

**BEFORE THE HEARINGS PANEL  
IN WEST COAST**

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

**IN THE MATTER OF** Hearing of submissions and further submissions on the  
Proposed Te Tai o Poutini Plan (pTTPP)

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**JOINT WITNESS STATEMENT OF DAVID BADHAM AND CLAIRE HUNTER,  
FOR THE MINERAL EXTRACTION TOPIC – BULLER COALFIELD ZONE**

**(PLANNING)**

**20 SEPTEMBER 2024**

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## **1. INTRODUCTION, QUALIFICATIONS, EXPERIENCE & CODE OF CONDUCT**

- 1.1 This Buller Coalfield Zone (BCZ) Joint Witness Statement (BCZ JWS) has been prepared by David Badham and Claire Hunter collectively referred to as “the Planners” within this JWS. Representation, qualifications and experience of the Planners are as detailed in JWS #1 dated 7 June 2024.
- 1.2 The relevant skills and experience of the Planners is outlined within their respective expert evidence briefs provided on behalf of these submitters and within the Council’s Section 42A Report for the Mineral Extraction Topic.
- 1.3 The Planners agree to the Environment Court Practice Note 2023 as stated in section 2 of JWS #1.

## **2. SCOPE OF JWS**

- 2.1 The Panel issued Minute 32 dated 1 July 2024 requesting that further expert conferencing occur between the Planners to address a range of topics as outlined in the table in Minute 32.
- 2.2 Expert caucusing was held between the Planners in various sessions in August – September. This BCZ JWS deals with matters specific to the BCZ provisions and the definition of “Lawfully Established.” The following attachment<sup>1</sup> is included to this statement:
  - (a) Attachment 1 – Recommended amendments to the BCZ provisions.
- 2.3 Matters relating to those signalled to be addressed by “All Planning Witnesses” as outlined in the table in Minute 32, are addressed in a separate Overall JWS #2 dated 20 September 2024.

## **3. LAWFULLY ESTABLISHED**

### **Grandfathering**

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<sup>1</sup> The attached provisions are based upon the joint position of the Planners, with the exception of management plan provisions (see Section 8). For these provisions, there is a difference of opinion between Mr Badham and Ms Hunter, and the provisions outlined in **Attachment 1** are based on Mr Badham’s view. This disagreement and the reasons for it are outlined within Section 8 of this BCZ JWS.

- 3.1 The Planners disagree in principle regarding the inclusion of the term “after its expiry” in the definition as it relates to Coal Mining Licences and Ancillary Coal Mining Licences.
- 3.2 Mr Badham considers that these licences have an expiry date, which means that it is always intended that their authorisations would expire, requiring them to be re-consented under the relevant resource management legislation that applies at the time. This will allow the environmental management of the coal mining operation to be brought into the present day. Mr Badham is also concerned that this definition would apply Plan wide, and there could be unintended implications for the Mineral Extraction Zone (MINZ), beyond just the Buller Coalfield Zone (BCZ).
- 3.3 Ms Hunter recognises that there are existing activities that are authorised by Coal Mining Licences and Ancillary Coal Mining Licences currently and that these activities have been legally established and there are still ongoing rehabilitation requirements. Ms Hunter’s view is that the pTTPP provides an opportunity to address the issue of the CMLs expiring and that these existing land use activities should be provided for via grandfathering/recognition of the existing lawfully established use so it can continue to be undertaken without unnecessary consenting burden.
- 3.4 Notwithstanding the above, the Planners agree that there is no need to keep the recommended addition of “does not include where the resource consent or licence has expired and not been renewed.” In the Planners’ view, this is already confirmed in the relevant legislation and it is unnecessary to repeat this in the definition.

### **Schedule Nine**

- 3.5 The Planners agree that the inclusion of a reference to Schedule Nine in the definition of “lawfully established” could work if there is confidence in the information provided in Schedule Nine. Currently, there are significant gaps as it relates to the MINZ. However, there is more confidence in the information available regarding the spatial extent of the BCZ. Bathurst is in the process of providing more information to confirm the precise extent of this. The Planners agree that, on this basis, it may be more efficient to have a separate Schedule for the BCZ referencing the relevant Coal Mining Licences and resource consents that authorise operations in the BCZ, and their relevant terms and conditions.

### **Existing use rights**

3.6 During the hearing, there was some discussion and questioning by the Panel regarding the reference to existing use rights (as provided for by Section 10 of the RMA) of the definition. In particular, this related to whether there should be an explicit reference to Section 139A of the RMA and a requirement that this is confirmed via an existing use rights certificate. The Planners support the notified wording of this clause because:

- (a) The definition of "lawfully established" and therefore this clause, applies across the Plan, and is not just specific to the Mineral Extraction provisions. Potentially requiring an existing use rights certificate for all activities (e.g., residential buildings or a farm building in a rural zone) to obtain an existing use certificate is neither efficient nor effective in the Planners' opinion, as it will potentially create additional costs with limited material benefit.
- (b) If there is any dispute with regard to an existing use right via Section 10 of the RMA, Council will have the ability to test it via Section 139A, regardless of whether a specific reference or requirement is included in the definition.

#### **Ancillary Coal Mining Licences**

3.7 The Planners agree that an "Ancillary Coal Mining Licence" should be added to the definition.

#### **Provision for rehabilitation if Coal Mining Licences and Ancillary Coal Mining Licences expire**

3.8 Ms Hunter's view is that if there is grandfathering for the Coal Mining Licences and Ancillary Coal Mining Licences within the pTTPP, as is her preference outlined above, then this is clearly provided for.

3.9 Mr Badham understands that if there are obligations for rehabilitation on Coal Mining Licences and Ancillary Coal Mining Licences, the obligations apply and must be adhered to, irrespective of the proposed provisions of the pTTPP.

### **4. OVERVIEW**

4.1 The Planners agree that the advice note under bullet point 2 of the "Other relevant Te Tai o Poutini Plan provisions" should be amended to reference "District Wide Matters" rather than just "NOISE and LIGHT."

4.2 There is a minor typo to fix by changing "energy" to "mineral extraction".

- 4.3 Ms Hunter is of the view as stated in previous evidence<sup>2</sup> that there should be clarity and consistency around what provisions should take precedence if conflict arises between the BCZ and other District Wide provisions within the pTTPP. Ms Hunter's preference is that the BCZ provisions take precedence as a standalone chapter or code as there is currently a lot of confusion in the drafting of the pTTPP around this matter.
- 4.4 Mr Badham agrees with Ms Hunter that there should be clarity and consistency around what provisions should take precedence. However, he disagrees that the BCZ provisions should take precedence in every instance as a standalone chapter or code. In his opinion, the Overlay Chapters and District Wide provisions should also apply, as they address matters and sensitive environments that are required to be managed over and above mineral extraction activities within the BCZ.
- 4.5 Otherwise, Ms Hunter has confirmed she is not opposed to the changes outlined in the s42A, and therefore the Planners are in agreement on the recommended changes to the wording of this section.

## **5. OBJECTIVES**

- 5.1 The Planners agree with the s42A drafting of these objectives and have no further changes to recommend.

## **6. POLICIES**

### **BCZ-P1**

- 6.1 The Planners agree that it is helpful to have a policy identifying where the BCZ applies. However, the s42A version of the wording is quite lengthy and seems to be trying to achieve two components:
- (a) Clarifying where the BCZ is to be applied; and
  - (b) enabling reasonable expansion while managing adverse effects.
- 6.2 Therefore, the Planners have agreed that it is more logical that there be two policies to address this, and have outlined preferred drafting in **Attachment 1**
- (a) Policy BCZ-P1 – this relates specifically to the zoning criteria for the MINZ.

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<sup>2</sup> Topics 1 and 2 Strategic Direction, evidence dated 29 September 2023

- (b) Policy BCZ-PX – this simply references the enablement of reasonable expansion subject to the management of adverse effects to give effect to BCZ-O1 and O2.

**BCZ-P3**

- 6.3 The Planners agree with the changes outlined in the s42A for this policy and recommend no further changes.

**BCZ-P4d – and BCZ-P5 – Indigenous Biodiversity**

- 6.4 The Planners agree that there should be direction regarding the management of mineral extraction activities within indigenous areas, particularly for new mineral extraction and processing activities. The question is where this direction is located.
- 6.5 Mr Badham maintains the view from his s42A that this is best addressed in the ECO Chapter.<sup>3</sup>
- 6.6 Ms Hunter’s preference as outlined in her evidence, is that the BCZ is a comprehensive and standalone Zone, and therefore should include direction in policy on this matter.

**BCZ-P4e and BCZ-PX**

- 6.7 The Planners agree with the s42A drafting of these policies as they relate to Ngai Tahu values.

**7. RULES**

**BCZ-R1 – Mineral Prospecting and Exploration**

- 7.1 The Planners agree regarding:
- (a) The inclusion of clause X;
  - (b) 10 working day notice period;
  - (c) 20m setback, noting that there is an error in the reference to MINZ which has been replaced by reference to the BCZ;
  - (d) 5,000m<sup>3</sup> limit. The Planners accept that there is no specific justification for the 5,000m<sup>3</sup> limit, however, in the context of mineral exploration and prospecting,

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<sup>3</sup> See paragraph 363 of the s42A.

it is important to have a volume limit. The language of the clause has been changed to refer to "earthworks" rather than "excavation" as it is the defined term which captures what is intended by this clause.

- 7.2 Mr Badham considers it important to recognise and provide for the sensitive overlays listed in clause 6.
- 7.3 Ms Hunter considers that the majority of the BCZ does not currently have the relevant overlays applying to it and the purpose of the zone is to recognise mining development within this area. Therefore clause 6 is unnecessary because it currently duplicates requirements that are already addressed in the relevant Overlay Chapters (e.g., Landscapes Chapter). Notwithstanding this, Ms Hunter's preference is that the BCZ is a complete code, and if matters relating to the relevant overlays arise, they should be specifically addressed within the BCZ.
- 7.4 Mr Badham acknowledges that if there are suitable controls within the specific Overlay Chapters, then it is not necessary to duplicate a resource consenting requirement within the BCZ. However, Mr Badham is not a party to the Overlays Chapters evidence and hearings and is unable to confirm that there are suitable controls applying.
- 7.5 The Planners agree with the deletion of the advice notes in this rule.
- 7.6 With regard to activity status, Ms Hunter, as per her EIC<sup>4</sup> considers that the notified controlled activity status should remain if an activity does not comply with the permitted activity criteria. Mr Badham retains the position outlined in his s42A<sup>5</sup> that a restricted discretionary activity status is more appropriate.

### **BCZ-R2 – Mineral Extraction and Mineral Processing**

- 7.7 The Planners agree that clause 1 should be redrafted to:
- (a) Refer to the date the date of Plan being notified rather than operative.
  - (b) Should list a BCZ specific schedule with all the relevant authorisations that make it clear what is currently "lawfully established."

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<sup>4</sup> See Paragraph 79 of Ms Hunter's EIC.

<sup>5</sup> See Paragraph 248 of Ms Hunter's EIC.

- 7.8 The Planners agree that a new clause X should be added specifically to require the activities being undertaken in accordance with the relevant terms and conditions in the applicable authorisations.
- 7.9 Given the addition of Clause X above, which references the terms and conditions of the applicable authorisations, the Planners agree that Clause 5 should be deleted, as the existing authorisations contain specified limits for blasting and vibration.
- 7.10 The Planners agree with the deletion of the advice notes in this rule.
- 7.11 With Regard to activity status, Ms Hunter, as per her EIC<sup>6</sup>, considers that the notified controlled activity status should remain if an activity does not comply with the permitted activity criteria. Mr Badham retains the position outlined in his s42A<sup>7</sup> that a restricted discretionary activity status is more appropriate.

### **BCZ-R3 Ancillary Activities**

- 7.12 The Planners agree that clause 1 should be amended to refer to the date of the Plan being notified, rather than operative.
- 7.13 The Planners agree on the deletion of all other clauses as outlined in the s42A.
- 7.14 The Planners agree with the deletion of the advice notes in this rule.
- 7.15 With regard to activity status, Ms Hunter, as per her EIC<sup>8</sup> considers that the notified controlled activity status should remain if an activity does not comply with the permitted activity criteria. Mr Badham retains the position outlined in his s42A<sup>9</sup> that a restricted discretionary activity status is more appropriate.

### **BCZ-R4 Conservation, recreation and research activities**

- 7.16 The Planners agree that there is a reasonable basis for permitting these activities within the BCZ, provided that they do not contain "sensitive activities" as proposed to be defined in the pTTPP. Therefore, BCZ-R4.3 has been included to include such a requirement, and a non-complying activity status if this is not achieved.
- 7.17 The Planners have also included requirements in Clauses 1 and 2 of BCZ-R2 above.

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<sup>6</sup> See Paragraph 78 of Ms Hunter's EIC.  
<sup>7</sup> See Paragraph 393 of Ms Hunter's EIC.  
<sup>8</sup> See Paragraph 78 of Ms Hunter's EIC.  
<sup>9</sup> See Paragraph 402 of Ms Hunter's EIC.



**BCZ-RX Any Buildings**

7.18 The Planners agree with the drafting of this rule as outlined in the s42A.

**BCZ-R7 Non-complying activities**

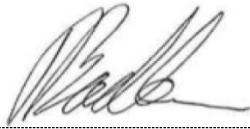
7.19 The Planners agree that “residential activities” and “commercial activities” should be non-complying within the BCZ. Rather than including a specific provision, the Planners consider that this is better captured by amending BCZ-R7 to delete “residential activities” and “commercial activities” and retaining “any activity not provided for in another rule in the zone” is a non-complying activity.

**8. MANAGEMENT PLANS**

8.1 The Planners confirm that their position with regard to management plans in the BCZ is the same as outlined in the Overall JWS #2 dated 20 September 2024.

**JOINT WITNESS STATEMENT SIGNATORIES**

Dated 20 September 2024



.....  
**David Badham**



.....  
**Claire Hunter**

**Attachment 1 – Buller Coalfield Zone – Recommended JWS Amendments**

S42A amendments are indicated by underlined text with deletions indicated by ~~strikethrough text~~.

BCZ JWS amendments are indicated by underlined yellow highlighted text with deletions indicated by ~~strikethrough yellow highlighted text~~.

## BCZ

# Buller Coalfield Zone - Te Takiwā Waro o Kawatiri

### 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).<sup>1</sup>~~

The Zone includes as its core the Stockton Mine, which is the single largest mine in New Zealand/Aotearoa me Te Waipounamu as well as smaller consented or licensed areas on the Stockton Plateau, Denniston Plateau ~~and at Te Kuha.~~

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.

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.

### Other relevant Te Tai o Poutini Plan provisions

It is important to note that in addition to the provisions in this chapter, a number of Part 2: District-wide Matters chapters also contain provisions that may be relevant for energy mineral extraction activities, including:

- **Overlay Chapters** - the Overlay Chapters may have relevant provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; biodiversity; landscape and riparian areas. Where an activity is located within an overlay area (as identified in the planning maps) then the relevant overlay provisions apply.
- **General District Wide Matters** - provisions in relation to NOISE and LIGHT in particular District Wide Matters may be relevant to activities undertaken in the BCZ - Buller Coalfield Zone.

**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.<sup>2</sup>

### Buller Coalfield Zone Objectives

<sup>1</sup> See Section 11.1 of s42A.

<sup>2</sup> See Section 11.1 of s42A.

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BCZ JWS amendments are indicated by underlined yellow highlighted text with deletions indicated by ~~strikethrough yellow highlighted text~~.

<b>BCZ - O1</b>	Mineral extraction activities in the BCZ - Buller Coalfield Zone are enabled by <del>inclusion of a special purpose zone that recognises</del> <u>in recognition of</u> <sup>3</sup> its national and regional significance, their <u>scale and operational characteristics</u> , and the contribution that these activities make to the economic and social wellbeing of the region and Buller District.
<b>BCZ - O2</b>	To ensure that <u>the exploration, extraction and processing of minerals within the BCZ - Buller Coalfield Zone</u> <del>minimises</del> <u>manages</u> <sup>4</sup> adverse effects on the environment, the community and the relationship of Ngāti Waewae with their ancestral lands, sites, water, wāhi tapu and other taonga.

### Also the Strategic Objectives and Policies

<b>Buller Coalfield Zone Policies</b>	
<b>BCZ - P1</b>	To provide for <u>the current lawfully established existing</u> mineral extraction and processing activities <del>in</del> <u>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:</u> <ol style="list-style-type: none"> <li>a. <u>This is currently authorised lawfully established by:</u> <ol style="list-style-type: none"> <li>i. <u>Existing use rights as provided by Section 10 of the Resource Management Act 1991; or</u></li> <li>ii. <u>Coal mining licences under the Coal Mines Act (1979); or</u></li> <li>iii. <u>Ancillary coal mining licences under the Coal Mines Act (1979); or</u></li> <li>iv. <u>Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).</u><sup>5</sup></li> </ol> </li> </ol>
<b>BCZ - PX</b>	<u>To enable opportunities for reasonable growth and expansion of existing mineral extraction and processing activities within the BCZ while managing adverse effects on the environment.</u>
<b>BCZ - P2</b>	To acknowledge the importance of the mineral deposits in the BCZ - Buller Coalfield Zone and prevent future activities or developments from establishing in locations which could compromise access to these mineral deposits.
<b>BCZ - P3</b>	To ensure that after mineral extraction <u>is complete</u> , all mine sites in the BCZ - Buller Coalfield Zone are rehabilitated to <del>best practice environmental standards and to provide for</del> <u>enable</u> <sup>6</sup> future use and activities appropriate to the area.

<sup>3</sup> See Section 11.4 of s42A.

<sup>4</sup> Karen Lippiatt (S439.034).

<sup>5</sup> See Section 11.6 of the s42A.

<sup>6</sup> Minerals West Coast (S569.003).

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<p><b>BCZ - P4</b></p>	<p>Maintain the quality of the environment, landscape, ecological values, <del>Poutini Ngāi Tahu cultural values</del><sup>7</sup>, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by:</p> <ul style="list-style-type: none"> <li>a. Utilising management, monitoring, rehabilitation and mine closure plans as a key tool;</li> <li>b. Managing dust, noise, vibration, access and lighting to maintain amenity values and avoid significant adverse effects;</li> <li>c. Managing traffic generation impacts on the operation, maintenance and safety of the transport network and avoiding significant adverse effects;</li> <li><del>d. Managing impacts on significant indigenous vegetation and significant indigenous fauna habitat and associated ecological values and avoiding or mitigating adverse effects;</del><sup>8</sup></li> <li><del>e. Managing and avoiding adverse effects on Poutini Ngāi Tahu cultural values;</del><sup>9</sup></li> <li>f. <u>d.</u> Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;</li> <li><del>g.</del> <u>e.</u> Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;</li> <li><del>h.</del> <u>f.</u> Undertaking remedial measures during extraction operations; and</li> <li><del>i.</del> <u>g.</u> Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.</li> </ul>
<p><b>BCZ - P5</b></p>	<p><del>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.</del><sup>10</sup></p>
<p><b><u>BCZ - PX</u></b></p>	<p><u>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:</u></p> <ul style="list-style-type: none"> <li>1. <u>Ensuring Poutini Ngāi Tahu input to any resource consenting processes;</u></li> <li>2. <u>Requiring ongoing liaison and communication where Poutini Ngāi Tahu values may be affected by mineral extraction, processing or rehabilitation activities;</u></li> <li>3. <u>Recognising the ownership of the pounamu resource lies with Te Rūnanga o Ngāi Tahu; and</u></li> <li>4. <u>Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.</u><sup>11</sup></li> </ul>

<sup>7</sup> Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.258).

<sup>8</sup> Department of Conservation (S602.222).

<sup>9</sup> Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.258).

<sup>10</sup> Karen Lippiatt (S439.038).

<sup>11</sup> Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.258).

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Buller Coalfield Zone Rules	
<p>Note: <del>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.</del><sup>12</sup></p>	
Permitted Activities	
BCZ - R1	Mineral Prospecting and <u>Mineral</u> Exploration
<p><b>Activity Status Permitted</b> Where:</p> <p><u>X. It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required;</u></p> <ol style="list-style-type: none"> <li>1. <u>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;</u></li> <li>2. <del>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;</del> <u>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 BCZ – Buller Coalfield Zone);</u></li> <li>3. <del>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</del></li> <li>4. <del>The site shall be</del> <u>is progressively rehabilitated as much far as is practicable to its original condition, with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral <u>Extracting Exploration</u> ceases-;</u></li> <li>5. <u>No more than 5,000m<sup>3</sup> of material is excavated earthworks is undertaken in a calendar year 12 month period per site;</u> <u>and</u></li> <li>6. <u>The mineral prospecting or mineral exploration does not occur within:</u> <ol style="list-style-type: none"> <li>a. <u>An Outstanding Natural Landscape;</u></li> <li>b. <u>An Outstanding Natural Feature;</u></li> <li>c. <u>A Historic Heritage site;</u></li> <li>d. <u>A Site or Area of Significance to Māori;</u></li> <li>e. <u>A Significant Natural Area; or</u></li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved: <u>Controlled Restricted Discretionary</u></b></p>

<sup>12</sup> See Section 11.11 of the s42A.

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<p>f. <u>An area of High or Outstanding Coastal Natural Character.</u></p> <p><b>Advice Note:</b></p> <ol style="list-style-type: none"> <li>1. <del>Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.</del></li> <li>2. <del>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.<sup>13</sup></del></li> </ol>	
<b>BCZ - R2</b>	<b>Mineral Extraction and <u>Mineral Processing</u></b>
<p><b>Activity Status Permitted</b></p> <p>Where:</p> <ol style="list-style-type: none"> <li>1. <del>The <u>Mineral e</u>Extraction and <u>Mineral p</u>rocessing is <u>are</u> lawfully established at the date of the Plan <u>becoming operative being notified</u> [insert date] <u>which are listed in Schedule X [BCZ specific schedule]; and</u></del></li> <li><u>X. Any Mineral Extraction and Mineral Processing activities must be undertaken in accordance with relevant terms and conditions of the resource consents, Mining Licenses or Permits that are listed in Schedule X [BCZ specific schedule]; and</u></li> <li>2. <del>Where the site is active, or intended to be active within the next 12 months:-</del> <ol style="list-style-type: none"> <li>a. <del>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:</del> <ol style="list-style-type: none"> <li>i. <del>Provide an outline of the issues and values that need to be managed at the site;</del></li> <li>ii. <del>Provide the detail of how these issues and values will be managed;</del></li> <li>iii. <del>Set out a schedule of annual monitoring to be undertaken; and</del></li> <li>iv. <del>Outline the rehabilitation and mine closure process for the site;</del></li> </ol> </li> <li>b. <del>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</del></li> </ol> </li> </ol>	<p><b>Activity status where compliance not achieved:</b></p> <p><u>Controlled</u> <u>Restricted</u> <u>Discretionary</u></p>

<sup>13</sup> Various – see Section 11.12 of s42A.

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<p>required until the Buller District Council certifies that rehabilitation is complete;</p> <p><del>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;</del></p> <p>3. <del>During mineral extraction activity, progressive rehabilitation of all disturbed areas is undertaken in accordance with the rehabilitation programme in the Mineral Extraction Management Plan;</del></p> <p>4. <del>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;</del></p> <p><u>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;</u></p> <p>6. <del>A bond is in place with the Buller District Council;</del></p> <p>7. <del>Noise meets the Permitted Activity Standards in Rule NOISE – R10; and</del></p> <p>8. <del>Light and glare meet the Permitted Activity standards in Rule LIGHT – R4.</del></p> <p><b>Advice Notes:</b></p> <p>1. <del>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.</del></p> <p>2. <del>Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.</del></p> <p>3. <del>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.</del><sup>14</sup></p>	
<p><b>BCZ - R3</b></p>	<p><b>Activities ancillary to lawfully established <del>m</del>Mineral <del>e</del>Extraction and <u>Mineral</u> <del>p</del>Processing</b></p>

<sup>14</sup> Various – See Section 11.13 of s42A.



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<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li><del>This <u>The activities</u> includes <u>the</u> 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 <u>becomes operative was notified</u> [insert date];.</del></li> <li><del>Maximum building height above ground level is 15m;</del></li> <li><del>Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;</del></li> <li><del>There is a maximum of 50 heavy vehicle movements per day (excluding heavy vehicle movements within the site);</del></li> <li><del>There shall be no offensive or objectionable dust nuisance at or beyond the zone boundary as a result of the activity;</del></li> <li><del>A bond is in place with the Buller District Council;</del></li> <li><del>Noise meets the Permitted Activity Standards in Rule NOISE – R10; and</del></li> <li><del>Light and glare meet the Permitted Activity standards in Rule LIGHT – R4.</del></li> </ol> <p><b>Advice Notes:</b></p> <ol style="list-style-type: none"> <li><del>Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.<sup>15</sup></del></li> </ol>	<p><b>Activity status where compliance not achieved:</b> <del>Controlled</del> <u>Restricted</u> <u>Discretionary</u></p>
<p><b>BCZ - R4</b></p>	<p><b><u>Conservation, recreation and research activities</u></b></p>
<p><b>Activity Status Permitted</b> Where:</p> <ol style="list-style-type: none"> <li><u>The conservation, recreation and research activities are lawfully established at the date of the Plan being notified [insert date]; and</u></li> <li><u>Any conservation, recreation and research activities must be undertaken in accordance with the relevant terms and conditions of the resource consents, Mining Licenses or Permits that are listed in Schedule X [BCZ specific schedule]; or</u></li> <li><u>Any new conservation, recreation and research activities do not contain sensitive activities.</u></li> </ol> <ol style="list-style-type: none"> <li><del>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.</del></li> </ol>	<p><b>Activity status where compliance not achieved:</b> <del>N/A</del><sup>16</sup> <u>Non Complying</u></p>
<p><b>BCZ - RX</b></p>	<p><b><u>Any Buildings</u></b></p>

<sup>15</sup> Various – see Section 11.14 of the s42A.

<sup>16</sup> See Section 11.15 of s42A.

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<p><b><u>Activity Status Permitted</u></b> Where:</p> <ol style="list-style-type: none"> <li>1. <u>The maximum building height above ground level is 15m; and</u></li> <li>2. <u>Any buildings are setback a minimum of 10m from any road boundaries, and 10m from any boundary outside of the Buller Coalfield Zone - BCZ.</u><sup>17</sup></li> </ol>	<p><b><u>Activity Status where compliance not achieved:</u></b> Discretionary</p>
<p><b>Controlled Activities</b></p>	
<p><b>BCZ - R5</b></p>	<p><b>Mineral Prospecting and Exploration, Mineral Extraction and Processing and Ancillary Activities not meeting Permitted Activity standards</b></p>
<p><b><del>Activity Status Controlled</del></b> Where:</p> <ol style="list-style-type: none"> <li>1. <del>This does not occur within:</del> <ol style="list-style-type: none"> <li>i. <del>An area of indigenous vegetation greater than 5000m<sup>2</sup> in size that has not been assessed for its significance;</del></li> </ol> </li> <li>2. <del>This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and</del></li> <li>3. <del>This includes all earthworks associated with the mineral extraction and ancillary activities.</del></li> </ol> <p><b><del>Matters of control are:</del></b></p> <ol style="list-style-type: none"> <li>a. <del>Management of access, parking and traffic generation effects from the site;</del></li> <li>b. <del>Noise, glare, light, dust and vibration management;</del></li> <li>c. <del>Hours of operation;</del></li> <li>d. <del>Hazardous substances and waste management;</del></li> <li>e. <del>Extent and design of earthworks;</del></li> <li>f. <del>Effects on ecological values including any threatened fauna or their habitats;</del></li> <li>g. <del>Design and location of ancillary buildings, structures and infrastructure;</del></li> <li>h. <del>Overburden management;</del></li> <li>i. <del>Monitoring, reporting and community liaison requirements;</del></li> <li>j. <del>Financial contributions and any requirement for bonds; and</del></li> <li>k. <del>Site rehabilitation and mine closure requirements.</del><sup>18</sup></li> </ol> <p><b><del>Advice Note:</del></b> <del>Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.</del><sup>19</sup></p>	<p><b><del>Activity status where compliance not achieved:</del></b> Restricted Discretionary</p>

<sup>17</sup> Various – see Section 11.14 of s42A.

<sup>18</sup> Department of Conservation (S602.224)

<sup>19</sup> See Section 11.16 of s42A.

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<b>Restricted Discretionary Activities</b>	
<b>BCZ - R6</b>	<b><del>Mineral Extraction and Processing and Ancillary Activities not meeting Controlled Activity Standards</del></b>
<p><del><b>Activity Status Restricted Discretionary</b></del>  <b>Where:</b>            1. <del>This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and</del>            2. <del>This includes all earthworks associated with the mineral extraction and ancillary activities.</del></p> <p><del><b>Discretion is restricted to:</b></del>            a. <del>Management of access, parking and traffic generation effects from the site;</del>            b. <del>Noise, glare, light, dust, blasting and vibration management;</del>            c. <del>Hours of operation;</del>            d. <del>Hazardous substances and waste management;</del>            e. <del>Historic and cultural heritage requirements;</del>            f. <del>Extent and design of earthworks and indigenous vegetation clearance;</del>            g. <del>Effects on ecological values including any threatened fauna or their habitats;</del>            h. <del>Design and location of ancillary buildings, structures and infrastructure;</del>            i. <del>Overburden management;</del>            j. <del>Monitoring, reporting and community liaison requirements;</del>            k. <del>Financial contributions and any requirement for bonds; and</del>            l. <del>Site rehabilitation and mine closure requirements.</del></p> <p><del><b>Advice Note:</b></del>  <del>Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.<sup>20</sup></del></p>	<p><del><b>Activity status where compliance not achieved: N/A</b></del></p>
<b><u>BCZ – RX</u></b>	<b><u>Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards</u></b>
<p><b><u>Activity Status Restricted Discretionary</u></b>  <b><u>Where:</u></b>            1. <u>A Mineral Extraction Management Plan is prepared and provided to Council in accordance with the relevant matters outlined in Appendix Seven; and</u>            2. <u>The mineral prospecting or mineral exploration does not occur within:</u></p>	<p><b><u>Activity status where compliance not achieved: Discretionary</u></b></p>

<sup>20</sup> See Section 11.13 of s42A.

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<ul style="list-style-type: none"> <li>a. <u>An Outstanding Natural Landscape;</u></li> <li>b. <u>An Outstanding Natural Feature;</u></li> <li>c. <u>A Historic Heritage site;</u></li> <li>d. <u>A Site or Area of Significance to Māori;</u></li> <li>e. <u>A Significant Natural Area; or</u></li> <li>f. <u>An area of High or Outstanding Coastal Natural Character.</u></li> </ul> <p><b>Discretion is restricted to:</b></p> <ul style="list-style-type: none"> <li>a. <u>The relevant matters within Appendix 7; and</u></li> <li>b. <u>Suitable bond requirements;</u><sup>21</sup></li> </ul>	
<b><u>BCZ – RX</u></b>	<b><u>Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Restricted Discretionary Standards</u></b>
<b><u>Activity Status Discretionary</u></b>	<b><u>Activity status where compliance not achieved: N/A</u></b> <sup>22</sup>
<b>Non-complying Activities</b>	
<b>BCZ - R7</b>	<b><u>Residential Activities, Commercial Activities</u> <del>or Any activity not provided for in another rule in the zone</del></b>
<b>Activity Status Non-complying</b>	<b>Activity status where compliance not achieved: N/A</b>

#### Definition of Lawfully Established

Means buildings, structures and activities provided for by one of the following:

1. Permitted through a rule in the plan, or
2. A resource consent, or
3. A national environmental standard; or
4. A designation; or
5. By an existing use right (as provided for by Section 10 of the RMA); or
6. In the case of mineral extraction, it also includes an activity covered by the permits listed in Schedule Nine and / or any activity permitted at the date that this Plan was notified through a Coal Mining License or an Ancillary Coal Mining License issued under the Coal Mines Act (1979) including after its expiry; and
- ~~7. Does not include where the resource consent or license has expired and not been renewed.~~

<sup>21</sup> Department of Conservation (S602.224).

<sup>22</sup> See Section 11.13 of the s42a.