zoning Maps in Section 22.1 above.

Effectiveness and Efficiency

857. As outlined in Section 22.1 above, there is a significant disconnect between the zoning that has been notified, and the proposed criteria used to identify the spatial extent of the MINZ and BCZ. This has led to an inefficient and ineffective zoning extent which has led to a large number of submissions being lodged on this topic. While by no means being final, my preliminary recommendations seek to consistently address that disconnect in accordance with the recommended zoning criteria for the MINZ and BCZ, and invite further information (e.g., evidence of existing authorisations under the Coal Mining Act 1979 and or resource consents under the RMA) to be provided in evidence or prior to the hearing to determine otherwise. In my opinion, this is a more efficient and effective approach than what was notified.

Costs and Benefits

858. I acknowledge that there will be additional costs associated with areas potentially not being zoned MINZ or BCZ that are otherwise currently within the spatial extent of these Zones. However I consider that these potential costs are offset by benefits associated with a more logical and consistently applied zoning framework, that does not see areas inappropriately located within the MINZ and BCZ, without the appropriate existing authorisations.

Risk of Acting/Not Acting

859. I have identified in Section 21.1 where I consider there is insufficient information to support certain submission points. In my opinion, the evidence circulation and hearing process will allow for additional information to be provided as required. In the meantime, my preliminary recommendations in Section 21.1 are necessarily

conservative and based on the information that I have had available to me in the preparation of this report.

24.0 Conclusion

860. This report has provided an assessment of submissions and further submissions received in relation to Mining and Mineral Extraction topic, including provisions within the following chapters:
- Interpretation;
 - Mineral Extraction Zone;
 - Buller Coalfield Zone;
 - Open Space and Recreation Zones;
 - Natural Open Space Zone;
 - Rural Zones – including the General Rural Zone, Rural Lifestyle Zone and Settlement Zone;
 - Appendix Seven – Mineral Extraction Management Plans;
 - Schedule Nine – Lawfully Established Mineral Extraction and Processing Areas; and
 - Schedule Ten – Previously Mined Locations in the Rural and Open Space Zones.
861. Sections 6 – 22 of this Report considers and provides recommendations on the decisions requested in submissions. I consider that the submissions on the above chapters should be accepted, accepted in part or rejected, as set out in the recommendations of this report and contained in **Appendix 2** of this report.
862. I recommend that provisions the above chapters be amended for the reasons set out in this report and as contained in **Appendix 1** of this report.
863. I have undertaken a section 32AA evaluation of amendments to the provisions. I consider that the amended provisions will be the most appropriate in terms of efficiency and effectiveness in achieving the purpose of the RMA (especially for changes to objectives), the relevant objectives of this plan and other relevant statutory documents.