

**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)

**JOINT WITNESS STATEMENT OF DAVID BADHAM, CLAIRE HUNTER,
MARK LILE, MICHAEL MCENANEY AND KATE MCKENZIE FOR THE
MINERAL EXTRACTION TOPIC – OVERALL JWS #2**

(PLANNING)

20 SEPTEMBER 2024

1. INTRODUCTION, QUALIFICATIONS, EXPERIENCE & CODE OF CONDUCT

- 1.1 This Overall Joint Witness Statement (JWS #2) has been prepared by David Badham, Claire Hunter, Mark Lile, Michael McEnaney and Kate McKenzie, collectively referred to as “the Planners” within this JWS. Representation, qualifications and experience of the Planners is 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 All 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 July – September. This JWS deals with the relevant matters to be addressed by “All Planning Witnesses” as outlined in the table in Minute 32. The following attachments¹ are included to this statement:
 - (a) **Attachment 1** – Recommended Overall JWS #2 amendments to the MINZ provisions;
 - (b) **Attachment 2** – Recommended Overall JWS #2 amendments to the RURZ provisions; and
 - (c) **Attachment 3** – Recommended Overall JWS #2 amendments to the Appendix 7 Management Plan provisions.

¹ The attached provisions are based upon the joint position of the Planners, with the exception of management plan provisions (see Section 8), vehicle movement provisions (see Section 10) and volume for mineral prospecting and exploration provisions (see Section 12). For these provisions, there is a difference of opinion between Mr Badham and Mr Lile, Ms McKenzie, Mr McEnaney and Ms Hunter, and the provisions outlined in Attachment 1 and 2 are based on Mr Badham’s view. This disagreement and the reasons for it are outlined within the aforementioned sections of this JWS #2.

2.3 For matters specific to the BCZ provisions and definition of “Lawfully Established”, these were caucused separately by Mr Badham and Ms Hunter and are addressed separately in the BCZ JWS dated 20 September 2024.

3. SPECIAL PURPOSE ZONES – MINZ AND BCZ

National Planning Standards 8.3

3.1 National Planning Standards Mandatory direction 8.3 states:

"An additional special purpose zone must only be created when the proposed land use activities or anticipated outcomes of the additional zone meet all of the following criteria:

a. are significant to the district, region or country

b. are impractical to be managed through another zone

c. are impractical to be managed through a combination of spatial layers."

3.2 With regard to Zone Standard 8.3, the Planners continued to agree on a principled basis that:

(a) The MINZ and BCZ meet clause a. of this Standard because mineral extraction is clearly of significance to the relevant districts, region and country more generally. This is demonstrated by the economic evidence² provided within the Strategic Direction Hearing and also the evidence of Dr Mark Sargent.³

(b) The MINZ and BCZ are impractical to be managed through another zone in accordance with clause b. Noting the notified zoning framework, the Planners consider that there is no other suitable zone within the pTTPP that would manage mineral extraction within these zones.

(c) The MINZ and BCZ are impractical to be managed through a combination of spatial layers. Noting the notified pTTPP, the overlays already apply over top of the MINZ and BCZ, and it would be impractical at this point in the process to design a separate spatial layer to manage this.

3.3 The Planners agree that a more detailed evaluation pursuant to section 32 of the RMA of the alternative options available would be helpful to demonstrate that the

² Statement of Evidence of John Stacey Ballingall, dated 2 October 2023 – [see this link](#).

³ On behalf of Bathurst Resources Limited and BT Mining Limited – [see this link](#).

MINZ and BCZ are the most appropriate options in light of the above. This will be undertaken by Mr Badham in his right of reply, taking into account the discussions undertaken during caucusing between the Planners.

Should there be Two Zones?

- 3.4 On a principled basis, the Planners agree that there should be both a MINZ and a BCZ within the pTTPP. The Planners agree that there is sufficient justification to include a bespoke approach for Stockton Mine via the BCZ. This is due to the size and scale of the BCZ, and its significance to the region and nation as outlined in the economic evidence to support the BCZ.⁴
- 3.5 If the Panel were of the mind to delete the BCZ and include the MINZ over it instead, then the Planners agree that there would need to be specific recognition for Stockton Mine / the BCZ zoned area via an objective and policies. As it is the Planners recommendation to retain the BCZ, no drafting has been provided.

Do different forms of mineral extraction need to be considered (e.g., coal, alluvial gold vs aggregate)?

- 3.6 On a principled basis, the Planners do not consider that different forms of minerals should be treated differently. In their opinion, the type of mineral is not particularly relevant, rather the activities being undertaken (and whether they are “lawfully established”), and their location and spatial extent, is more important based on the zoning criteria for the MINZ and BCZ.
- 3.7 With regard to the BCZ, the Planners consider that the utilisation of a bespoke zone is primarily justified by the size, scale and significance of the mineral extraction operations within it, rather than it being specifically related to the extraction of coal mineral resources.

Could provisions within the GRUZ, NOSZ and OSZ work better?

- 3.8 The Planners’ view as reiterated above, is that there is sufficient justification for the inclusion of the MINZ and the BCZ in the pTTPP. A more detailed s32 evaluation will be undertaken by Mr Badham in his right of reply to expand on the reasoning for this position, which will also assess the option of the General Rural Zone (GRUZ), Natural Open Space Zone (NOSZ) or Open Space Zone (OSZ) applying instead of

⁴ See evidence of Dr Mark Sargent on behalf of Bathurst Resources Limited and BT Mining Limited – see this link.

the MINZ and the BCZ, with appropriate provisions for mineral extraction within them.

- 3.9 Notwithstanding the above, if the Panel were of the mind to remove the MINZ and/or BCZ from the pTTPP, then the Planners generally agree in principle that the most likely appropriate zoning would be GRUZ, NOSZ or OSZ. However, this would depend on a case-by-case assessment of each spatial area proposed to be zoned MINZ and BCZ, to determine whether the GRUZ or NOSZ, or a combination of both, was the most appropriate zoning.
- 3.10 However, Mr Lile, Ms McKenzie, Ms Hunter and Mr McEnaney note that the zone descriptions within the National Planning Standards 2019 would indicate that the most appropriate alternative zone for an existing mineral extraction activity would be GRUZ which is intended to provide for primary production activities (the definition of which includes mining). Mr Badham disagrees with this statement because, in the absence of a case-by-case assessment, he is unable to advise what the most appropriate alternative zoning would be out of the GRUZ, NOSZ or OSZ.
- 3.11 Notwithstanding the above, as it is the Planners recommendation to retain the MINZ and BCZ, no such assessment has been provided.

4. DEFINITION OF LAWFULLY ESTABLISHED

- 4.1 Mr Lile, Ms McKenzie and Mr McEnaney confirmed that they did not have evidence on this definition, and therefore have not outlined a position. This matter is therefore addressed by Mr Badham and Ms Hunter in the separate BCZ JWS dated 20 September 2024.

5. ZONING CRITERIA – MINZ-P1 AND BCZ-P1

MINZ-P1

- 5.1 Mr Lile, Mr Badham, Ms McKenzie and Mr McEnaney agree that:
- (a) There should be consistent zoning criteria for the spatial application of the MINZ; and
 - (b) This zoning criteria for the MINZ is best placed within a policy, namely MINZ-P1.
- 5.2 Ms Hunter does not necessarily consider that the policy needs to set out the “zoning criteria”. The special purpose zones have been derived as a result of mineral

resources and extraction activities being identified as being a significant resource management issue for the region and this is reflected in the Strategic Objectives for the TTPP, the policies of this zone seek to give effect to both the Strategic and Zone specific objectives.

5.3 Notwithstanding Ms Hunter's position outlined above, the Planners have revisited the wording of MINZ-P1 as recommended in the s42A Report, and recommend the following further amendments:

- (a) The terms "discrete, long term" should be deleted from MINZ-P1.a. These are unnecessary, and do not relate to the criteria used to identify the spatial extent of the MINZ.
- (b) Replacing the term "currently authorised" by "lawfully established" in MINZ-P1.a. This is the defined term and therefore is better to use than "currently authorised" which is not defined.
- (c) Deleting "three different mechanisms" from MINZ-P1.a. This adds unnecessary additional words, and also an additional matter as outlined below is recommended to be added.
- (d) Adding a new MINZ-P1.a.X stating "existing use rights as provided for by Section 10 of the Resource Management Act 1991." This is to maintain consistency with the proposed definition of "lawfully established."

BCZ-P1

5.4 Mr Lile, Ms McKenzie and Mr McEnaney confirmed that they did not have evidence on this matter, and therefore have not outlined a position. This matter is therefore addressed by Mr Badham and Ms Hunter in the separate BCZ JWS dated 20 September 2024.

6. REZONING REQUESTS

6.1 The Planners agree that there needs to be validation of "lawfully established" mineral extraction activities in order to establish, in accordance with the zoning criteria in MINZ-P1, a basis for the spatial extent of each area proposed to be within the MINZ, and any amendments (e.g., additions, reductions or total deletions) to each area, as sought by submissions. The information required includes any available copies of any current authorisations in accordance with the proposed definition of "lawfully established."

- 6.2 It was also noted that in some cases, the activities may have been established as permitted activities and/or pre RMA / CML and as such a degree of pragmatism needs to also be applied to this process. Mr Badham will respond to this in his right of reply.
- 6.3 The BCZ is a separate matter. Ms Hunter will separately provide information to confirm the current authorisations (or existing use rights) that justify the spatial extent of the BCZ, as sought by Bathurst. Mr Badham will also respond to this in his right of reply.
- 6.4 The Panel has helpfully released Minute 30 which seeks assistance from the four West Coast Councils to provide any information pertaining to licenses and/or resource consents in relation to MINZ and BCZ sites identified in the pTTPP. The Councils have provided the information they have available. Mr Badham is coordinating a detailed review of this information which he will attach to his right of reply, along with recommendations on the appropriate location and spatial extent of proposed MINZ areas as a result of his detailed review.

7. AVOID REMEDY OR MITIGATE

- 7.1 The Planners consider that the term “manage(s)” encompasses the effects management hierarchy, and therefore already includes the option to avoid, remedy or mitigate adverse effects as appropriate, without having to repeat all of the terms in the effects management hierarchy within the relevant policies.
- 7.2 If the Panel disagrees with this position, and is of the mind to include the full reference, then the Planners agree that the alternative wording would need to state “avoid, remedy, mitigate, offset or compensate”.

8. MINERAL EXTRACTION MANAGEMENT PLANS

Activity status

- 8.1 On a principled basis, the Planners agree that permitted activity rules with a Mineral Extraction Management Plan requirement are inappropriate.
- 8.2 Mr Badham considers that, where a Mineral Extraction Management Plan is required, it should have a restricted discretionary activity status for the reasons already outlined in the s42A.⁵ However, Mr Badham considers that there could be merit in

⁵ See for instance paragraph 269 – 270 of the s42A.

the consideration of a non-notification clause in the applicable rules. Mr Badham will address this more fully in his written right of reply.

- 8.3 Ms McKenzie, Ms Hunter, Mr McEnaney and Mr Lile do not consider that a rule including a Mineral Extraction Management Plan necessitates a restricted discretionary status, and consider in the MINZ and BCZ, a controlled activity status is appropriate. The MINZ and BCZ anticipate mineral extraction activity occurring within the zones, and a controlled activity status is considered appropriate recognition of the enabling framework set by the higher order objectives within the TTPP.
- 8.4 The Planners agree that where the controlled or restricted discretionary activity criteria are not met, then it is appropriate for a discretionary activity status to apply.

Matters of control/discretion

- 8.5 The Planners agree that the matters of control or discretion for the applicable management plan rules should be:
- (a) The relevant matters within Appendix 7; and
 - (b) Suitable bond requirements.
- 8.6 To be clear, the Planners agree that the matters should be the same regardless of whether a controlled or restricted discretionary activity status applies. The provisions within **Attachment 1** are on the basis of a restricted discretionary activity status, noting that they would operate in a similar manner if controlled (e.g., the matters of discretion would become matters of control).

Appendix 7

- 8.7 The Planners agree with the approach of listing the management plan requirements in Appendix 7.
- 8.8 Following caucusing, the Planners have agreed to a number of additions and refinements to Appendix 7 to improve its content and consistency of language and approach. This is outlined in **Attachment 3** of this JWS.

9. GRUZ-R12 MINERAL EXTRACTION

Farm quarries

- 9.1 Mr Badham acknowledges that there is a scope issue with his inclusion of a new provision "X" relating to "the mineral extraction is associated with a farm quarry" in his recommended amendments to GRUZ-R12 in Attachment 1 of the s42A. He will specifically address this in his written right of reply.
- 9.2 On this basis, the Planners agree that GRUZ-R12 should not specifically reference farm quarries.
- 9.3 However, the Planners consider that there is still a gap as it relates to the enablement of farm quarries within the GRUZ. In this regard, the Planners note policy RURZ-P20:

"Enable rural production activities to utilise aggregate resources by providing for farm quarries where they are not located within areas identified within Schedules One - Eight."

- 9.4 Farm quarries are discretionary activities within the Settlement Zone⁶ and Rural Lifestyle Zone.⁷ There is no reference to farm quarries within the GRUZ. The Planners consider that this represents a gap in terms of giving effect to policy RURZ-P20 and have recommended a new clause "GRUZ-RX" specifically relating to farm quarries within the GRUZ in **Attachment 2**. This clarifies that farm quarries are permitted within the GRUZ, subject to complying with the requirements of GRUZ-R12.
- 9.5 Noting the issue as to the scope of including a new rule for farm quarries, Mr Badham will seek legal advice from Council's legal counsel to advise whether there is scope to incorporate an explicit provision for enabling farm quarries in the GRUZ and will address this further in his right of reply.

Clause 1 – 20,000m³ limit

- 9.6 Clause 1 of GRUZ-R12 includes a 20,000m³ limit for material disturbance over a 12-month period.
- 9.7 The Planners agree that 20,000m³ appears to be an arbitrary limit with no clear basis provided within the s32 for the Mineral Extraction topic as to why it has been included. However, any alternative limit that is applied is likely to be equally

⁶ See SETZ-R5.

⁷ See RLZ-R1.

arbitrary, and at the time of writing, no specific evidence is available to justify a reduced or increased limit.

- 9.8 The Planners agree that the consideration of any volume or area limit must be considered alongside the enabling higher order objectives and policies for mineral extraction.⁸
- 9.9 Mr Badham considers that having a m³ volume limit will be difficult to monitor and enforce by Councils administering compliance with this provision. This is because volume cannot be easily calculated on an annual basis. Mr Badham notes that clause 2 of GRUZ considers that an area limit could be more practically measured (e.g., off aerials) and enforced. An area limit (of 3ha) currently exists in clause 2. Noting this, Mr Badham accepts that there is no specific evidence available to justify deleting or reducing the 20,000m³ limit. Therefore, in the absence of any specific evidence, Mr Badham accepts that the limit should be retained as is.
- 9.10 Otherwise, the Planners have reviewed the wording of GRUZ.R12.1 and recommended amendments to the wording to make this work more efficiently and effectively.

Clause 2. Land disturbance and rehabilitation

- 9.11 The Planners have recommended amendments to clause 2 to:
- (a) Delete the reference to "progressive rehabilitation of the mined area occurs so that." This is replaced by a new Clause X which specifically states "rehabilitation of the area subject to land disturbance is completed within 12 months of the mineral extraction activity ceasing."
 - (b) Reference "land disturbance" as this is the defined term in the pTTPP.
 - (c) Amend "property" which is an undefined term, to "site" which is a defined term in the pTTPP.

Clause 3. Activity occurring within certain areas

- 9.12 The Planners recommend that consequential amendments should be made to GRUZ-R12.3 to ensure there are consistent cross references to the various Schedules. This should be done once the final details and determination of these chapters are made in other Hearing Topics.

⁸ For instance, in the Strategic Direction Chapter and RURZ Chapter.

9.13 With regard to clause b, the Planners have recommended this is retained for now, but highlight the cross over with the Ecosystems and Indigenous Biodiversity Topic which has a hearing scheduled to commence in mid-November 2024. The Planners recommend that this provision is revisited and considered within the scope of that hearing.

9.14 With regard to clause f, in the absence of any specific evidence to the contrary, the Planners agree that:

- (a) 250m appears to be a reasonable setback trigger; and
- (b) The setback should be applicable to a "sensitive activity" for the reasons outlined in the s42A.⁹

Clause 6. Offensive and objectional dust

9.15 The Planners agree that clause 6 should be deleted because it:

- (a) Includes a discretionary consideration of what is "offensive or objectionable" that is inappropriate within a permitted activity rule; and
- (b) Duplicates requirements of an existing rule within the Regional Air Quality Plan.¹⁰

Clauses 8, 10 and 11. Cross references to other provisions

9.16 The Planners agree that these clauses should be deleted as they simply duplicate provisions in other District Wide Chapters that would otherwise already have to be complied with.

10. VEHICLE MOVEMENT RULES

10.1 Mr Badham considers that there should be consistency in the management of traffic movements across the pTTPP. In that regard, Mr Badham's preference is to delete the traffic movement rules within the various provisions MINZ, BCZ, GRUZ of the Plan and rely on the District Wide Transportation provisions to determine whether resource consents are triggered for any transport related matters.

10.2 The Planners consider however that there are complications associated with the approach to equivalent car movements (ECMs), based on road classifications as

⁹ See paragraph 602, third bullet point in the s42A.

¹⁰ See page 62 of the document at this link <https://www.wcrc.govt.nz/publications/regional-plans/regional-air-quality-plan>.

proposed within the Right of Reply for the Transport provisions, that would need to be separately resolved on District Wide basis.

- 10.3 Ms McKenzie, Ms Hunter, Mr Lile, and Mr McEnaney prefer that the vehicle movement limits are retained within the relevant provisions in the GRUZ, BCZ and MINZ as notified. They consider that an alternative approach could be to retain the more common activity based approach in TRN 6 as notified, and remove the relevant provisions in the GRUZ, BCZ and MINZ (which would mean a 30 heavy vehicle movement threshold for mining across both zones); but also give effect to Waka Kotahi's submission by imposing a specific ECMs rule only to State Highways, where Waka Kotahi have developed their own policies based on ECMs.
- 10.4 Ms Hunter notes however that existing mining activities (i.e. those relying on existing use rights and previous approvals) may have limits set out in their resource consents (or other approval documents as appropriate). It is necessary to ensure that any limits therefore apply to "new" activities rather than being a new condition for an existing activity or operation.

11. PROVISION FOR OTHER ACTIVITIES WITHIN THE MINZ

Sensitive activities

- 11.1 The Planners agree that "sensitive activities" should be non-complying within the MINZ. Rather than including a specific provision, the Planners consider that this is better captured by deleting MINZ-R9 relating to residential activities and retaining MINZ-R10 which states any activity not provided for in another rule in the zone is a non-complying activity. For consistency, a similar change has also been recommended to BCZ-R7 – see BCZ caucusing statement dated 20 September 2024.

Agricultural, pastoral and horticultural activities

- 11.2 Noting that these activities are a proposed defined term in the pTTPP, the Planners agree that these activities should be permitted within the MINZ. Rule MINZ-RX has been drafted to confirm this.

Plantation forestry

- 11.3 Noting that these activities are a proposed defined term in the pTTPP, the Planners agree that these activities should be permitted within the MINZ. Rule MINZ-RX has been drafted to confirm this.

Conservation, research and recreation activities

11.4 The Planners agree that there is a reasonable basis for permitting these activities within the MINZ, provided that they do not contain “sensitive activities” as proposed to be defined in the pTTPP. Therefore, MINZ-R4 has been redrafted to include such a requirement, and a non-complying activity status if this is not achieved.

12. OTHER MATTERS

Mineral prospecting and exploration provisions

12.1 Mr Lile did not have evidence or scope to look into these provisions and therefore has not commented on these.

12.2 Mr Badham and Ms Hunter have addressed mineral prospecting and exploration provisions in the BCZ JWS dated 20 September 2024.

12.3 Mr Badham retains his position outlined in the s42A regarding mineral prospecting and exploration provisions. The only change he recommends is that the term “calendar year” is changed to “12 month period” to be consistent with other such references within the provisions.

12.4 Mr McEnaney and Ms McKenzie consider that 5,000m³ is too restrictive and that this should be more enabling within the MINZ. As per Ms McKenzie’s evidence, she considers that this should be 20,000m³. Mining is an anticipated (and mostly existing) activity within the MINZ. Mineral prospecting and exploration are an important part of continued mining operations and are often transitory and can occur over an extensive area. While individual test holes/drilling areas are minimal in volume, exploration can involve numerous individual sites that cumulatively can add up to a substantial volume. Mr McEnaney and Ms McKenzie have a particular concern that some MINZ sites are of a significant size and a small volume limit could unduly and unnecessarily restrict mineral exploration and prospecting. It should be noted that in areas that are more sensitive to such activities, overlays apply which would likely restrict the activity in other ways. It is noted that elsewhere in the country, volume limits are not imposed¹¹, and while 20,000m³ is arbitrary it provides a more appropriately enabling limit for a zone where mineral extraction is anticipated.

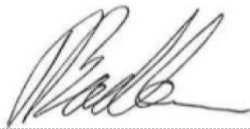
¹¹ For example, GRUZR20 in the Partially Operative Selwyn District Plan permits any prospecting with no limits or restrictions imposed (this provision is operative).

Minor amendments

12.5 Consistent with a similar change recommended for the BCZ (see separate BCZ JWS dated 20 September 2024), 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."

JOINT WITNESS STATEMENT SIGNATORIES

Dated 20 September 2024



.....
David Badham



.....
Claire Hunter



.....
Michael McEnaney



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Mark Lile



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Katherine McKenzie

Attachment 1 – Recommended Overall JWS #2 amendments to the MINZ provisions

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

Overall JWS #2 amendments are indicated by underlined yellow highlighted text with deletions indicated by ~~strikethrough yellow highlighted text~~.

Section 42A Officer's Report – Mining and Mineral Extraction

Appendix 1- Recommended Provisions

Recommended amendments to the provisions in response to submissions are shown in ~~strikethrough~~ and underline.

MINZ

Mineral Extraction Zone - Te Takiwā Kohuke

Overview

The West Coast/Te Tai o Poutini has a wide range of minerals located across the region and the mineral extraction industry is a key industry and employer on the West Coast/Te Tai o Poutini. It is arguably the most mineral rich region in New Zealand/Aotearoa me Te Waipounamu. Minerals found on the West Coast/Te Tai o Poutini in economic quantities include coal, gold, garnets, ilmenite and a wide range of alluvial and outwash deposited minerals as well as rock materials used for road construction, and engineered hazard protection works.

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).¹~~

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

Not all minerals of significance are found in discrete locations. Gold, garnets, ilmenite and gravel are all examples of minerals that are widely spread across the West Coast in alluvial and outwash deposits. Where mineral deposits occur outside of the Special Zones, mineral extraction will be managed within the relevant zone rules. It is anticipated that there will continue to be widespread mineral extraction outside of the MINZ - Mineral Extraction Zone.

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 mineral extraction activities, including:

¹ Rocky Mining Limited (S474.045), Davis Ogilvie & Partners Ltd (S465.004) et al

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

Overall JWS #2 amendments are indicated by underlined yellow highlighted text with deletions indicated by ~~strikethrough yellow highlighted text~~.

- **Overlay Chapters** - the Overlay Chapters have provisions in relation to historic heritage; notable trees; sites and areas of significance to Māori; ecosystems and indigenous biodiversity; landscape and natural features; riparian areas; natural hazards; and the coastal environment. 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 MINZ - Mineral Extraction 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.

Mineral Extraction Zone Objectives	
MINZ - O1	Mineral extraction activities in the MINZ - Mineral Extraction Zone are enabled recognising their <u>scale and operational characteristics</u> ² and the contribution that these activities make to the economic and social wellbeing of the region and districts.
MINZ - O2	To ensure <u>that the</u> exploration, extraction and processing of minerals within the MINZ - Mineral Extraction Zone minimises ³ <u>manages</u> ⁴ 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.

Also the Strategic Objectives and Policies

Mineral Extraction Policies	
MINZ - P1	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: <u>in areas:</u> <ol style="list-style-type: none"> a. <u>where there are discrete, long term mineral extraction activities that are currently authorised lawfully established by three different mechanisms:</u> <ol style="list-style-type: none"> x. <u>Existing use rights as provided for by Section 10 of the Resource Management Act 1991; or</u> i. <u>Coal mining licences under the Coal Mines Act (1979); or</u> ii. <u>Ancillary coal mining licences under the Coal Mines Act (1979); or</u> iii. <u>Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).</u>⁵

² WMS Group (HQ) Limited and WMS Land Co. Limited (S599.125) et al.

³ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.126) et al.

⁴ Terra Firma Mining Limited (S537.026).

⁵ Rocky Mining Limited (S474.045), Davis Ogilvie & Partners Ltd (S465.004) et al

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

Overall JWS #2 amendments are indicated by underlined yellow highlighted text with deletions indicated by ~~strikethrough yellow highlighted text~~.

MINZ - P2	To recognise the importance of the mineral deposits in the MINZ - Mineral Extraction Zone and prevent future activities or developments from establishing in locations which could compromise access to these mineral deposits.
MINZ - P3	To ensure that after mineral extraction <u>is complete</u> ⁶ , all mine sites in the MINZ - Mineral Extraction Zone are rehabilitated to best practice environmental standards and to provide for <u>enable</u> ⁷ future use and activities appropriate to the area.
MINZ - P4	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: <ul style="list-style-type: none"> 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 impacts on significant indigenous vegetation and significant habitats of indigenous fauna;⁸ 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 remediation alongside extraction operations; and h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.
MINZ - P5	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. ⁹
MINZ - P6	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: <ul style="list-style-type: none"> a. Ensuring Poutini Ngāi Tahu input to any resource consenting processes; b. Requiring ongoing liaison and communication where Poutini Ngāi Tahu cultural resources <u>values</u>¹⁰ may be affected by mineral extraction, processing or rehabilitation activities;

⁶ Terra Firma Mining Limited (S537.028).

⁷ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.129) et al.

⁸ Karen Lippiatt (S439.041).

⁹ Karen Lippiatt (S439.041).

¹⁰ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.262).

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	<p>c. Recognising the ownership of the pounamu resource lies with Poutini Ngāi Tahu <u>Te Rūnanga o Ngāi Tahu</u>;¹¹ and</p> <p>d. Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.</p>
MINZ - P7	<p>Manage conflicts between mineral extraction activities and other land uses by ensuring that:</p> <p>a. Performance standards to minimise impacts on the <u>maintain</u>¹² amenity, rural character and natural values of adjacent areas are met; and</p> <p>b. Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.</p>
MINZ - P8	<p>Co-ordinate the approach to mineral extraction activity <u>resource</u>¹³ consents with the West Coast/Te Tai o Poutini Regional Council, particularly where water resources and soil conservation are affected.</p>

Rules

~~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.~~¹⁴

Permitted Activities

MINZ - R1	Mineral Prospecting and <u>Mineral</u>¹⁵ Exploration
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<p>Activity Status Permitted 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>¹⁶</p> <p>1. <u>Written</u> Notice is provided to the relevant dDistrict eCouncil at least <u>5 10</u> working days ahead of work <u>any Mineral Prospecting or Mineral Exploration</u> being undertaken;</p> <p>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; <u>Any earthworks associated with Mineral Prospecting or Mineral Exploration</u></p>	<p>Activity status where compliance not achieved: Controlled <u>Restricted Discretionary</u></p>
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¹¹ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.262).

¹² Terra Firma Mining Limited (S537.031).

¹³ Minor change – see Section 10.14 of the s42A.

¹⁴ There is no submission requesting this, rather this is a recommendation of the Reporting Planner – see Section 10.15 of the s42A.

¹⁵ Buller Conservation Group (S552.195) and Frida Inta (S553.195).

¹⁶ Buller District Council (S538.609).

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<p><u>are undertaken more than 20m from a site boundary (excluding sites that are also within the MINZ – Mineral Extraction Zone);¹⁷</u></p> <p>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</p> <p>4. The site shall be <u>is progressively rehabilitated as far as practicable to its original condition, with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral Extracting ceases;</u>¹⁸</p> <p>5. <u>No more than 5,000m³ of material is excavated in a calendar year 12 month period</u> per site; and</p> <p>6. <u>The mineral prospecting or mineral exploration does not occur within:</u></p> <ol style="list-style-type: none"> <u>An Outstanding Natural Landscape;</u> <u>An Outstanding Natural Feature;</u> <u>A Historic Heritage site;</u> <u>A Site or Area of Significance to Māori;</u> <u>A Significant Natural Area; or</u> <u>An area of High or Outstanding Coastal Natural Character.</u> <p>Advice Note:</p> <ol style="list-style-type: none"> Where an activity subject to this rule is located within an Overlay Chapter area, then¹⁹ compliance with the relevant Overlay Chapter rules is required. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM – R7. 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.²⁰ 	
MINZ - R2	Mineral Extraction and <u>Mineral</u> Processing
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> The m<u>M</u>ineral e<u>E</u>xtraction and <u>M</u>ineral p<u>P</u>rocessing are lawfully established at the date the Plan becomes operative <u>[insert date]; and</u> Where the site is active, or intended to be active within the next 12 months:- 	<p>Activity status where compliance not achieved:</p> <p>Controlled <u>Restricted</u> <u>Discretionary</u></p>

¹⁷ Buller District Council (S538.609).

¹⁸ Buller District Council (S538.609).

¹⁹ Stevenson Mining Limited (S502.008).

²⁰ There is no submission requesting this, rather this is a recommendation of the Reporting Planner – see Section 10.15 of the s42A.

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<p>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:</p> <ul style="list-style-type: none">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; andiv. Outline the rehabilitation and mine closure process for the site; <p>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;</p> <p>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;</p> <p>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;</p> <p>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;</p> <p>6. A bond is in place with the relevant district council;</p> <p>7. Noise meets the Permitted Activity Standards in Rule NOISE - R7; and</p> <p>8. Light and glare meet the Permitted Activity standards in Rule LIGHT - R4.²¹</p> <p>Advice Note:</p> <ul style="list-style-type: none">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.	
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²¹ Lynley Hargreaves (S481.017).

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<p>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.</p> <p>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.²²</p>	
<p>MINZ - R3</p>	<p>Activities ancillary to lawfully established mMineral eExtraction and <u>Mineral</u> pProcessing</p>
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> This <u>The activities</u> includes <u>the</u> maintenance and operation of all roads, parking, buildings, water treatment facilities, storage facilities, railway loadout <u>areas</u> and structures <u>existing at the date of notification of the Plan that are lawfully established at the date the Plan becomes operative [insert date]</u>; Maximum building height above ground level is 10m;²³ Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries; There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);²⁴ 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; A bond is in place with the relevant district council; Noise meets the Permitted Activity Standards in Rule NOISE – R7; and Light and glare meet the Permitted Activity standards in Rule LIGHT – R4.²⁵ <p>Advice Note:</p> <ol style="list-style-type: none"> Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.²⁶ 	<p>Activity status where compliance not achieved: <u>Controlled</u> <u>Restricted</u> <u>Discretionary</u></p>
<p>MINZ – R4</p>	<p>Conservation, Recreation and Research Activities</p>
<p>Activity Status Permitted Where:</p>	<p>Activity status where compliance not</p>

²² Various – see Section 10.19 of the s42A.

²³ Peter Langford (S615.219) et al.

²⁴ Aggregate and Quarry Association (S521.010).

²⁵ Lynley Hargreaves (S481.017)

²⁶ Various – see Section 10.19 of the s42A.

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<p>1. <u>The Conservation, Recreation and / or Research Activities do not include a Sensitive Activity</u>. Maximum building height above ground level is 10m; and</p> <p>2. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries.²⁷</p>	<p>achieved: Discretionary Non Complying</p>
<p>MINZ - R5 Grazing of Animals</p>	
<p>Activity Status Permitted Advice Note:</p> <p>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.²⁸</p>	<p>Activity status where compliance not achieved: N/A</p>
<p>MINZ - RX Any Buildings</p>	
<p>Activity Status Permitted <u>Where:</u></p> <p>1. <u>The maximum building height above ground level is 10m; and</u></p> <p>2. <u>Any buildings are setback a minimum of 10m from any road boundaries, and 10m from any boundary outside of the Mineral Extraction Zone – MINZ.</u></p>	<p>Activity status where compliance not achieved: Discretionary</p>
<p>MINZ - RX Agricultural, Pastoral and Horticultural Activities</p>	
<p>Activity Status Permitted</p>	<p>Activity status where compliance not achieved: N/A</p>
<p>MINZ - RX Plantation Forestry</p>	
<p>Activity Status Permitted</p>	<p>Activity status where compliance not achieved: N/A</p>
<p>Controlled Activities</p>	
<p>MINZ – R6 Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards</p>	
<p>Activity Status Controlled <u>Where:</u> <u>This does not occur within:</u></p> <p>i. <u>An area of indigenous vegetation greater than 5000m² in size that has not been assessed for its significance;</u></p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

²⁷ Various - See discussion in Section 10.20 of the s42A.

²⁸ Buller District Council (S538.612 and S538.613).

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<p>2. This includes all earthworks associated with the mineral extraction activity; and</p> <p>3. This includes ancillary activities, buildings, structures and infrastructure required to enable the mineral extraction activity.</p> <p>Matters of control are:</p> <p>a. Management of access, parking, traffic generation and transport of minerals from the site;</p> <p>b. Noise, glare, light, dust, blasting and vibration management;</p> <p>c. Hours of operation;</p> <p>d. Hazardous substances and waste management;</p> <p>e. Historic heritage and cultural heritage requirements;</p> <p>f. Extent and design of earthworks and indigenous vegetation clearance;</p> <p>g. Effects on ecological values including any threatened fauna or their habitats;</p> <p>h. Design and location of ancillary buildings, structures and infrastructure;</p> <p>i. Overburden management;</p> <p>j. Monitoring, reporting and community liaison requirements;</p> <p>k. Financial contributions and any requirement for bonds; and</p> <p>l. Site rehabilitation and mine closure requirements.</p> <p>Advice Note:</p> <p>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.</p> <p>2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.²⁹</p>	
<p>Restricted Discretionary Activities</p>	
<p><u>MINZ – RX</u></p>	<p><u>Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards</u></p>
<p><u>Activity Status Restricted Discretionary</u></p> <p><u>Where:</u></p> <p>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></p> <p>2. <u>The mineral prospecting or mineral exploration does not occur within:</u></p> <p>a. <u>An Outstanding Natural Landscape;</u></p> <p>b. <u>An Outstanding Natural Feature;</u></p> <p>c. <u>A Historic Heritage site;</u></p>	<p><u>Activity status where compliance not achieved: Discretionary</u></p>

²⁹ See Section 10.22 of s42A.

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<p>d. <u>A Site or Area of Significance to Māori</u>;</p> <p>e. <u>A Significant Natural Area</u>; or</p> <p>f. <u>An area of High or Outstanding Coastal Natural Character</u>.</p> <p>Discretion is restricted to:</p> <p>a. <u>The relevant matters within Appendix 7</u>;</p> <p>b. <u>Suitable bond requirements</u>;³⁰</p>		
MINZ - R7	Mineral Extraction and Ancillary Activities not meeting Controlled Activity Standards	
<p>Activity Status Restricted Discretionary</p> <p>Where:</p> <p>1. This includes all earthworks associated with the mineral extraction activity; and</p> <p>2. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral extraction activity.</p> <p>Discretion is restricted to:</p> <p>a. Management of access, parking and traffic generation from the site;</p> <p>b. Noise, glare, light, dust, blasting and vibration management;</p> <p>c. Hours of operation;</p> <p>d. Hazardous substances and waste management;</p> <p>e. Historic and cultural heritage requirements;</p> <p>f. Extent and design of earthworks and indigenous vegetation clearance;</p> <p>g. Effects on ecological values including any threatened fauna or their habitats;</p> <p>h. Design and location of ancillary buildings, structures and infrastructure;</p> <p>i. Overburden management;</p> <p>j. Monitoring, reporting and community liaison requirements;</p> <p>k. Financial contributions and any requirement for bonds; and</p> <p>l. Site rehabilitation and mine closure requirements.</p> <p>Advice Note:</p> <p>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.</p> <p>2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.</p>		<p>Activity status where compliance not achieved: N/A</p>
Discretionary Activities		
MINZ - R8	Conservation, research and recreation activities not meeting Permitted Activity Standards	

³⁰ See Section 10.18 of the s42A.

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Activity Status Discretionary	Activity status where compliance not achieved: N/A³⁴
<u>MINZ – RX</u>	<u>Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Restricted Discretionary Standards</u>
<u>Activity Status Discretionary</u>	<u>Activity status where compliance not achieved: N/A³²</u>
Non-complying Activities	
MINZ – R9	Residential Activities
Activity Status Non-complying	Activity status where compliance not achieved: N/A
MINZ - R10	Any activity not provided for in another rule in the zone
Activity Status Non-complying	Activity status where compliance not achieved: N/A

Definitions - Ngā Tautuhinga	
Term	Definition
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, <u>to, from and between</u> ³³ the mineral extraction sites and ancillary sites.
Lawfully Established	Means buildings, structures and activities provided for by one of the following: 1. Permitted through a rule in the plan, or

³¹ See Section 10.24 of the s42A.

³² See Section 10.17 – 10.19 of s42A.

³³ Aggregate and Quarry Association (S521.004) et al.

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	<ol style="list-style-type: none">2. A resource consent, or3. A national environmental standard; or4. A designation; or5. By an existing use right (as provided for by Section 10 of the RMA); or6. 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) <u>including after its expiry</u>; and7. Does not include where the resource consent or license has expired and not been renewed.
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Attachment 2 – Recommended Overall JWS #2 amendments to the RURZ provisions

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RURZ - O5	To support provide for the use and extraction of mineral resources <u>mineral prospecting, mineral exploration and mineral extraction activities</u> located within the rural environment, <u>while</u> ; a. Recognising that mineral resources are widespread, and these activities can be appropriate in a range of locations within the rural environment; and b. <u>Ensuring that provided</u> adverse effects are minimised <u>managed</u> ; and c. <u>Ensuring that rehabilitation of land occurs following</u> mineral extraction, mineral extraction can be appropriate in a range of locations <u>the completion of these activities.</u> ¹
<u>Mineral Prospecting, Mineral Exploration and Mineral Extraction</u>	
RURZ - P18	Recognise that mineral resources are fixed in location and enable <u>mineral prospecting, mineral exploration and mineral extraction activities</u> provided adverse effects are avoided, remedied or mitigated <u>managed</u> . ²
RURZ - P19	Manage conflicts between <u>lawfully established</u> mineral extraction activities and other land uses by ensuring that: a. Standards to minimise impacts <u>manage adverse effects</u> 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 <u>lawfully established</u> ³ mineral extraction activities.
RURZ - P20	Enable rural production activities to utilise aggregate resources by providing for farm quarries where they are not located within areas identified within Schedules One - Eight.
RURZ - P21	Require proposals for new mineral extraction activities to: a. Provide <u>adequate information on the establishment and operation of the mineral extraction activity;</u> ₁ b. Measures to reduce and/or avoid <u>manage</u> adverse effects; and c. <u>Details on the rehabilitation of the</u> mineral extraction area <u>once mineral extraction is completed.</u> ⁴
RURZ - P22	Sites used for <u>mineral prospecting, mineral exploration and mineral extraction activities</u> should be <u>are</u> rehabilitated <u>at the completion of the activities</u> ⁵ to enable the land to be used for other activities appropriate to the area.
RURZ - P23	Co-ordinate the approach to <u>mineral prospecting, mineral exploration and mineral extraction activity</u> <u>resource</u> ⁶ consents with the West Coast Regional Council, particularly where water resources and soil conservation are affected.
RURZ - P24	When mineral resources of regional or national significance are identified, consider including these areas within the MINZ – Mineral Extraction Zone. ⁷
RURZ - P25	Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by: a. Utilising management, mitigation and rehabilitation plans as a key tool;

¹ Various – see Section 16.1 of the s42A Report.

² Various – see Section 16.2 of the s42A Report

³ Various – see Section 16.3 of the s42A Report.

⁴ Michael Hill (S70.015).

⁵ Various – see Section 16.6 of s42A.

⁶ Michael Hill (S70.016).

⁷ Michael Hill (S70.017), Suzanne Hills (S443.043) and Forest & Bird (S560.378)

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	<ul style="list-style-type: none"> b. Managing dust, noise, vibration, access and lighting to maintain amenity values; c. Managing traffic generation impacts on the operation and maintenance of the transport network; d. Avoiding or mitigating impacts on significant indigenous vegetation and significant habitats of indigenous fauna;⁸ 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; and h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.
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GRUZ - R11	Mineral Prospecting and Mineral Exploration
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a <u>mineral prospecting or mineral exploration permit from NZPAM New Zealand Petroleum and Minerals, where legally required;</u> 2. <u>Written Notice</u> is provided to the relevant District Council Consent Authority 10 working days prior to the <u>any mineral prospecting or mineral extraction works commencing;</u> 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 <u>Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary;</u> 4. The site shall be <u>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 Extraction ceases; and</u> 5. <u>No more than 5,000m³ of earthworks is excavated is undertaken in a 12 month period calendar year per site.</u> 6. <u>The mineral prospecting or mineral exploration does not occur within:</u> <ol style="list-style-type: none"> a. <u>An Outstanding Natural Landscape;</u> b. <u>An Outstanding Natural Feature;</u> c. <u>A Historic Heritage site;</u> d. <u>A Site or Area of Significance to Māori;</u> e. <u>A Significant Natural Area; or</u> f. <u>An area of High or Outstanding Coastal Natural Character</u> 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. <p>Advice Note:</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

⁸ Department of Conservation (S602.230) et al.

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<ol style="list-style-type: none"> 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.⁹ 		
GRUZ - RX	Farm Quarries	
Activity Status Permitted Where: <ol style="list-style-type: none"> 1. <u>The Farm Quarry complies with the permitted activity criteria in GRUZ-R12</u> 		Activity status where compliance not achieved: <u>Discretionary</u>
GRUZ - R12	Mineral Extraction	
Activity Status Permitted Where: <p>X. The mineral extraction is associated with a farm quarry;</p> <ol style="list-style-type: none"> 1. <u>Less No more than 20,000m³ of material is disturbed or removed mineral extraction occurs</u> within a 12 month period; or 2. <u>Progressive rehabilitation of the mined area occurs so that Land</u> disturbance is limited to no more than 3ha at any one time per <u>property site</u> on which the activity is occurring; X. Rehabilitation of the area subject to land disturbance is completed within 12 months of the mineral extraction activity ceasing; <p>And</p> <ol style="list-style-type: none"> 3. The activity does not occur within: <ol style="list-style-type: none"> a. An Outstanding Natural Landscape or Outstanding Natural Feature; or b. An area of significant indigenous vegetation or significant indigenous fauna habitat or any Significant Natural Area identified in Schedule Four; or c. The riparian margins of any stream, river, lake, or wetland; d. A Historic Heritage site identified in Schedule One; or e. A Site or Area of Significance to Māori identified in Schedule Three; f. 250m of a <u>residential building sensitive activity on any RESZ – Residential Zone or RURZ – Rural Zone an adjoining site;</u> 4. There are no stockpiles within 20m of the property boundary; 5. The maximum stockpile height is 7m; <u>6. There shall be no offensive or objectionable dust nuisance as a result of the activity at or beyond the property boundary;</u> 7. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity; 		Controlled where this is a previously mined area identified in Schedule Ten. Otherwise Restricted Discretionary

⁹ Various – see Section 17.1 of the s42A Report.

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<p>8. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards;</p> <p>9. Hours of operation are limited to 7am to 7pm;</p> <p>10. Noise levels meet the Permitted Activity Standards in Rule NOISE R5; and</p> <p>11. Light meets the Permitted Activity standards in Rule LIGHT R4.</p> <p>Advice Notes:-</p> <p>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.</p> <p>2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM R7. .</p> <p>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. ¹⁰</p>	
<p>GRUZ - R18 Mineral Extraction and Mineral Prospecting and Exploration not meeting Permitted Activity standards</p>	
<p>Activity Status Controlled</p> <p>Where:</p> <p>1. The activity occurs in previously mined locations identified in Schedule Ten; and</p> <p>2. The activity does not occur within:</p> <p style="padding-left: 20px;">i. An Outstanding Natural Landscape or Outstanding Natural Feature; or</p> <p style="padding-left: 20px;">ii. An area of significant indigenous vegetation or significant indigenous fauna habitat; or</p> <p style="padding-left: 20px;">iii. The riparian margins of any stream, river, lake, or wetland;</p> <p style="padding-left: 20px;">iv. A Historic Heritage site, or</p> <p style="padding-left: 20px;">v. A Site or Area of Significance to Māori;</p> <p style="padding-left: 20px;">vi. 250m of a residential building on any RESZ – Residential Zone, SETZ – Settlement Zone or RLZ – Rural Lifestyle Zone.</p> <p>Matters of control are:-</p> <p>a. Management of access, parking, traffic generation and transport of minerals from the site;</p> <p>b. Noise, glare, light, dust, blasting and vibration management;</p> <p>c. Hours of operation;</p> <p>d. Hazardous substances and waste management;</p> <p>e. Historic and Poutini Ngāi Tahu cultural heritage requirements;</p> <p>f. Extent and design of earthworks and indigenous vegetation clearance;</p> <p>g. Effects on any threatened fauna or flora, or their habitats;</p> <p>h. Design and location of ancillary buildings, structures and infrastructure;</p> <p style="padding-left: 20px;">i. Landscape measures;</p> <p style="padding-left: 20px;">j. Maintaining public access;</p> <p>k. Effects on riparian margins and water quality;</p> <p>l. Monitoring, reporting and community liaison requirements;</p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

¹⁰ Various – see Section 17.2 of the s42A Report.

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Overall JWS #2 amendments are indicated by underlined yellow highlighted text with deletions indicated by ~~strikethrough yellow highlighted text~~.

<p>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 – R7.¹¹</p>	
<p>GRUZ - R25 Mineral <u>Prospecting, Mineral Exploration and Mineral Extraction</u> Activities not meeting Permitted or Controlled Activity Standards</p>	
<p>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 – R7.¹²</p>	<p>Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where mineral extraction is proposed in these areas. <u>N/A</u></p>
<p>GRUZ - R32 Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards</p>	
<p>Activity Status Discretionary Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.¹³</p>	<p>Activity status where compliance not achieved: N/A</p>

Rural Lifestyle Zone

<p>RLZ - R11</p>	<p>Mineral Prospecting and Mineral Exploration</p>	
<p>1. This is authorised under a <u>mineral prospecting or mineral exploration permit from NZPAM New Zealand Petroleum and Minerals, where legally required;</u></p>	<p>Activity status where compliance not achieved: Restricted Discretionary</p>	

¹¹ Various – see Section 17.3 of s42A Report.

¹² Various – see Section 17.4 of s42A Report.

¹³ Various – See Section 17.5 of s42A Report.

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<ol style="list-style-type: none"> 2. Written notice is provided to the relevant District Council 10 working days ahead prior to <u>of any work mineral prospecting or mineral exploration commencing being undertaken</u>; 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 <u>Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary</u>; 4. The site shall be <u>is progressively</u> rehabilitated as far as is practicable to its original condition, <u>with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral Extracting ceases</u>; and 5. <u>No more than 5,000m³ of material is excavated in a calendar year</u>; and 6. <u>The mineral prospecting or mineral exploration does not occur within</u>: <ol style="list-style-type: none"> a. <u>An Outstanding Natural Landscape</u>; b. <u>An Outstanding Natural Feature</u>; c. <u>A Historic Heritage site</u>; d. <u>A Site or Area of Significance to Maori</u> e. <u>A Significance Natural Area</u>; or f. <u>An area of High or Outstanding Coastal Natural Character</u> 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. <p>Advice Notes:-</p> <ol style="list-style-type: none"> 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. 	
RLZ - R15 Mineral Prospecting and Exploration not Meeting Permitted Activity Standards and Mineral Extraction Activities	
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 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]. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> 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; 	<p>Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where the activity will occur in these areas: <u>N/A</u></p>

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<ul style="list-style-type: none"> 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. <p>Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7. ¹⁴</p>	
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RLZ-RX	Mineral Extraction
Activity Status Non-complying	Activity status where compliance not achieved: N/A¹⁵

Settlement Zone

SETZ - R15	Mineral Prospecting and Mineral Exploration
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a <u>mineral prospecting or mineral exploration permit from NZPAM New Zealand Petroleum and Minerals, where legally required;</u> 2. Written notice is provided to the relevant District Council 10 working days prior to the work <u>any mineral prospecting or mineral exploration commencing;</u> 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 <u>Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary;</u> 4. The site shall be <u>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</u> 5. <u>No more than 5,000m³ of material is excavated in a calendar year per site; and</u> 6. <u>The mineral prospecting or mineral exploration does not occur within:</u> <ol style="list-style-type: none"> a. <u>An Outstanding Natural Landscape;</u> b. <u>An Outstanding Natural Feature;</u> c. <u>A Historic Heritage site;</u> d. <u>A Site or Area of Significance to Māori;</u> 	<p>Activity status where compliance not achieved:</p> <p>Restricted Discretionary</p>

¹⁴ Buller Conservation Group (S552.183), Frida Inta (S553.183) and Suzanne Hills (S443.049)

¹⁵ Various – see Section 18.2 of the s42A Report.

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<p>e. <u>A Significant Natural Area; or</u> f. <u>An area of High or Outstanding Coastal Natural Character</u> 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.</p> <p>Advice Notes:</p> <ol style="list-style-type: none"> Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM – R7. 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.¹⁶ 	
<p>SETZ - R23</p>	<p>Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards and Mineral Extraction Activities</p>
<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 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]. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> Management of access, parking, traffic generation and transport of minerals from the site; Noise, glare, light, dust, blasting and vibration management; Hours of operation; Hazardous substances and waste management; Historic and cultural heritage requirements; Extent and design of earthworks and indigenous vegetation clearance; Effects on any threatened fauna and flora or their habitats; Design and location of ancillary buildings, structures and infrastructure; Landscape measures; Maintaining public access; Effects on riparian margins and water quality; Monitoring, reporting and community liaison requirements; Financial contributions and any requirement for bonds; and Site rehabilitation and mine closure requirements. <p>Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.¹⁷</p>	<p>Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where the activity will occur in these areas: <u>Discretionary</u></p>
<p>SETZ-RX</p>	<p>Mineral Extraction</p>

¹⁶ Various – see Section 19.1 of the s42A Report.

¹⁷ Various – See Section 19.2 of s42A Report.

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<u>Activity Status Non-complying</u>	<u>Activity status where compliance not achieved: N/A¹⁸</u>
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¹⁸ See Section 19.1 of s42A Report.

**Attachment 3 – Recommended Overall JWS #2 amendments to the Appendix 7
Management Plan provisions**

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Appendix Seven: Mineral Extraction Management Plan Requirements

Te Āpiti hanga Tuawhitu: Ngā Here mō Whakahaere i te Keringa o ngā Kohuke

Outline of Content Requirements for a Mineral Extraction Management Plan

1. The following matters, where relevant, shall be addressed in any Mineral Extraction Management Plan triggered by the applicable rules:
 - a. The size and scale (including area and volume of earthworks or ground disturbance) of mineral prospecting, mineral exploration, mineral extraction and / or mineral processing activities and the expected length of operations;
 - b. The design, and layout and progression of the activity on of the site, including (but not limited to):
 - i. access roads;
 - ii. any stockpiles;
 - iii. any stormwater management measures and the extent of the mineral extraction area; and
 - iv. any supporting facilities (e.g. buildings or structures);
 - 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 environment;
 - 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~~ manage adverse effects on the natural environment, including any areas of indigenous biodiversity (flora and fauna), natural inland wetlands and watercourses;
 - f. As relevant, ~~h~~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~~ manage 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. Details on any archaeological sites, heritage buildings or structures within the relevant area, and any proposed measures required to manage adverse effects on these features;
 - j. Details, location and quantities of hazardous substances to be used and stored on the site and to be transported to and from the site;
 - k. Details of any anticipated mining scheduling, staging and / or sequencing and any assorted annual reporting necessary to be provided to Council for the duration of the activity;
 - l. Annual work programme to be submitted to Council for the duration of the activity;

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- m. Details on any ~~annual~~ monitoring to be undertaken for the duration of any mineral prospecting, mineral exploration, mineral extraction and / or mineral processing activities; ~~and~~
- n. 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;.

Note: In relation to any of the above matters, expert assessment may be required from a suitably qualified and experienced professional to address site, location or activity specific circumstances

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~~
- ~~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 landuses~~

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)~~
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- ~~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 Plan¹~~

¹ Various – see Section 20.1 of the s42A.
