



To: Hearing Commissioners – Proposed Te Tai o Poutini Plan (pTTPP)
From: David Badham – Reporting Officer
Date: 2 December 2024
Re: s42A Author Right of Reply – Mining and Minerals Topic

1.0 Introduction and Purpose

- (1) This Right of Reply is written by David Eric Badham. Details on my qualifications and experience are provided in Section 2.0 of the s42A Report for Mining and Minerals.
- (2) The purpose of this Right of Reply is to respond to the evidence, outstanding matters from expert witnesses causing, questions and matters raised by the Commissioners for the Mineral Extraction Topic hearings which relates to provisions in:
 - (a) The Buller Coalfield Zone (BCZ);
 - (b) Mineral Extraction Zone (MINZ);
 - (c) Mineral extraction provisions in the Rural Zones (RURZ), Open Space (OSZ) and Natural Open Space Zones (NOSZ);
 - (d) Appendix Seven – Management Plan provisions;
 - (e) Schedule Nine;
 - (f) Schedule Ten; and
 - (g) Relevant definitions within the Definition Chapter.
- (3) The hearing for this topic was held in two separate streams, the first being in Westport on Tuesday 28 May – Wednesday 29 May 2024, and the second being in Greymouth from Tuesday 11 June – Thursday 13 June 2024.
- (4) Following the hearing, the Commissioners issued two Minutes:
 - (a) Minute 30 requested that the Councils provide information that they held regarding Coal Mining Licenses under the Coal Mines Act (1979); Ancillary Coal Mining Licenses under the Coal Mines Act (1979); and Resource Consents issued under the Resource Management Act (1991) for the various sites proposed to be located within the BCZ and MINZ.
 - (b) Minute 32 which provided specific directions regarding expert witness caucusing to be undertaken by the expert planners, and the matters to be addressed in this written Right of Reply which included:
 - (i) Matters covered in the expert caucusing.
 - (ii) Validation of any information received from the Councils for the various MINZ areas identified within the pTTPP as per Minute 30.

- (iii) Response to specific rezoning requests from submitters and any amendments to the s42A report recommendations.
 - (iv) GIS mapping of the MINZ showing the overlays that are proposed to apply over the top of it.
 - (v) Indigenous biodiversity – whether provisions are needed in the MINZ and BCZ noting that SNAs are only currently mapped for the Grey District (albeit not based on the NPS-IB or RPS criteria) and none have been identified for the Buller or Westland Districts.
 - (vi) Rehabilitation requirements – noting the comments and feedback on the deletion of “best practice standards”.
 - (vii) Management of reverse sensitivity in the provisions for sensitive activities established within proximity to the MINZ.
 - (viii) Issues relating to scope with particular changes, including:
 - BCZ-P1
 - MINZ-P1
 - GRUZ-R12 – whether a new farm quarry rule can be introduced
 - (ix) The consistent use of advice notes in the provisions.
 - (x) Poutini Ngāi Tahu statement on the overlap with SASM and Aotea / Pounamu prospecting.
 - (xi) Any other minor changes (typos, corrections, etc) to the s42A Report since the hearing.
 - (xii) An updated Appendix 1 and 2 of the s42A Report.
- (5) This Right of Reply is structured to address the matters outlined above, and any additional outstanding matters that I consider warrant a response. My final recommended amendments to provisions are included in the following attachments:
- **Attachment 1:** Recommended provisions (tracked);
 - **Attachment 2:** Recommended provisions (clean);
 - **Attachment 3:** Section 32AA assessment; and
 - **Attachment 4:** Wynn Williams legal advice regarding scope.
- (6) There are also the following additional Appendices which will be available separately to this document due to file size:
- **Appendix 1a-x:** Memorandums Outlining Recommendations for Each Notified MINZ and BZC Site; and
 - **Appendix 2:** GIS maps showing notified MINZ and BCZ with applicable notified overlays.

1.1 Expert witness caucusing

- (7) Between the two hearing streams, a preliminary Joint Witness Statement (JWS) was prepared dated 7 June 2024 by the following planning witnesses:
- (a) David Badham – Partner Barker & Associates, Councils’ independent s42A Reporting Planner for the pTTPP Mineral Extraction Topic;
 - (b) Claire Hunter – Director Mitchell Daysh, on behalf of Bathurst Resources and BT Mining;
 - (c) Mark Lile – Resource Management Consultant Landmark Lile Limited, on behalf of Westreef Services Limited;
 - (d) Michael McEnaney – Regulatory Manager, on behalf of Grey District Council; and
 - (e) Kate McKenzie – Director WePlan Ltd, on behalf of WMS Group (HQ) Limited and WMS Land Co. Limited.

The above were collectively referred to as “the Planners” within the JWS.

- (8) This JWS (referred to as JWS #1), addressed a number of matters that it was deemed would be beneficial for expert caucusing. JWS #1 was presented at the second Hearing Stream, and it was noted that not all matters were able to be addressed, and that further caucusing would be beneficial.
- (9) As a result, and following the issuing of Minute #32, two further JWS were completed as follows:
- (a) Overall JWS prepared by the Planners (JWS #2) dated 20 September 2024. This specifically addresses the matters outlined in Minute #32 which required input/involvement from all Planners.
 - (b) Buller Coalfield Zone Joint Witness Statement (BCZ JWS) which was prepared by Ms Hunter and I, dated 20 September 2024. This specifically addresses the BCZ specific matters outlined in Minute #32, which only required input/involvement from Ms Hunter and I, noting that the other planning experts had no interest in behalf of the submitters they represented.
- (10) Unless anything has specifically changed, as I outline in Section 2.0 below, I do not further address matters outlined within these JWS, and confirm that my opinion, as outlined within them at the time of writing this Right of Reply, is otherwise unchanged.

2.0 Matters arising following caucusing

2.1 Farm quarries

- (11) “Farm quarries” were addressed in paragraph 9.1 – 9.5 of JWS #2. In short, the Planners identified concerns regarding the gap for a specific rule permitting “farm quarries” in the General Rural Zone (GRUZ). The Planners subsequently recommended a new rule “GRUZ-RX” specifically permitting “farm quarries” within the GRUZ.
- (12) Following the release of JWS #2 on 20 September 2024, Lois Easton contacted me to advise her recommended amendments to the definition of “farm quarry” in her Right of Reply for the Rural Zones and Settlement Zones topic dated 30 September 2024. Mr Easton’s recommended wording for “farm quarry” is provided below:

*“Farm Quarry means an open pit or excavation from which quantities of soil, stone, gravel or mineral is extracted for farming activities on the same **site farm property.**”*

- (13) Furthermore, Ms Easton advised that “farm quarries” are captured in the definition of “agricultural, horticultural and pastoral activities” which is proposed to be defined as follows:

“means the use of land or buildings where the primary purpose is to produce livestock, crops and other agricultural produce that relies on the productive capacity of land, and includes:

- a. agriculture, pastoral/livestock farming, dairying and horticulture except for intensive indoor primary production;*
- b. beekeeping;*
- c. sphagnum moss collection;*
- d. storage of products and initial processing of horticultural and agricultural products produced on that site;*
- e. the storage, treatment and disposal of solid and liquid animal waste;*
- f. wood lots;*
- g. stock sale yards;*
- h. rural research;*
- i. rural produce retail (where the rural produce is grown or produced on site, and products manufactured from it are offered for sale);*
- j. farm quarries;***
- k. intermittent use of rural airstrips and landing areas by aircraft undertaking activities for rural production purposes; and*
- l. ancillary structures/accessory buildings.”*

- (14) At the time of preparing the s42A, and also during the preparation of JWS #2, I was not aware that “farm quarries” were included in this definition. In my opinion, this is symptomatic of the proposed approach to definitions within the pTTPP, and the lack of nesting tables to demonstrate when definitions of terms such as “farm quarries” are captured in broader terms such as “agricultural, horticultural and pastoral activities.” However, I acknowledge there is no scope for me to recommend changes to the approach to definitions/inclusion of nesting tables within the pTTPP within the Mining and Minerals Topic.

- (15) Notwithstanding the above, I accept that “farm quarries” are captured within the definition of “agricultural, horticultural and pastoral activities”, and therefore is already provided for as a permitted activity within the GRUZ in GRUZ-R1. As a result, I no longer consider that Rule GRUZ-RX

as outlined in paragraphs 9.1 – 9.5 of JWS #2 is necessary, and I have removed this from my recommended provisions in **Attachment 1** and **2**.¹

2.2 Special Purpose Zones – MINZ and BCZ

2.2.1 Background

(16) Mandatory Direction 8.3 of the National Planning Standards 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.”

(17) The Planners assessed the above and all agreed on a principled basis that the MINZ and BCZ meet clause a – c above for the reasons outlined in paragraph 3.2 of JWS #2. I confirm that I still agree with this position.

(18) Paragraph 3.3 of JWS #2 stated the following:

*“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 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.”*

(Emphasis Added)

(19) Similarly, Paragraph 3.8 of JWS#2 stated:

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

(Emphasis Added)

(20) The original section 32 for the Mineral Extraction Topic provides an evaluation of:

- (a) The appropriateness of the existing and proposed objectives to achieve the purpose of the RMA²; and
- (b) Evaluation of Policies, Rules and Zones for the BCZ and MINZ, and provisions for Rural and Open Space Zones.³

¹ Prior to the release of the written right of reply, I have not had the opportunity to identify this matter with the other Planners involved in the JWS. I assume that they would also have similarly been unaware that “farm quarries” was captured in the definition of “agricultural, horticultural and pastoral activities.”

² See Section 4.1 of the Te Tai o Poutini Plan Section 32 Report 14 Mineral Extraction.

³ See Section 4.2 of the Te Tai o Poutini Plan Section 32 Report 14 Mineral Extraction.

- (21) The original section 32 evaluation concluded the proposed notified provisions for the above, were the most appropriate in terms of the requirement of Section 32 of the RMA.
- (22) In **Attachment 3**, I have provided a more detailed and targeted assessment pursuant to Section 32AA of the RMA regarding the inclusion of the BCZ and MINZ within the pTTPP. This ultimately concludes that Option 4, is the most appropriate in terms of efficiency and effectiveness compared to the other options I have identified.
- (23) While this is the conclusion I have reached, I consider that the determination is finally balanced. I see one of the main benefits of the notified MINZ/BCZ approach is the ability to manage reverse sensitivity effects, however, this is ultimately stymied by the lack of provisions within the other zones regarding setbacks for sensitive activities from the MINZ/BCZ – I address this further in Section 7.0 below.

3.0 Rezoning requests

3.1 Validation of information provided

- (24) As requested in paragraph 5(ii), along with assistance from Council staff and my colleague Laura Bowman from Barker & Associates, I have undertaken a comprehensive review of information provided by West Coast Regional Council (**WCRC**); Buller District Council (**BDC**); Grey District Council (**GDC**); Westland District Council (**WDC**); Bathurst Resources Limited and BT Mining Limited (**Bathurst**); and other submitters who presented relevant information.
- (25) The amount of information provided by the councils was extensive and proved challenging to review and identify how it correlated to the proposed extent of the MINZ and BCZ mapping that was notified for the pTTPP.⁴ This resulted in me requesting further time to assess the information, which was confirmed by the Panel in Minute #50.
- (26) Below I outline how the information was obtained, the methodology taken to assess it, and a summary of the findings of the assessment of that information and associated recommendations.

3.2 Methodology

- (27) Many of the MINZ and BCZ sites were referred to by different naming conventions across the multiple parties. Further several of the larger sites contained multiple mine sites with individual names and identifiers. For ease of reference, and to provide consistency, a numbering system has been assigned to refer to the notified MINZ and BCZ areas as follows:
- (a) BCZ 1: Denniston Plateau
 - (b) BCZ 2: Stockton Mine
 - (c) MINZ 1: Barrytown Flats
 - (d) MINZ 2: Dunganville
 - (e) MINZ 3: Inchbonnie

⁴ This was less of an issue for the BCZ, because comprehensive information was provided by Bathurst Resources Limited and BT Mining Limited in their Memorandum of Counsel dated 1 November 2024.

- (f) MINZ 4: Kiwi Quarry
- (g) MINZ 5: Kumara/Greenstone
- (h) MINZ 6: Paparoa Coal Field
- (i) MINZ 7: Stillwater
- (j) MINZ 8: Camelback Quarry
- (k) MINZ 9: Ianthe Forest
- (l) MINZ 10: Okuru Quarry
- (m) MINZ 11: Rimu Channel
- (n) MINZ 12: Ross Goldfields
- (o) MINZ 13: Echo
- (p) MINZ 14: Giles Creek
- (q) MINZ 15: Grey Valley Distribution
- (r) MINZ 16: Karamea Lime Quarry
- (s) MINZ 17: Karamea Quarry
- (t) MINZ 18: Mai Mai
- (u) MINZ 19: New Creek
- (v) MINZ 20: Reefton Distribution
- (w) MINZ 21: Snowy River Goldmine
- (x) MINZ 22: Te Kuka

(28) The following is a timeline of the comprehensive review process of information provided:

Date	Action
12 July 2024	Meeting with Council representatives from GDC, WCRC, and BDC to discuss Minute 30 and the provision of any information pertaining to licenses and/or resource consents in relation to the MINZ and BCZ of the TTPP.
15 July – 9 August 2024	Information bundles were provided by GDC, WCRC, and BDC. Approximately 350 documents were received for review.
29 July – 16 August 2024	Preliminary Assessment of the information received completed. This involved identifying which Licenses and Resource Consent information fell within or in proximity to the notified MINZ and BCZ of the TTPP.
August – September 2024	Ms Bowman and I reviewed the information received from the Councils and Evidence prepared by various Submitters. At the conclusion of the review of the information received, it was determined that there were gaps in the information provided.

07 October 2024	A further email was sent to Council Representatives from GDC, WCRC, and BDC with a list of further information required.
14 October – 17 October 2024	Further Information was provided by GDC, WCRC, and BDC. Approximately a further 150 documents were received for review.
01 November 2024	Information was provided by Bathurst in their Memorandum of Counsel.
October – November	Ms Bowman and I reviewed the further information received from the Councils and from Bathurst.
2 December 2024	Ms Bowman and I concluded the review of Coal Mining Licences and/or Resource Consents in relation to the MINZ and BCZ of the TTPP and provided recommendations.

3.3 Summary of Findings and recommendations for rezoning requests

3.3.1 BCZ

- (29) **BCZ 1 – Denniston Plateau:** Information was provided by BDC, WCRC, and through evidence from Bathurst. This included a number of Resource Consents, CML, and ACML which identified that the majority of the notified BCZ at Denniston Plateau has authorisation to operate a mining activity. It is recommended that the notified BCZ for Denniston Plateau is **amended** slightly to align with the areas subject to the existing Resource Consents, CML, and ACML. Please see **Appendix 1a** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified BCZ at Denniston Plateau.
- (30) **BCZ 2 – Stockton Mine:** Information was provided by BDC, WCRC, and through evidence from Bathurst. This included a number of Resource Consents, CML, and ACML which identified that the majority of the notified BCZ at Stockton Mine has authorisation to operate a mining activity. The submission and presentation of the submitter Mark Pitchfork as it related to his property adjacent to part of the Stockton Mine BCZ are acknowledged, however, was unable to clearly determine that the relevant authorisations did not extend in that area. Notwithstanding this, it is recommended that the notified BCZ at Stockton Mine is **amended** slightly to align with the areas subject to the existing Resource Consents, CML, and ACML. Please see **Appendix 1b** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified BCZ at Stockton Mine.

3.3.2 MINZ

- (31) The comprehensive review of the information provided by the Councils has identified the areas within and adjacent to the notified MINZ that have authorisation to operate a mining activity. As such, the following recommendations are made below with the full reported assessment for each site provided in the referenced Appendices cited alongside each site listed.

MINZ sites recommended to remain as notified

- (32) **MINZ 15: Grey Valley Distribution Centre:** Information was provided by BDC in relation to the notified MINZ at Grey Valley Distribution Centre. This included a copy of Resource Consents RC05/29 and RC080045. These Resource Consents identify that the full extent of the notified MINZ at Grey Valley Distribution Centre has authorisation to operate a mining activity. As such, it is recommended that the notified MINZ for Grey Valley Distribution Centre is retained. Please see **Appendix 1q** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Grey Valley Distribution Centre.
- (33) **MINZ 20: Reefton Distribution Centre:** Information was provided by BDC and WCRC in relation to the notified MINZ at Reefton Distribution Centre. Further information sourced from the New Zealand Petroleum and Minerals (NZPM) GIS database for Mineral Permits also confirmed the extent of ACML 37160-01 in relation to the notified MINZ at Reefton Distribution Centre. These authorisation mechanisms identify that the full extent of the notified MINZ at Reefton Distribution Centre has authorisation to operate a mining activity. As such, it is recommended that the notified MINZ at Reefton Distribution Centre is retained. Please see **Appendix 1v** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Grey Valley Distribution Centre.

MINZ sites recommended to be amended / reduced

- (34) **MINZ 1 – Barrytown Flats:** a copy of LUN3154-24 was provided by BDC in relation to the notified MINZ at Barrytown Flats. This Resource Consent identified that the majority of the notified MINZ at Barrytown Flats has authorisation to operate a mining activity, with some minor adjustments to the boundary lines. In particular, it is noted that the recent Environment Court Decision dated 2 October 2024 granted land use consent for the proposed mining operations. It is not known if this decision is beyond the period of any further appeal (e.g., to the High Court). Notwithstanding this, and on the basis of an assumption that the Environment Court decision is beyond challenge, it is recommended that the notified MINZ at Barrytown Flats is amended slightly to coincide with the area subject to LUN3154-24. Please see **Appendix 1c** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Barrytown Flats.
- (35) **MINZ 2: Dunganville:** Information was provided by GDC and WCRC in relation to the notified MINZ at Dunganville. These Resource Consents identified that a portion of the notified MINZ for Dunganville and some adjacent areas have authorisation to operate a mining activity. As such it is recommended that the notified MINZ at Dunganville is amended to coincide with the areas subject to the existing Resource Consents. Please see **Appendix 1d** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Dunganville.
- (36) **MINZ 5: Kumara/Greenstone:** Information was provided by WCRC in relation to the notified MINZ at Kumara/Greenstone. This included a copy of Resource Consents RC-2023-0008 and RC-2023-0025 which identified an area within the notified MINZ at Kumara/Greenstone that has authorisation to operate a mining activity. As such it is recommended that the notified MINZ for Kumara/Greenstone is reduced to only include the areas subject to RC-2023-0008 and RC-2023-0025. Please see **Appendix 1g** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Kumara/Greenstone.
- (37) **MINZ 6: Paparoa Coal Field:** Information was provided by GDC and WCRC in relation to the notified MINZ at Paparoa Coal Field. This included a number of Resource Consents. Further information

sourced from the NZPM GIS database for Mineral Permits also confirmed the extent of several CML and ACML in relation to the notified MINZ at Paparoa Coal Field. The information available identified that a portion of the notified MINZ for Paparoa Coal Field, and some adjacent areas, have authorisation to operate a mining activity. As such, it is recommended that the notified MINZ at Paparoa Coal Field is **amended** to coincide with the areas subject to the existing Resource Consents, CML, and ACML. Please see **Appendix 1h** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Paparoa Coal Field. Out of all of the MINZ sites, this has proved to be one of the most complex with the largest amount of information which has been difficult to reconcile and understand. The recommendation has been made utilising a consistent conservative approach as has been taken with all of the other sites. Nevertheless, there is a distinct possibility for this one that there are gaps in the information that, if provided, could result in a different recommendation.

- (38) **MINZ 7: Stillwater:** a copy of LU1422/06 was provided by GDC in relation to the notified MINZ at Stillwater. This resource consent identified that a portion of the notified MINZ at Stillwater has authorisation to operate a mining activity. As such it is recommended that the notified MINZ at Stillwater is **reduced** to only include the area subject to LU1422/06. Please see **Appendix 1i** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Stillwater.
- (39) **MINZ 8: Camelback Quarry:** No information was made available from WCRC in relation to the notified MINZ at Camelback Quarry. However, evidence was provided on behalf of Koiterangi Lime Company Ltd which included a copy of Resource Consents N94/388. This Resource Consent identifies that Section 2-3 Survey Office Plan 11712, which is adjacent to the notified MINZ for Camelback Quarry, has authorisation to operate a mining activity. As no authorisation mechanisms were received in relation to the land within the notified MINZ at Camelback Quarry it is recommended that the notified MINZ at Camelback Quarry is **amended** to only include the area subject to N94/388. Please see **Appendix 1j** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Camelback Quarry.
- (40) **MINZ 9: lanthe Forest:** a copy of RC-2021-0161 was provided by WCRC in relation to the notified MINZ at lanthe Forest. This Resource Consent identifies that a portion of the notified MINZ for lanthe Forest has authorisation to operate a mining activity. As such it is recommended that the notified MINZ at lanthe Forest be significantly **reduced** to only include the area subject to RC-2021-0161. Please see **Appendix 1k** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at lanthe Forest.
- (41) **MINZ 11: Rimu Channel:** Information was provided by WCRC in relation to the notified MINZ at Rimu Chanel. This included a number of Resource Consents which identified that only a portion of the notified MINZ at Rimu Chanel have authorisation to operate a mining activity. As such it is recommended that the notified MINZ for Rimu Chanel is **reduced** to coincide with the areas subject to the existing Resource Consents. Please see **Appendix 1m** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Rimu Chanel.
- (42) **MINZ 12: Ross Goldfields:** Information was provided by WCRC in relation to the notified MINZ at Ross Goldfields. This included a number of Resource Consents which identified that only a portion of the notified MINZ at Ross Goldfields have authorisation to operate a mining activity. As such it is recommended that the notified MINZ at Ross Goldfields is **reduced** to coincide with the areas

subject to the existing Resource Consents. Please see **Appendix 1n** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Ross Goldfields.

- (43) **MINZ 13: Echo:** Information was provided by BDC and WCRC in relation to the notified MINZ at Ross Goldfields which included a number of Resource Consents. Further information sourced from the NZPM GIS database for Mineral Permits also confirmed the extent of CML 37160 in relation to the notified MINZ at Echo. These authorisation mechanisms identified that a portion of the notified MINZ at Echo has authorisation to operate a mining activity. As such it is recommended that the notified MINZ at Echo is **reduced** to coincide with the areas subject to the existing Resource Consents. Please see **Appendix 1o** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Echo.
- (44) **MINZ 14: Giles Creek:** Information was provided by BDC in relation to the notified MINZ at Giles Creek which included a number of Resource Consents. Further information sourced from the NZPM GIS database for Mineral Permits also confirmed the extent of CML 37120 in relation to the notified MINZ at Echo. These authorisation mechanisms identified that a portion of the notified MINZ at Giles Creek has authorisation to operate a mining activity. As such it is recommended that the notified MINZ at Giles Creek is **reduced** to coincide with the areas subject to the existing Resource Consents. Please see **Appendix 1p** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Giles Creek.
- (45) **MINZ 16: Karamea Lime Quarry:** Information was by WCRC and through evidence on behalf of Karamea Lime Co Ltd. This included a copy of RC-2020-0013 which identified that the full extent of the notified MINZ at Karamea Lime Quarry and the land adjacent to the MINZ, identified as Lot 1 DP 483059, have authorisation to operate a mining activity. As such it is recommended that the notified MINZ at Karamea Lime Quarry is **amended** to include Lot 1 DP 483059. Please see **Appendix 3r** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Karamea Lime Quarry.
- (46) **MINZ 18: Mai Mai:** Information was provided by BDC in relation to the notified MINZ at Mai Mai. This included a copy of RC120080 which identified that a majority portion of the notified MINZ at Mai Mai has authorisation to operate a mining activity. As such it is recommended that the notified MINZ at Mai Mai is slightly **reduced** to coincide with the boundary of RC120080. Please see **Appendix 1t** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Mai Mai.
- (47) **MINZ 19: New Creek:** Information as provided by BDC and WCRC in relation to the notified MINZ at New Creek. This included copies of RC12180 and RC140030 which identified that only a small portion of the notified MINZ at New Creek has authorisation to operate a mining activity. As such it is recommended that the notified MINZ at New Creek is either significantly **reduced** or **deleted** from the MINZ. Please see **Appendix 1u** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at New Creek.
- (48) **MINZ 21: Snowy River:** Information as provided by BDC and WCRC in relation to the notified MINZ at Snowy River. This included RC220060 which identified that only a small portion of the notified MINZ at Snowy River has authorisation to operate a mining activity. As such it is recommended that the notified MINZ at Snowy River is either significantly **reduced** or **deleted** from the MINZ. Please see **Appendix 1w** for a full copy of the assessment of the authorisation mechanisms provided in relation to the notified MINZ at Snowy River. Out of all of the MINZ sites, this has proved to be another of the most complex, more due to the lack of information being provided to justify the

significant extent of the mapped MINZ. The recommendation has been made utilising a consistent conservative approach as has been taken with all of the other sites. Nevertheless, there is a distinct possibility for this one that the lack of information that, if provided, could result in a different recommendation.

MINZ sites recommended to be deleted

- (49) **MINZ 3: Inchbonnie Quarry:** No information was received in evidence, from GDC or WCRC in relation to the notified MINZ at Inchbonnie Quarry. As no authorisation mechanisms were made available to confirm authorisation to operate a mining activity, it is recommended that notified MINZ at Inchbonnie Quarry is **deleted** from the MINZ. Please see **Appendix 1e** for the full assessment of the notified MINZ at Inchbonnie Quarry.
- (50) **MINZ 4: Kiwi Quarry:** No information was received in evidence, from GDC or WCRC in relation to the notified MINZ for Kiwi Quarry. As no authorisation mechanisms were made available to confirm authorisation to operate a mining activity, it is recommended that notified MINZ at Kiwi Quarry is **deleted** from the MINZ. Please see **Appendix 1f** for the full assessment of the notified MINZ at Kiwi Quarry.
- (51) **MINZ 10: Okuru Quarry:** No information was received in evidence, from WDC or WCRC in relation to the notified MINZ at Okuru Quarry. As no authorisation mechanisms were made available to confirm authorisation to operate a mining activity, it is recommended that notified MINZ at Okuru Quarry is **deleted** from the MINZ. Please see **Appendix 1l** for the full assessment of the notified MINZ at Okuru Quarry.
- (52) **MINZ 17: Karamea Quarry:** No information was received in evidence, from BDC or WCRC in relation to the notified MINZ at Karamea Quarry. As no authorisation mechanisms were made available to confirm authorisation to operate a mining activity, it is recommended that notified MINZ at Karamea Quarry is **deleted** from the MINZ. Please see **Appendix 1s** for the full assessment of the notified MINZ at Okuru Quarry.
- (53) **MINZ 24: Te Kuha:** Information was provided from BDC in relation to the notified MINZ at Te Kuha. This included a copy of the Environment Court Decision dated 19 April 2023 which declined the application for resource consent to operate open-cast coal mine Te Kuha Escarpment. As such it is recommended that notified MINZ at Te Kuha is **deleted** from the MINZ. Please see **Appendix 1x** for the full assessment of the notified MINZ at Te Kuha.

3.4 Summary and possible next steps

- (54) In summary, I previously identified some fundamental concerns regarding the extent of mapping for the MINZ and BCZ within Section 22.1 of the s42A. While the provision of information has assisted in providing greater clarity than what was previously available, in particular for the BCZ based on the information provided by Bathurst, there are still significant gaps as it relates to the extent of the MINZ as I have outlined above. This has resulted in me recommending the removal or significant amendment/reduction of the MINZ as it relates to a number of sites. Furthermore, while the Councils have provided information that they have available, I maintain concerns that there are still significant gaps in the information provided.
- (55) In my opinion, the provision and sharing of such a large volume of information and my new recommendations above as to the revised extent of proposed zoning, warrants consideration as to

how this is addressed by the Panel, and subsequently what opportunity is provided to submitters and further submitters to comment further or provide additional information.

- (56) I consider that this is a procedural matter for determination by the Panel. Nevertheless, I do consider that this is a unique situation, and in my view, a further opportunity for input may be justifiable given the circumstances, and in the broader interests of fairness.
- (57) A number of amendments to the MINZ mapping have been outlined above and indicated in maps in **Appendix 1a-1x**. These will require assistance from Council's GIS expert from Property Group Conor McIntosh to update the maps accordingly. I have not provided these yet, as depending on the Commissioners' position with regard to the above, further changes may be necessary based on the provision of further information. However, if the Commissioners would prefer that this is done now based on the recommendations outlined in Section 3.3 above, then the provision of mapping can be undertaken at that time.

4.0 GIS mapping showing the overlays overtop of the MINZ and BCZ

- (58) Council's GIS expert from Property Group Conor McIntosh has provided maps that show all overlays in the pTTPP that intersect with a proposed MINZ or BCZ area. These are included as **Appendix 2**.
- (59) It is important to note that these maps are based on the notified pTTPP Overlay mapping. I understand that further changes to the proposed Overlay mapping is being considered in response to other hearings (including the Coastal Environment and Landscape hearings that have already been heard). Depending on timing, and whether changes to the Overlays are considered appropriate by the Panel, then it may be useful in my opinion to provide updated mapping showing the Overlays overtop of the revised extent of the MINZ and BCZ.

5.0 Indigenous biodiversity

- (60) I acknowledge the questions from the Panel regarding whether or not there should be provisions within the MINZ and BCZ for the management of mineral extraction activities within areas of indigenous biodiversity.
- (61) I acknowledge that the consideration of this matter is complicated in that changes to the NPS-IB have been clearly signalled by Central Government. I understand that there is an over-riding duty for a territorial authority, under Section 74(1)(ea), to prepare its District Plan in accordance with a National Policy Statement as it reads at the time considering the matter. However, noting the likely timeframes for hearings, I understand that it is likely that the forecast changes from Central Government will be more advanced, and possibly in force, by the time eventual decisions on the pTTPP are released.
- (62) As I understand it, Significant Natural Areas (SNAs) were proposed in the notified pTTPP only for the Grey District, and based on the Regional Policy Statement criteria, and not the criteria outlined within the National Policy Statement for Indigenous Biodiversity (NPS:IB).
- (63) Notwithstanding that I am not the Reporting Planner for the Ecosystems and Biodiversity Chapter (ECO Chapter), if the Panel has the ability to direct it, I consider that SNAs should be mapped within the pTTPP. Fundamentally on a principled basis, I consider it is usually most efficient or effective to map a feature or characteristic (e.g., SNAs or Outstanding landscapes) if provisions are proposed to

apply for the avoidance or management of effects on them. Without mapping, there is uncertainty for plan users as to where the provisions apply. Alternative approaches of relying simply on identification prior to subdivision and development via a definition or some other means without mapping are, in my opinion and experience, inherently difficult to consistently apply, monitor and enforce.

- (64) The other outstanding issue associated with the above, is where these provisions are best located. As I have outlined in the s42A⁵ and reiterated in the BCZ JWS⁶, I consider that this is best addressed in the ECO Chapter.
- (65) A key purpose of the ECO Chapter is to manage SNAs and areas of significant indigenous vegetation and fauna. In my opinion, it is more efficient and effective for district wide provisions (e.g., objectives, policies and rules) relating to SNAs and indigenous biodiversity to be located in the ECO Chapter within Part 2 (District Wide Matters) of the pTTPP, rather than being scattered throughout the plan in the MINZ or BCZ which are located in Part 3 (Area Specific Matters).
- (66) Therefore, I do not recommend the inclusion of any additional provisions relating to indigenous biodiversity within the MINZ or BCZ Chapters.

6.0 Rehabilitation requirements

- (67) During the hearing I was asked a number of questions by the Panel regarding my recommendations to delete “best practice standards” from MINZ-P3⁷ and BCZ-P3.⁸ My recommended wording for MINZ-P3 was:

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

- (68) The reasoning for both recommendations was the same:

“In my opinion, “best practice” is meaningless within the context of the policy, as the immediate question I have is, “best practice” to whom and what standard. I also consider that the term “best practicable” environmental standards is equally murky and unclear for plan users. In my opinion, it would be more suitable to remove the reference to environmental standards entirely within the policy and focus it to the rehabilitation.”

- (69) Other submitters and experts were asked similar questions during the hearing. From my recollection, none were able to definitively refer to a set of best practice standards that could be referred to for rehabilitation. I have also looked into this further since the hearing and was unable to find anything that was suitable in my opinion.
- (70) Irrespective of what standards are used, there would also be the issue that any document incorporated by reference within the pTTPP would need to follow the “document by reference” provisions in Part 3 to Schedule 1 of the RMA. This means the reference to the document would

⁵ See paragraph 363 of the s42A.

⁶ See paragraph 6.5 of the BCZ JWS.

⁷ See Section 10.9, paragraphs 181 – 185 of the s42A.

⁸ See Section 11.8, paragraphs 356 – 357 of the s42A.

need to be to a fixed version (e.g., a fixed date/version of the document). It would then require a plan change to change the reference if the hypothetical “best practice environmental standards” became outdated.

- (71) Therefore, for all of the above reasons, I maintain the position outlined in my s42A and continue to recommend that “best practice environmental standards” are deleted from MINZ-P3 and BCZ-P3.

7.0 Management of reverse sensitivity

- (72) As I have outlined in Section 2.2 above, one of the possible strengths of the use of the MINZ and BCZ, is that it makes it clear for all plan users where these mineral extraction activities are occurring, but also because provisions can put in place to manage reverse sensitivity and conflict between incompatible activities. In my opinion, this is an important issue as there is a higher order direction in the West Coast Regional Policy Statement regarding the management of reverse sensitivity as it relates to mineral extraction. For instance, see Policy 2 in Chapter 5 – Use and Development of Resources:

“2. To recognise that natural and physical resources important for the West Coast’s economy need to be protected from significant negative impacts of new subdivision, use and development by:

a) Avoiding, remedying or mitigating reverse sensitivity effects arising from new activities located near existing:

i) Primary production activities;

ii) Industrial and commercial activities;

iii) Minerals extraction*;

iv) Significant tourism infrastructure;

v) Regionally significant infrastructure; and

b) Managing new activities to retain the potential future use of:

i) Land with significant mineral resources; or

ii) Land which is likely to be needed for regionally significant infrastructure.

**Minerals extraction includes aggregates and other mining activities.”*

(My emphasis added)

- (73) There is also direction within the MINZ-P2, BCZ-P2, MINZ-P7, and RURZ-P19 related to the management of reverse sensitivity and incompatible activities:

“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.

BCZ-P2 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.

MINZ-P7 Manage conflicts between mineral extraction activities and other land uses by ensuring that:

a. Performance standards to ~~minimise impacts on the~~ maintain⁹ amenity, rural character and natural values of adjacent areas are met; and

b. Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.

RURZ-P19 Manage conflicts between lawfully established mineral extraction activities and other land uses by ensuring that:

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

Activities that are incompatible with the effects of mineral extraction activities are not established close to existing lawfully established¹⁰ mineral extraction activities.”

- (74) There are provisions within the BCZ and MINZ to manage reverse sensitivity within the zones, with activities such as residential activities and sensitive activities being a non-complying activity.¹¹ There are also provisions within the GRUZ-R12.3.f as it relates to the establishment of mineral extraction activities within 250m of a sensitive activity on an adjoining site.¹²
- (75) However, there are no equivalent provisions managing reverse sensitivity associated with sensitive activities within proximity to the BCZ and MINZ. In my opinion, this is a significant gap in the pTTPP provisions. This would logically be provided for, in a similar manner to GRUZ-R12.2.f, by the inclusion of a setback (e.g., 250m) for new sensitive activities from the boundary of the BCZ or MINZ.
- (76) Unfortunately, while I consider that there would be a sound resource management basis to recommend such provisions, as far as I am aware from my understanding of submissions, there is no direct scope available to include such provisions. Therefore, this is a gap that may be required to be addressed in future amendments to the pTTPP once operative.

8.0 Issues relating to scope

- (77) Minute 32 sought advice as to issues relating to the scope for my recommended changes to the following provisions
- (a) BCZ-P1 – I referred to this as the “zoning criteria” policy for the BCZ in the s42A and within the hearing;
 - (b) MINZ-P1 – I referred to this as the “zoning criteria policy for the MINZ in the s42A and within the hearing; and
 - (c) GRUZ-R12 – whether a new farm quarry rule can be introduced in the GRUZ.

⁹ This highlights my track change from the notified version of the provisions as per the s42A.

¹⁰ Ibid.

¹¹ Via MINZ-R10 and BCZ-R7.

¹² Noting that I have recommended changing the wording to “sensitive activity on an adjoining site.” I would also argue that the latter in GRUZ-R12 is not strictly a reverse sensitivity provision, as it is not managing the adverse effects of a sensitive activity establishing next to an established mineral extraction activity, and therefore is a provision designed for managing incompatible activities.

- (78) In response to this request, following the hearing, I contacted Wynn Williams to provide targeted legal advice on these specific matters. Their advice is included in **Attachment 4**, and in short concludes that there is scope to make changes to the aforementioned provisions. I rely on that advice and therefore consider there is scope for the changes.
- (79) The only further matter that I would add is that, since the advice was commissioned and provided by Wynn Williams, I was made aware of the “farm quarry” / “agricultural, horticultural and pastoral activities” overlap which I discuss in more detail in Section 2.1 of this right of reply. As such, it is no longer relevant whether there is scope to include a specific provision for “farm quarries” as this is already captured by GRUZ-R1.

9.0 Consistent use of advice notes

- (80) Within the s42A, I recommended the deletion of advice notes¹³ throughout the applicable provisions that duplicate what is already stated in the Overview Section.¹⁴ These typically included three advice notes as follows:

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

2. Mineral Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM - R7.

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

- (81) During the hearing I was questioned by the Commissioners regarding the consistency of this recommendation, given the use of advice notes throughout other topics/chapters in the pTTPP.
- (82) I accept that advice notes are a common feature of the architecture of the pTTPP. I do not have an over-riding position that advice notes should not be used, rather I consider that the advice notes should be helpful and ultimately aid in the interpretation/application of a rule or provision within a plan. With regard to the advice notes above, I more specifically note the following:
- (a) Advice Note 1 – I consider that this advice note is already addressed in the Overview Chapter. The wording of this note, alongside the general note previously essentially repeats that advice, although there are subtle differences in the wording that create uncertainty and a lack of clarity regarding the application of the provisions within the applicable Chapter. Therefore, I still recommend that this advice note be deleted as I have recommended
 - (b) Advice Note 2 – see Section 10.0 below. I accept that there is an overlap between the applicable rules within this advice note and SASM-R7, and I have subsequently recommended similar wording be reinserted as an advice note for the applicable rules.
 - (c) Advice Note 3 – I consider it unnecessary and unhelpful to advise that resource consents may be required from the West Coast Regional Council. Provisions administered by West Coast Regional Council stand on their own separately, and in particular, I consider that the reference to restrictions for earthworks within 100m to be unnecessary noting that there are

¹³ MINZ-R1, R2, R3, R5, R6 and R7.

¹⁴ See for instance paragraphs 224 – 225 in Section 10.15 and paragraphs 373 in Section 11.11 of the of the s42A.

also provisions under the National Environmental Standards for Freshwater which apply irrespective of the pTTPP.¹⁵

- (83) Notwithstanding the addition of a new advice note which I address further in Section 10.0 below, I confirm the following:
- (a) There are no further changes that I would recommend to the advice notes that I have recommended deleting within the s42A; and
 - (b) There are no further specific advice notes that I would recommend including within the applicable provisions.

10.0 Poutini Ngāi Tahu statement on overlap

- (84) During the second hearing stream on Thursday 13 June 2024, Philippa Lynch attended and tabled a statement on behalf of Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu (**Ngāi Tahu**). This raised concerns regarding my recommendations and potential contradictions and invalidations of the more enabling provisions elsewhere within the pTTPP related to the extraction of pounamu by Ngāi Tahu, and the use of the Pounamu and Aotea Management Overlay to avoid the unauthorised and deliberate disturbance or removal of these resources by non-hapū members.
- (85) As outlined in the hearing and my previous correspondence with Ms Lynch, it was not my intention to override the more enabling provisions for the extraction of pounamu by Ngāi Tahu, rather due to the narrow nature of my focus on the mining and mineral extraction provisions, I was unaware of the potential overlap, and the potential implications of my recommended amendments to the provisions relating to this.
- (86) I recommend the following amendment to the applicable provisions within MINZ-R1, MINZ-RX, BCZ-R1, BCZ-RX, OSZ-R11, GRUZ-R11, GRUZ-R12, RLZ-R11, and SETZ-R15¹⁶:

MINZ-R1 Mineral Prospecting and Mineral Exploration

Where:

6. The mineral prospecting or mineral exploration does not occur within:

a. ...

~~*d. A Site or Area of Significance to Māori;*~~

Advice Note:

X. Where the activity subject to this rule is located within the Site or Area of Significance to Māori, then compliance with SASM-R7 is required.

- (87) In my opinion, this addresses the overlap and ensures that the provisions within SASM-R7 apply as necessary, noting that there are specific requirements within that rule as it relates to mineral

¹⁵ Noting that there have already been amendments to these, and further amendments signalled by the current Government.

¹⁶ Using the wording for MINZ-R1 as an example below, noting that the recommendation is the same for all the provisions I have listed.

prospecting, exploration and extraction. As such, it is unnecessary to include the reference to a “Site or Area of Significance to Māori” and I have added an advice note to make that clear that SASM-R7 is applicable.

- (88) I have corresponded with Ms Lynch on this matter to see if it addresses her concerns on behalf of Ngāi Tahu. Following correspondence with Rachel Pull who provided Ngāi Tahu’s planning evidence, this approach was confirmed. I have also checked with Lois Easton, who has advised no issues with this approach given that she is the reporting planner for the SASM chapter.

11.0 Other matters

11.1 Specific paragraphs in the s42A

- (89) During the hearing I was asked a number of questions from the commissioners regarding statements and my analysis in the s42A. Below I address these as relevant.

Paragraph 97 of the s42A

- (90) Paragraph 97 of the s42A stated:

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

- (91) There was question from the Commissioners whether or not this needed to be revisited in terms of the lack of mapping of SNAs. I have addressed indigenous biodiversity in Section 5.0 above, and confirm that it is still my opinion that a blanket approach to requiring ecological assessments is not an efficient nor effective outcome.

Paragraph 137 & 138 of the s42A

- (92) These paragraphs stated:

137. Forest & Bird (S560.398) seeks to amend the mapping of the MINZ and the Buller Coalfield Zone overlay to exclude any areas in the zone that do not have current authorisation for mining activity through the Coal Mining Act 1979 or resource consent under the RMA. This is opposed by Buller District Council (FS149.075), Bathurst Resources Limited and BT Mining Limited (FS89.033) and Grey District Council (FS1.408). As outlined previously, I have recommended changes to MINZ-P1 to confirm the criteria of what is captured within the MINZ. This captures areas where there are discrete, long term mineral extraction activities that are currently authorised from three different mechanisms:

- *Coal mining licences under the Coal Mines Act (1979);*
- *Ancillary coal mining licences under the Coal Mines Act (1979); or*

- *Resource consents issued under the Resource Management Act (1991).*

138. The submitter has not identified specific areas proposed to be zoned MINZ where this does not apply. If there are areas currently proposed to be included in the MINZ identified that do not have existing authorisation in accordance with the above, then I will need to revisit this recommendation.

- (93) It was noted that the submission from Forest and Bird provides the scope to revisit all zoning boundaries of the MINZ and BCZ. I have undertaken a comprehensive review of the MINZ and the BCZ in Section 3.0 above.

Paragraph 177 of the s42A

- (94) In paragraph 177, I acknowledge that there is an incomplete sentence in bullet point 2. I have addressed that below.

177. In making my recommendation, I highlight the following key considerations:

- ...
- *Coal Mines Act 1979 – I understand that the situation for permits granted under the Coal Mines Act 1979 is different. As such, I understand that such permits are considered to be “an existing privilege” under the Crown Minerals Act, and to some extent override the provisions of the RMA. As such I have recommended the inclusion of “coal mining licences under the Coal Mines Act (1979).*
- ...

Paragraph 178 of the s42A

- (95) This paragraph included my recommended amendments to MINZ-P1 as follows:

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

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

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

- (96) It was queried whether the term “discrete, long term” was necessary within MINZ-P1. This was addressed in JWS #2, and it was recommended by the Planners that this term was deleted for the reasons discussed in the JWS.

Paragraph 185 of the s42A

- (97) This paragraph included my recommended amendments to MIN-P3 as follows:

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

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

- (98) There was some discussion regarding my recommended amendments to this policy. I have already addressed my position regarding the deletion of “best practice environmental standards” in Section 6.0 above. Noting the discussion, I do however recommend that further amendments to that MINZ-P3 should be amended as follows:

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

- (99) In my opinion, these are minor changes to clarify the application of the policy rather than fundamentally changing its purpose or approach.

Paragraph 199 of the s42A

- (100) A simple typo was picked up in clause a of MINZ-P6 which I have rectified below.

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

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

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

Paragraph 220 of the s42A

- (101) Paragraph 220 stated:

220. I have considered the above submission points from Alistair Cameron and Davis Ogilvie & Partners collectively. These activities are not currently anticipated or provided for within the policy framework for the MINZ, and are therefore considered non-complying activities. I accept that there may be some merit to the relief requested, but note that this is symptomatic of applying a MINZ Zone rather than a mineral extraction overlay. Such an approach would allow for an underlying zone to be applied, which could provide for the types of activities that are sought. However, on the basis that the MINZ is primarily designed for the provision of mineral extraction activities, and applies over a wide area spatially, I consider it is appropriate that these activities remain activities not provided for within the MINZ, and therefore retain their non-complying activity status.

- (102) There was some discussion during the hearing regarding the application of the MINZ, and one of the weaknesses being that it essentially sterilises land for any other activity apart from mineral extraction. I have addressed the application of the MINZ in more detail in Section 2.2 above. The Planners also addressed the provision of “other activities” in Section 11 of the BCZ #2. This resulted

in the inclusion of “agricultural, pastoral and horticultural activities”, “plantation forestry” and “conservation, research and recreation activities” as permitted activities. This goes some way to providing more scope for other suitable activities within the MINZ.

Paragraph 288 of the s42A

- (103) This paragraph relates to my recommended addition of a new Rule MINZ-RX. It was identified that clause 2 of this could new recommended provisions could be better worded as it applies to the boundary of the MINZ – see recommended wording below.

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

Any Buildings

Activity Status Permitted

Where:

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

Activity status where compliance not achieved: Discretionary

Possible further matters

- (104) These were just some of the matters that I identified in the first part of the s42A following questions and discussions with the Commissioners. I note that, due to timing during the hearing, it was not possible to go through all of the s42A with the Commissioners. I suspect that there may be further matters that would have been identified if there was time. If that is the case, I am happy to address and respond to any further matters as directed by the Commissioners.

Attachment 1: Recommended provisions (tracked)

- MINZ provisions
- BCZ provisions
- RURZ provisions
- OSZ and NOSZ provisions
- Appendix 7 management plan provisions
- Schedule 9 – lawfully established mining areas
- Schedule 10 – previously mined locations

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~~.

Right of Reply amendments are indicated by underlined blue highlighted text with deletions indicated by ~~strikethrough blue 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

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~~.

Right of Reply amendments are indicated by underlined blue highlighted text with deletions indicated by ~~strikethrough blue highlighted text~~.

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:

- **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 scale and operational characteristics ^{1,2} 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 ; <u>in areas:</u> <ol style="list-style-type: none"> a. where there are <u>discrete, long term</u> mineral extraction activities that are <u>currently authorised</u> <u>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>

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).

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~~.

Right of Reply amendments are indicated by underlined blue highlighted text with deletions indicated by ~~strikethrough blue highlighted text~~.

	<ul style="list-style-type: none"> 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
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 is complete ceases ⁶ , all mine sites in the MINZ - Mineral Extraction Zone are rehabilitated to best practice environmental standards and to provide for enable ⁷ future <u>land uses</u> 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

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

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).

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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 <u>in</u>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; c. Recognising the ownership of the pounamu resource lies with Poutini Ngāi Tahu <u>Te Rūnanga o Ngāi Tahu</u>;¹¹ and d. Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.
MINZ - P7	Manage conflicts between mineral extraction activities and other land uses by ensuring that: <ul style="list-style-type: none"> a. Performance standards to minimise impacts on the <u>maintain</u>¹² amenity, rural character and natural values of adjacent areas are met; and b. Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.
MINZ - P8	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.

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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Activity Status Permitted Where:	Activity status where compliance not
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¹⁰ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.262).

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).

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<p>X. <u>It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required;</u>¹⁶</p> <ol style="list-style-type: none">1. <u>Written Notice</u> is provided to the relevant dDistrict eCouncil at <u>least 5 10</u> working days ahead of work <u>any Mineral Prospecting or Mineral Exploration</u> being undertaken;2. Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible, and no later than 3 months after the disturbance has occurred; Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary (excluding sites that are also within the MINZ – Mineral Extraction Zone);¹⁷3. 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; and4. 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>¹⁸5. <u>No more than 5,000m³ of material is excavated in a calendar year 12 month period</u> per site; and6. <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> <p>Advice Note: <u>Advice Note:</u></p> <ol style="list-style-type: none">1. Where an activity subject to this rule is located within an Overlay Chapter area, then¹⁹ 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.	<p>achieved: <u>Controlled Restricted Discretionary</u></p>
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¹⁶ Buller District Council (S538.609).

¹⁷ Buller District Council (S538.609).

¹⁸ Buller District Council (S538.609).

¹⁹ Stevenson Mining Limited (S502.008).

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<p>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.²⁰</p> <p><u>X. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u></p>	
<p>MINZ - R2</p>	<p>Mineral Extraction and <u>Mineral</u> Processing</p>
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. The m<u>Mineral e</u>Extraction and <u>Mineral</u> p<u>P</u>rocessing are lawfully established at the date the Plan becomes operative [insert date]; and 2. Where the site is active, or intended to be active within the next 12 months: <ol style="list-style-type: none"> 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: <ol 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; and iv. Outline the rehabilitation and mine closure process for the site; b. To the extent not already required by any coal mining licence or resource consent, an annual Environmental Monitoring Report and Annual Work Plan shall be prepared and submitted to the Consent Authority by 30 March of each calendar year. These Plans will be required until the relevant district council certifies that rehabilitation is complete; 3. During mineral extraction activity, progressive rehabilitation of all disturbed areas is undertaken in accordance with the rehabilitation programme in the Mineral Extraction Management Plan; 	<p>Activity status where compliance not achieved: <u>Controlled</u> <u>Restricted</u> <u>Discretionary</u></p>

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>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;²</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> <p>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.</p> <p>2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.</p> <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> <p>1. 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>;</p> <p>2. Maximum building height above ground level is 10m;²³</p> <p>3. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;</p>	<p>Activity status where compliance not achieved: <u>Controlled</u> <u>Restricted</u> <u>Discretionary</u></p>

²¹ Lynley Hargreaves (S481.017).

²² Various – see Section 10.19 of the s42A.

²³ Peter Langford (S615.219) et al.

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<p>4. There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);²⁴</p> <p>5. There shall be no offensive or objectionable dust nuisance at or beyond the property boundary of the mineral extraction site as a result of the activity;</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 – R4.²⁵</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.²⁶</p>		
MINZ – R4	Conservation, Recreation and Research Activities	
<p>Activity Status Permitted Where:</p> <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>Activity status where compliance not achieved: Discretionary Non Complying</p>	
MINZ - R5	Grazing of Animals	
<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>	
MINZ - RX	Any Buildings	
<p>Activity Status Permitted Where:</p> <p>1. The maximum building height above ground level is 10m; and</p>	<p>Activity status where compliance not achieved: Discretionary</p>	

²⁴ Aggregate and Quarry Association (S521.010).

²⁵ Lynley Hargreaves (S481.017)

²⁶ Various – see Section 10.19 of the s42A.

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

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

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2. Any buildings are setback a minimum of 10m from any road boundaries, and 10m from any <u>external</u> boundary <u>outside</u> of the Mineral Extraction Zone – MINZ.		
<u>MINZ - RX</u>	<u>Agricultural, Pastoral and Horticultural Activities</u>	
<u>Activity Status Permitted</u>		<u>Activity status where compliance not achieved: N/A</u>
<u>MINZ - RX</u>	<u>Plantation Forestry</u>	
<u>Activity Status Permitted</u>		<u>Activity status where compliance not achieved: N/A</u>
Controlled Activities		
<u>MINZ – R6</u>	<u>Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards</u>	
<u>Activity Status Controlled</u> Where: This does not occur within: <ol style="list-style-type: none"> <u>i. An area of indigenous vegetation greater than 5000m² in size that has not been assessed for its significance;</u> <u>2. This includes all earthworks associated with the mineral extraction activity; and</u> <u>3. This includes ancillary activities, buildings, structures and infrastructure required to enable the mineral extraction activity.</u> <u>Matters of control are:</u> <ol style="list-style-type: none"> <u>a. Management of access, parking, traffic generation and transport of minerals from the site;</u> <u>b. Noise, glare, light, dust, blasting and vibration management;</u> <u>c. Hours of operation;</u> <u>d. Hazardous substances and waste management;</u> <u>e. Historic heritage and cultural heritage requirements;</u> <u>f. Extent and design of earthworks and indigenous vegetation clearance;</u> <u>g. Effects on ecological values including any threatened fauna or their habitats;</u> <u>h. Design and location of ancillary buildings, structures and infrastructure;</u> 		<u>Activity status where compliance not achieved: Restricted Discretionary</u>

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<p>i. Overburden management; j. Monitoring, reporting and community liaison requirements; k. Financial contributions and any requirement for bonds; and l. Site rehabilitation and mine closure requirements.</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>		
Restricted Discretionary Activities		
<u>MINZ – RX</u>	<u>Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards</u>	
<p><u>Activity Status Restricted Discretionary</u> <u>Where:</u></p> <ol style="list-style-type: none"> 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> <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> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> a. <u>The relevant matters within Appendix 7;</u> b. <u>Suitable bond requirements;³⁰</u> <p><u>Advice Note:</u> X. <u>Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u></p>	<u>Activity status where compliance not achieved: Discretionary</u>	
<u>MINZ - R7</u>	<u>Mineral Extraction and Ancillary Activities not meeting Controlled Activity Standards</u>	

²⁹ See Section 10.22 of s42A.

³⁰ See Section 10.18 of the s42A.

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<p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. This includes all earthworks associated with the mineral extraction activity; and 2. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral extraction activity. <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Management of access, parking and traffic generation from the site; b. Noise, glare, light, dust, blasting and vibration management; c. Hours of operation; d. Hazardous substances and waste management; e. Historic and cultural heritage requirements; f. Extent and design of earthworks and indigenous vegetation clearance; g. Effects on ecological values including any threatened fauna or their habitats; h. Design and location of ancillary buildings, structures and infrastructure; i. Overburden management; j. Monitoring, reporting and community liaison requirements; k. Financial contributions and any requirement for bonds; and l. Site rehabilitation and mine closure requirements. <p>Advice Note:</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 Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7. 		<p>Activity status where compliance not achieved: N/A</p>
<p>Discretionary Activities</p>		
<p>MINZ - R8</p>	<p>Conservation, research and recreation activities not meeting Permitted Activity Standards</p>	
<p>Activity Status Discretionary</p>		<p>Activity status where compliance not achieved: N/A³⁴</p>
<p><u>MINZ – RX</u></p>	<p><u>Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing</u></p>	

³¹ See Section 10.24 of the s42A.

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		<u>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	
<u>Activity Status Non-complying</u>		<u>Activity status where compliance not achieved: N/A</u>
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: <ol style="list-style-type: none"> 1. Permitted through a rule in the plan, or 2. A resource consent, or 3. A national environmental standard; or 4. A designation; or

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">5. 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 <u>covered by the permits listed in Schedule Nine and / or any activity</u> permitted at the date that this Plan was notified through a Coal Mining License <u>or an Ancillary Coal Mining License</u> 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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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).¹~~

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.²

Buller Coalfield Zone Objectives

¹ See Section 11.1 of s42A.

² See Section 11.1 of s42A.

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BCZ - O1	Mineral extraction activities in the BCZ - Buller Coalfield Zone are enabled by inclusion of a special purpose zone that recognises <u>in recognition of</u> ³ its national and regional significance, their scale and operational characteristics, and the contribution that these activities make to the economic and social wellbeing of the region and Buller District.
BCZ - O2	To ensure that <u>the</u> exploration, extraction and processing of minerals within the BCZ - Buller Coalfield Zone minimises <u>manages</u> ⁴ 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

Buller Coalfield Zone Policies	
BCZ - P1	To provide for the current lawfully established <u>existing</u> mineral extraction and processing activities in <u>at</u> Stockton Mine and surrounding areas, by <u>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"> a. This is currently authorised <u>lawfully established</u> by: <ol style="list-style-type: none"> i. <u>Existing use rights as provided by Section 10 of the Resource Management Act 1991; or</u> ii. <u>Coal mining licences under the Coal Mines Act (1979); or</u> iii. <u>Ancillary coal mining licences under the Coal Mines Act (1979); or</u> iv. <u>Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).</u>⁵
BCZ - PX	<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>
BCZ - P2	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.
BCZ - P3	To ensure that after mineral extraction <u>is complete</u> , all mine sites in the BCZ - Buller Coalfield Zone are rehabilitated to best practice

³ See Section 11.4 of s42A.

⁴ Karen Lippiatt (S439.034).

⁵ See Section 11.6 of the s42A.

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	environmental standards and to provide for <u>enable</u> ⁶ future use and activities appropriate to the area.
BCZ - P4	Maintain the quality of the environment, landscape, ecological values, Poutini Ngāi Tahu cultural values ⁷ , character and amenity of the areas surrounding the BCZ - Buller Coalfield 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 and avoid significant adverse effects; c. Managing traffic generation impacts on the operation, maintenance and safety of the transport network and avoiding significant adverse effects; d. Managing impacts on significant indigenous vegetation and significant indigenous fauna habitat and associated ecological values and avoiding or mitigating adverse effects;⁸ e. Managing and avoiding adverse effects on Poutini Ngāi Tahu cultural values;⁹ f. <u>d.</u> Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; g. <u>e.</u> Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; h. <u>f.</u> Undertaking remedial measures during extraction operations; and i. <u>g.</u> Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.
BCZ - 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. ¹⁰
BCZ - PX	<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> <ol style="list-style-type: none"> 1. <u>Ensuring Poutini Ngāi Tahu input to any resource consenting processes;</u>

⁶ Minerals West Coast (S569.003).

⁷ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.258).

⁸ Department of Conservation (S602.222).

⁹ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.258).

¹⁰ Karen Lippiatt (S439.038).

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	<ol style="list-style-type: none"> 2. <u>Requiring ongoing liaison and communication where Poutini Ngāi Tahu values may be affected by mineral extraction, processing or rehabilitation activities;</u> 3. <u>Recognising the ownership of the pounamu resource lies with Te Rūnanga o Ngāi Tahu; and</u> 4. <u>Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.</u>¹¹
<p>Buller Coalfield Zone Rules</p>	
<p>Note: There may be a number of Plan provisions that apply to an activity, building, structure and site. In some cases, consent may be required under rules in this Chapter as well as rules in other Chapters in the Plan. In those cases, unless otherwise specifically stated in a rule, consent is required under each of those identified rules. Details of the steps Plan users should take to determine the status of an activity are provided in General Approach.¹²</p>	
<p>Permitted Activities</p>	
<p>BCZ - R1</p>	<p>Mineral Prospecting and <u>Mineral</u> Exploration</p>
<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></p> <ol style="list-style-type: none"> 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> 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 are undertaken more than 20m from a site boundary (excluding sites that are also within the <u>MINZ – Mineral Extraction Zone BCZ – Buller Coalfield Zone</u>);</u> 3. All stripped material (including vegetation, soil and debris) is deposited or contained in such a manner that it does not enter any waterbody or cause the destruction of habitat; and 4. The site shall be <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> 	<p>Activity status where compliance not achieved: <u>Controlled Restricted Discretionary</u></p>

¹¹ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.258).

¹² See Section 11.11 of the s42A.

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<p>5. No more than 5,000m³ of <u>material is excavated earthworks is undertaken</u> in a <u>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"> 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> <p>Advice Note:</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. 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.¹³ <p><u>X. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u></p>	
<p>BCZ - R2</p>	<p>Mineral Extraction and <u>Mineral</u> Processing</p>
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The <u>Mineral e</u>Extraction and <u>Mineral p</u>Processing 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> <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> 2. Where the site is active, or intended to be active within the next 12 months: <ol style="list-style-type: none"> 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 	<p>Activity status where compliance not achieved:</p> <p>Controlled <u>Restricted</u> <u>Discretionary</u></p>

¹³ Various – see Section 11.12 of s42A.

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~~the outline provided in Appendix Seven and be submitted to the Buller District Council within 12 months for certification. This plan will:~~

- ~~i. Provide an outline of the issues and values that need to be managed at the site;~~
- ~~ii. Provide the detail of how these issues and values will be managed;~~
- ~~iii. Set out a schedule of annual monitoring to be undertaken; and~~
- ~~iv. Outline the rehabilitation and mine closure process for the site;~~

~~b. To the extent not already required by any coal mining licence or resource consent, an annual Environmental Monitoring Report and Annual Work Plan shall be prepared and submitted to the Consent Authority by 30 March of each calendar year. These Plans will be required until the Buller District Council certifies that rehabilitation is complete;~~

~~c. A stakeholder liaison group shall be formed and meet annually to discuss the results of the monitoring and proposed activities for the next year. This group shall include representatives of Buller District Council, West Coast Regional Council, Department of Conservation and Te Rūnanga o Ngāti Waewae and continue to meet annually or less frequently as agreed by the participants, until full and final rehabilitation of the site is complete;~~

~~3. During mineral extraction activity, progressive rehabilitation of all disturbed areas is undertaken in accordance with the rehabilitation programme in the Mineral Extraction Management Plan;~~

~~4. Upon ceasing of mineral extraction and processing activity, a programme of mine closure shall be undertaken in accordance with the mine closure programme in the Mine Closure Plan;~~

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

~~6. A bond is in place with the Buller District Council;~~

~~7. Noise meets the Permitted Activity Standards in Rule NOISE – R10; and~~

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

Advice Notes:

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<ol 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. Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required. 3. Mineral Extraction may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work near or within waterbodies, taking and use of water and discharges to waterbodies.¹⁴ 	
<p>BCZ - R3</p>	<p>Activities ancillary to lawfully established mMineral eExtraction and <u>Mineral p</u>rocessing</p>
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. 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 <u>areas</u> 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]; 2. Maximum building height above ground level is 15m; 3. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries; 4. There is a maximum of 50 heavy vehicle movements per day (excluding heavy vehicle movements within the site); 5. There shall be no offensive or objectionable dust nuisance at or beyond the zone boundary as a result of the activity; 6. A bond is in place with the Buller District Council; 7. Noise meets the Permitted Activity Standards in Rule NOISE – R10; and 8. Light and glare meet the Permitted Activity standards in Rule LIGHT – R4. <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.¹⁵ 	<p>Activity status where compliance not achieved: Controlled <u>Restricted Discretionary</u></p>

¹⁴ Various – See Section 11.13 of s42A.

¹⁵ Various – see Section 11.14 of the s42A.

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BCZ - R4		<u>Conservation, recreation and research activities</u>
Activity Status Permitted Where: <ol style="list-style-type: none"> <u>The conservation, recreation and research activities are lawfully established at the date of the Plan being notified [insert date]; and</u> <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> <u>Any new conservation, recreation and research activities do not contain sensitive activities.</u> 1. These are undertaken in accordance with any requirements set out in the resource consent or coal mining licence for the site any Mineral Extraction Management Plan for the site.		Activity status where compliance not achieved: N/A ¹⁶ <u>Non Complying</u>
BCZ - RX		<u>Any Buildings</u>
Activity Status Permitted Where: <ol style="list-style-type: none"> <u>The maximum building height above ground level is 15m; and</u> <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>¹⁷ 		Activity Status where compliance not achieved: <u>Discretionary</u>
Controlled Activities		
BCZ - R5		<u>Mineral Prospecting and Exploration, Mineral Extraction and Processing and Ancillary Activities not meeting Permitted Activity standards</u>
Activity Status Controlled Where: <ol style="list-style-type: none"> This does not occur within: <ol style="list-style-type: none"> An area of indigenous vegetation greater than 5000m² in size that has not been assessed for its significance; This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and 		Activity status where compliance not achieved: Restricted Discretionary

¹⁶ See Section 11.15 of s42A.

¹⁷ Various – see Section 11.14 of s42A.

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<p>3. This includes all earthworks associated with the mineral extraction and ancillary activities.</p> <p>Matters of control are:</p> <p>a. Management of access, parking and traffic generation effects from the site;</p> <p>b. Noise, glare, light, dust and vibration management;</p> <p>c. Hours of operation;</p> <p>d. Hazardous substances and waste management;</p> <p>e. Extent and design of earthworks;</p> <p>f. Effects on ecological values including any threatened fauna or their habitats;</p> <p>g. Design and location of ancillary buildings, structures and infrastructure;</p> <p>h. Overburden management;</p> <p>i. Monitoring, reporting and community liaison requirements;</p> <p>j. Financial contributions and any requirement for bonds; and</p> <p>k. Site rehabilitation and mine closure requirements.¹⁸</p> <p>Advice Note: Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.¹⁹</p>		
Restricted Discretionary Activities		
BCZ - R6	Mineral Extraction and Processing and Ancillary Activities not meeting Controlled Activity Standards	
<p>Activity Status Restricted Discretionary- Where:-</p> <p>1. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and</p> <p>2. This includes all earthworks associated with the mineral extraction and ancillary activities.</p> <p>Discretion is restricted to:</p> <p>a. Management of access, parking and traffic generation effects 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>Activity status where compliance not achieved: N/A</p>	

¹⁸ Department of Conservation (S602.224)

¹⁹ See Section 11.16 of s42A.

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<p>f. Extent and design of earthworks and indigenous vegetation clearance; g. Effects on ecological values including any threatened fauna or their habitats; h. Design and location of ancillary buildings, structures and infrastructure; i. Overburden management; j. Monitoring, reporting and community liaison requirements; k. Financial contributions and any requirement for bonds; and l. Site rehabilitation and mine closure requirements.</p> <p>Advice Note: Where an activity subject to this rule is located within an Overlay Chapter area then compliance with the relevant Overlay Chapter rules is required.²⁰</p>	
<p><u>BCZ – 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> <u>Where:</u></p> <ol style="list-style-type: none"> 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> <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> <p><u>Discretion is restricted to:</u></p> <ol style="list-style-type: none"> a. <u>The relevant matters within Appendix 7; and</u> b. <u>Suitable bond requirements;</u>²¹ <p><u>Advice Note:</u> <u>X. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u></p>	<p><u>Activity status where compliance not achieved: Discretionary</u></p>

²⁰ See Section 11.13 of s42A.

²¹ Department of Conservation (S602.224).

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<u>BCZ – 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/A²²</u>
Non-complying Activities	
BCZ - R7	<u>Residential Activities, Commercial Activities</u> or Any activity not provided for in another rule in the zone
Activity Status Non-complying	Activity status where compliance not achieved: N/A

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.~~

²² See Section 11.13 of the s42a.

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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</u> provided adverse effects are minimised <u>managed</u> ; and c. <u>Ensuring that</u> rehabilitation of land occurs following mineral extraction, mineral extraction can be appropriate in a range of locations <u>the completion of these activities.</u> ¹
<i>Mineral Prospecting, Mineral Exploration and Mineral Extraction</i>	
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> b. Measures to reduce and/or avoid <u>manage</u> adverse effects; and c. <u>Details on the rehabilitation of the mineral extraction area 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

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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RURZ - P25	<p>Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by:</p> <ol style="list-style-type: none"> Utilising management, mitigation and rehabilitation plans as a key tool; Managing dust, noise, vibration, access and lighting to maintain amenity values; Managing traffic generation impacts on the operation and maintenance of the transport network; Avoiding or mitigating impacts on significant indigenous vegetation and significant habitats of indigenous fauna;⁸ Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; Undertaking progressive remediation to address effects during extraction operations; and Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.
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GRUZ - R11	Mineral Prospecting and Mineral Exploration	
	<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> This is authorised under a <u>mineral prospecting or mineral exploration permit from NZPAM New Zealand Petroleum and Minerals, where legally required;</u> <u>Written Notice</u> is provided to the relevant District Council <u>Consent Authority</u> 10 working days prior to <u>the any mineral prospecting or mineral extraction works commencing;</u> 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> 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 Extraction ceases; and</u> <u>No more than 5,000m³ of earthworks is excavated is undertaken in a 12 month period calendar year per site.</u> <u>The mineral prospecting or mineral exploration does not occur within:</u> <ol style="list-style-type: none"> <u>An Outstanding Natural Landscape;</u> <u>An Outstanding Natural Feature;</u> <u>A Historic Heritage site;</u> A Site or Area of Significance to Māori; <u>A Significant Natural Area; or</u> 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

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

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<p>f. <u>An area of High or Outstanding Coastal Natural Character</u></p> <p>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> <p>Advice Note:</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.⁹ <p><u>X. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u></p>	
<p>GRUZ - RX Farm Quarries</p>	
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. The Farm Quarry complies with the permitted activity criteria in GRUZ-R12 	<p>Activity status where compliance not achieved:</p> <p>Discretionary</p>
<p>GRUZ - R12 Mineral Extraction</p>	
<p>Activity Status Permitted</p> <p>Where:</p> <p><u>X. The mineral extraction is associated with a farm quarry;</u></p> <ol style="list-style-type: none"> <u>Less No more than 20,000m³ of material is disturbed or removed mineral extraction occurs</u> within a 12 month period; <u>Progressive rehabilitation of the mined area occurs so that Land disturbance is limited to no more than 3ha at any one time per property site on which the activity is occurring;</u> <u>X. Rehabilitation of the area subject to land disturbance is completed within 12 months of the mineral extraction activity ceasing;</u> <p>And</p> <ol style="list-style-type: none"> The activity does not occur within: <ol style="list-style-type: none"> An Outstanding Natural Landscape or Outstanding Natural Feature; or An area of significant indigenous vegetation or significant indigenous fauna habitat or any Significant Natural Area identified in Schedule Four; or The riparian margins of any stream, river, lake, or wetland; 	<p>Controlled where this is a previously mined area identified in Schedule Ten. Otherwise Restricted Discretionary</p>

⁹ Various – see Section 17.1 of the s42A Report.

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<p>d. A Historic Heritage site identified in Schedule One; or e. <u>A Site or Area of Significance to Māori identified in Schedule Three</u>; f. 250m of a residential building sensitive activity on any RESZ – Residential Zone or RURZ – Rural Zone an adjoining site;</p> <p>4. There are no stockpiles within 20m of the property boundary; 5. The maximum stockpile height is 7m; 6. There shall be no offensive or objectionable dust nuisance as a result of the activity at or beyond the property boundary; 7. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity; 8. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards; 9. Hours of operation are limited to 7am to 7pm; 10. Noise levels meet the Permitted Activity Standards in Rule NOISE – R5; and 11. Light meets the Permitted Activity standards in Rule LIGHT – R4.</p> <p>Advice Notes: <u>Advice Notes:</u></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. 2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7. 3. Mineral Extraction may require a resource consent from the West Coast Regional Council. In particular there are restrictions in relation to earthworks within 100m of a wetland and work near or within waterbodies, taking and use of water and discharges to waterbodies. ¹⁰</p> <p><u>X. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u></p>	
<p>GRUZ - R18</p>	<p>Mineral Extraction and Mineral Prospecting and Exploration not meeting Permitted Activity standards</p>
<p>Activity Status Controlled Where: 1. The activity occurs in previously mined locations identified in Schedule Ten; and 2. The activity does not occur within: i. An Outstanding Natural Landscape or Outstanding Natural Feature; or ii. An area of significant indigenous vegetation or significant indigenous fauna habitat; or iii. The riparian margins of any stream, river, lake, or wetland; iv. A Historic Heritage site, or v. A Site or Area of Significance to Māori;</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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<p>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> <ul 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; e. Historic and Poutini Ngāi Tahu cultural heritage requirements;- f. Extent and design of earthworks and indigenous vegetation clearance; g. Effects on any threatened fauna or flora, or their habitats;- h. Design and location of ancillary buildings, structures and infrastructure;- i. Landscape measures;- j. Maintaining public access; k. Effects on riparian margins and water quality; l. Monitoring, reporting and community liaison requirements;- m. Financial contributions and any requirement for bonds; and n. Site rehabilitation and mine closure requirements.- <p>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:-</p> <p>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]</p> <p>Discretion is restricted to:-</p> <ul style="list-style-type: none"> 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 	<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>

¹¹ Various – see Section 17.3 of s42A Report.

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n. Site rehabilitation and mine closure requirements. Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7. ¹²	
GRUZ - R32	Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards
Activity Status Discretionary	Activity status where compliance not achieved: N/A
Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7. ¹³	

Rural Lifestyle Zone

RLZ - R11	Mineral Prospecting and Mineral Exploration
<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 is provided to the relevant District Council 10 working days ahead prior to 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 Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary; 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; and</u> 5. <u>No more than 5,000m³ of material is excavated in a calendar year; 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 Maori</u> e. <u>A Significance 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. 	
Advice Notes:-	

¹² Various – see Section 17.4 of s42A Report.

¹³ Various – See Section 17.5 of s42A Report.

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<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 Prospecting and Mineral Exploration within the Pounamu and Aotea Overlays is subject to Rule SASM – R7.</p> <p>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.</p> <p><u>X. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u></p>	
<p>RLZ - R15 Mineral Prospecting and Exploration not Meeting Permitted Activity Standards and Mineral Extraction Activities</p>	
<p>Activity Status Restricted Discretionary Where:</p> <p>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> <p>Discretion is restricted to:</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 and flora or their habitats;</p> <p>h. Design and location of ancillary buildings, structures and infrastructure;</p> <p>i. Landscape measures;</p> <p>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>m. Financial contributions and any requirement for bonds; and</p> <p>n. Site rehabilitation and mine closure requirements.</p> <p>Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM – R7. ¹⁴</p>	<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>

<p>RLZ-RX</p>	<p>Mineral Extraction</p>
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¹⁴ Buller Conservation Group (S552.183), Frida Inta (S553.183) and Suzanne Hills (S443.049)

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Activity Status Non-complying	Activity status where compliance not achieved: N/A¹⁵
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Settlement Zone

SETZ - R15	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</u> prospecting or <u>mineral</u> exploration permit from NZPAM <u>New Zealand Petroleum and Minerals</u>, where legally required; 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. A Site or Area of Significance to Māori; e. <u>A Significant Natural Area; or</u> f. <u>An area of High or Outstanding Coastal Natural Character</u> <p>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"> 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 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

¹⁵ Various – see Section 18.2 of the s42A Report.

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<p>relation to earthworks within 100m of a wetland and work which may affect waterbodies.¹⁶</p> <p><u>X. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u></p>		
SETZ - R23	Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards and Mineral Extraction Activities	
<p>Activity Status Restricted Discretionary Where:</p> <p>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> <p>Discretion is restricted to:</p> <ul 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; e. Historic and cultural heritage requirements; f. Extent and design of earthworks and indigenous vegetation clearance; g. Effects on any threatened fauna and flora or their habitats; h. Design and location of ancillary buildings, structures and infrastructure; i. Landscape measures; j. Maintaining public access; k. Effects on riparian margins and water quality; l. Monitoring, reporting and community liaison requirements; m. Financial contributions and any requirement for bonds; and n. Site rehabilitation and mine closure requirements. <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>

SETZ-RX	Mineral Extraction	
Activity Status Non-complying		Activity status where compliance not achieved: N/A¹⁸

¹⁶ Various – see Section 19.1 of the s42A Report.

¹⁷ Various – See Section 19.2 of s42A Report.

¹⁸ See Section 19.1 of s42A Report.

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OSRZ - P14	<p>Provide for mMineral extraction <u>Extraction, Mineral Prospecting and Mineral Exploration</u> activities within the OSZ - Open Space Zone where:</p> <ol style="list-style-type: none"> Impacts on open space and recreation values of the site are minimised; This is provided for within any Open Space Management Plan for the area; Adverse effects on open space and recreation values and the environment are avoid, mitigated, remedied, offset or compensated managed; and Sites <u>or areas</u> are rehabilitated at the end <u>completion</u> of the any mineral extraction activity <u>activities</u> to enable the land to be used for an appropriate activity <u>future use and activities to the area.</u> ¹
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Open Space Zone

OSZ - R11	Mineral Prospecting and Mineral Exploration	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> This is authorised under a <u>mineral</u> prospecting or <u>mineral</u> exploration permit from NZPAM <u>New Zealand Petroleum and Minerals</u>, where legally required; Written Nnotice is provided to the relevant District Council Consent Authority 10 working days prior to the <u>any works</u> <u>mineral prospecting or mineral exploration</u> commencing; 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> 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 exploration ceases;</u> and <u>No more than 5,000m³ of material is excavated in a calendar year per site</u> <u>The mineral prospecting or mineral exploration does not occur within:</u> <ol style="list-style-type: none"> <u>An Outstanding Natural Landscape;</u> <u>An Outstanding Natural Feature;</u> <u>A Historic Heritage site;</u> A Site or Area of Significance to Māori; <u>A Significant Natural Area; or</u> <u>An area of High or Outstanding Coastal Natural Character.</u>² 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 Discretionary⁴</p>	

¹ Various – see Section 13.1 of the s42A Report.

² Queenstown Lakes District Council (S523.005).

⁴ Forest & Bird (S560.361)

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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.³ 4. <u>X. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.</u> 	
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OSZ - R19	Mineral Extraction Activities and Mineral Prospecting and <u>Mineral</u> Exploration not meeting Permitted Activity Standards
<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, a Site or Area of Significance to Māori, a Significant Natural Area or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas] <p>Discretion is restricted to:</p> <ol style="list-style-type: none"> a. Impacts on conservation and recreation activities; b. Management of access, parking, traffic generation and transport of minerals from the site; c. Noise, glare, light, dust, blasting and vibration management; d. Hours of operation; e. Hazardous substances and waste management; f. Historic and cultural heritage requirements; g. Extent and design of earthworks and indigenous vegetation clearance; h. Effects on any threatened fauna or their habitats; i. Design and location of ancillary buildings, structures and infrastructure; j. Landscape measures; k. Overburden management; l. Monitoring, reporting and community liaison requirements; m. Financial contributions and any requirement for bonds; and n. Site rehabilitation and mine closure requirements. <p>Advice Note: Refer to Rule SASM – R7 in the Sites of Significance to Māori Chapter where mineral extraction is proposed within the Aotea or Pounamu Overlays.⁵</p>	<p>Activity status where compliance not achieved: Discretionary <u>N/A</u></p>

OSZ - R22	Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards
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³ Straterra (S536.060).

⁵ Various – see Section 13.2 of the s42A Report.

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<p>Activity Status Discretionary</p> <p>-</p> <p>Advice Note: When assessing resource consent applications for mineral extraction activities assessment against Policies RURZ - P20, RURZ - P22, RURZ - P23, RURZ - P24 and RURZ - P26 should also be undertaken.</p>	<p>Activity status where compliance not achieved: N/A.⁶</p>
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Natural Open Space Zone

<p>NOSZ - R16</p>	<p><u>Mineral Prospecting, Mineral Exploration and Mineral Extraction Activities</u>⁷</p>
<p>Activity Status Non-complying</p>	<p>Activity status where compliance not achieved: N/A⁸</p>

⁶ Various – see Section 13.3 of the s42A Report.

⁷ Straterra (S536.059) et al.

⁸ Various – See Section 14.1 of the s42A Report.

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Appendix Seven: Mineral Extraction Management Plan Requirements

Te Āpitianga 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.

Schedule Nine: Lawfully Established Mineral Extraction and Processing Areas

Te Rārangi Tuaiwa: Ngā Wāhi Tango Kohuke ngā Wāhi Tukatuka hoki kua Whakamanatia ki Whakatūnga

This Schedule provides information on the lawfully established mineral extraction and processing areas referred to within the Buller Coalfield and Mineral Extraction Zones.¹

Buller Coalfield Zone				
Location	Type of Activity	Licence/ Permit Number	Area	Comment
Stockton Mine	2-5 haul road widening DoC concession	RC100064	73.69	Includes the area of the actual road alignment where there is already a concession in place
-	Aerial infrastructure DoC concession	DOC Concession	0.10	Already disturbed and part of a DOC concession
-	Cypress Mine	RC 030164	246.98	Authorised by existing resource consent
-	Fly Creek Haul Road DoC concession	DOC Concession	23.33	Already disturbed and part of a DOC concession
-	Historic disturbance areas	-	1.76	historic disturbance areas near Stockton bathhouse, Stockton CML and Mt Fred
-	Mt William North resource consent	RC11132	161.21	Authorised by existing resource consent
-	Whirlwind Stream – historic disturbance	-	3.57	Small area already disturbed adjacent to Stockton CML
-	Rockies Mining Limited MP52661	RC10055/1-4	14.25	Authorised by existing resource consent
-	Stockton 2-5 haul road and aerial	Ancillary Coal Mining Licence 3715002	183.83	Authorised under ancillary coal mining licence
-	Stockton CHPP at Ngakawau	Ancillary Coal Mining Licence 3715003	11.62	Authorised under ancillary coal mining licence
-	Stockton Coal Mining Licence	Coal Mining Licence 37150	2335.71	Authorised under coal mining licence

¹ Scope to delete the chapter comes from Forest & Bird (S560.406).

-	Stockton Triangle	DOC Concession	29.29	Area has a concession from DOC to disturb, already mostly disturbed, part covered by Resource consent
-	Stockton haul road expansion	RC 100064	6.26	Authorised by existing resource consent
-	Stockton No 2 South Mining Permit	RC 110043	94.10	Areas are disturbed in places and concession from DOC
-	Stockton existing disturbance at Mt Fred	-	-	Existing disturbance. Very small areas associated with CML
-	Stockton road to S14B monitoring site	-	10.75	This road and disturbance already formed and regularly used for access to the water monitoring station
-	Stockton power line and poles	-	0.84	Encompasses power line infrastructure
-	Stockton road from Millerton township to NW corner CML37150	-	1.35	Road already disturbed
Denniston Plateau	Cascade Mine infrastructure	RC 02146	12.78	Authorised by existing resource consent
	Cascade mine	RC 160055	186.76	Authorised by existing resource consent
	Denniston - Fairdown coal slurry pipeline route	RC10/70A-H	23.43	Authorised by existing resource consent
	Escarpment mine	RC10/70A-H	153.39	Authorised by existing resource consent
	Area around CSA and Coalbrookdale	-	49.13	This links some of the resource consents and the formed road to Cascade Mine
	Sullivan coal load out at Waimangaroa	Ancillary Coal Mining Licence 3716104	3.62	Authorised under ancillary coal mining licence
	Sullivan - road seal extension	resource consent number?	2.45	Authorised by existing resource consent
	Sullivan - water slurry pipeline	resource consent RC10/70A-H	10.59	Authorised by existing resource consent

	Sullivan Access Tracks	Ancillary Coal Mining Licence 3716102	22.25	Authorised under ancillary coal mining licence
	Sullivan Coal Mining Licence	Coal Mining Licence 37161	317.35	Authorised under coal mining licence
	Escarpment Mine	resource consent RC10/70A-H	9.30	Authorised by existing resource consent
	Escarpment haul road	resource consent RC10/70A-H	9.08	Authorised by existing resource consent
	Sullivan infrastructure area	resource consent number?	1.92	Authorised by existing resource consent
	Sullivan infrastructure at Denniston	Ancillary Coal Mining Licence 3716101	4.57	Authorised under ancillary coal mining licence
	Escarpment Mine area	resource consent RC10/70A-H	1.30	Authorised by existing resource consent
	Sullivan West and access track	Ancillary Coal Mining Licence 3716103	17.77	Authorised under ancillary coal mining licence
	Sullivan/Escarpment infrastructure	-	0.93	non-consented gaps
	Sullivan/Escarpment infrastructure	-	0.12	non-consented gaps
	Sullivan/Escarpment permit	-	4.07	non-consented gaps

Mineral Extraction Zone				
Location	Type of Activity	Authorisation mechanism	Lawfully Established Mining Area	Comment
Roa Mine Blackball	Mine area including processing/handling/storage/distribution area, site access, ancillary yard and handling/storage/rail loadout facility.	Coal Mining Licences 37168, 34056 and 34066. Ancillary Coal Mining Licence 34056-1.	483.3haha	Established as a Permitted Activity under the existing District Plan. Authorised by West Coast Regional resource consents. Authorised by Coal

		WCRC resource consents RC07102, RC10186, RC11143, RC12062, RC03105, RC08201, RC10194 and RC2019-0111. GDC lease 106462.2.		Mining Licences and Ancillary Coal Mining Licences.
Rajah Mine, Blackball	Mine area including processing/handling/storage/distribution area, site access, ancillary yard and handling/storage/rail loadout facility.	Coal Mining Licences 37168, 34056 and 34066. Ancillary Coal Mining Licence 34056-1. WCRC resource consents RC11143, RC12062, RC08201, RC2014-0013, RC2014-0051, RC2014-0109, RC2014-0123, RC10194, RC2016-0110 and RC2016-0111. GDC LU2502/15 and LU2528/15. GDC lease 106462.2.	329.5ha	Established as a Permitted Activity under the existing District Plan. Authorised by West Coast Regional and Grey District resource consents. Authorised by Coal Mining Licences and Ancillary Coal Mining Licences
Echo Mine, Reefton	Mine area including processing/handling/storage/	BDC resource	467.16ha	Authorised by resource consents

	distribution area and site access.	consents RC09/52 RC09/54 RC09/68 RC100087 RC110005 RC110057 RC120053 RC120096		
New Creek Mine, New Creek	Mine area including water treatment facility, site access and processing/handling/storage/distribution facility.	BDC resource consents RC120120 RC140030	517.74ha	Authorised by resource consents
Giles Creek Mine Reefton	Coal Mine, processing, storage, handling and loading. Includes existing access to the mine from Mai Mai Road. Gold also recovered as part of the operation.	Coal Mining Licence CML 37120- BDC resource consents- RC96015a RC96015B RC100078 RC100078A RC110051 RC180019	103.99ha - - 235.265ha - - - -	Authorised by Coal Mining Licence and existing resource consents
Mai Mai Siding	Coal storage, handling and loading to rail. Includes vehicle access and movements associated with transport of coal. Loading to rail occurs via mobile machinery.	BDC resource consents- RC120080	3.46ha	Established as a Permitted Activity under the existing District Plan-
Reefton Distribution Centre	Coal Handling Facility – coal processing, blending, handling and loading to road and rail. Includes vehicle access.	Ancillary Coal Mining Licence AMCL 37160-01	3.662 ha	Authorised by Ancillary Coal Mining Licence -
Island Block Mine Reefton	Coal Mine, processing, storage, handling and loading.	Coal Mining Licence CML 37160	654 ha	Authorised by Coal Mining Licence
Grey Valley Distribution Centre, Ikamatua	Coal storage, handling and loading to rail. Includes vehicle access and movements.	BDC Resource Consents- RC050029 RC080045	64.21 ha	Authorised by existing resource consents

Strongman Mine, Rapahoe	Coal Mine, processing, storage, handling and loading.	Coal Mining Licence CML 37159	885.703	Authorised by Coal Mining Licence
Strongman Mine, Access and infrastructure	Strongman Mine access road and associated infrastructure.	Ancillary Coal Mining Licence AMCL 37159-01	49.376ha	Authorised by Ancillary Coal Mining Licence
Strongman East Mine	Open cast coal mine.	GDCI Resource Consent LUC2243/11	-	Authorised by Resource Consent
Rapahoe Coal Yard	Coal Handling Facility—coal processing, blending, handling and loading to road and rail. Includes vehicle access.	Ancillary Coal Mining Licence AMCL 37159-02	11.334ha	Authorised by Ancillary Coal Mining Licence
Rocky Creek Coal Washery	Coal storage, handling, processing, loading to road and rail. Includes vehicle access.	GDC Resource Consents: LUC654/99 LUC2648/17 LUC2696/17	-	Authorised by Resource Consents
Kaiata Yard	Solid fuel storage, handling (loading and unloading) and public sales and associated vehicle movements.	-	-	Existing activity established under GDC Permitted Activity Rules
Kiwi Quarry	Rock quarry.	Resource Consents Minerals Permit 41295 -	5.824ha	Existing West Coast Regional Council quarry. Authorised by resource consents
Karamea Quarry	Rock quarry.	Resource Consents Minerals Permit 41757	20.234ha	Existing West Coast Regional Council quarry. Authorised by resource consents
Blackball Quarry	Rock quarry.	Minerals Permit 50851	3.616ha	Existing West Coast Regional Council quarry. Established under existing Permitted Activity Rules

Okuru Quarry	Rock quarry.	Resource consents	-	Existing West Coast Regional Council quarry. Authorised by resource consents
BRM Developments lanthe Forest Mine	Mine area including water treatment area and site access.	Minerals Permit 52010 WDC Resource Consent 110105	-	Authorised by resource consents
Birchfields Ross Mine	Mine area including water treatment area and site access.	Minerals Permit 41702 WDC Resource Consent 010044	350.03ha	Authorised by resource consents
R&M Mining Mine Ross Township	Mine area including water treatment area and site access.	WCRC & WDC Resource Consent 2019-0070 MP41784 -	-	Authorised by resource consents
Reefton Restoration Project/ Globe Progress Mine	Restoration of Globe Progress Mine area including process plant and infrastructure, water treatment plant, rock stacks, tailings storage facilities, open pits, access roads	[Formerly Mining Permit 41164] BDC resource consents RC00/43/A— RC00/43/D, RC04/11, RC11/09, RC11/66, RC12/06, RC11/133, RC12/22 -	550ha	Authorised by resource consents
Snowy River Gold Mine	Underground gold mining operation with onsite processing facility and surface infrastructure to support mining operations	Minerals Permit under the CMA • MP 60473 • EP 60460	4518ha -	Authorised by resource consents

	including workshops, offices, amenities, storage areas, waste rock stack, water treatment plant, core shed, fuel and consumable storage.	WCRC Resource consent RC04017		
Westland Schist Quarry	Quarry area including water treatment area and site access.	Mining Licence 323197	17.629ha	Authorised by Mining Licence
Karamea Lime Quarry	Quarry area	Resource consents	-	Authorised by resource consents

**SCHED
10**

**~~Schedule Ten: Previously Mined Locations in
the Rural and Open Space and Recreation
Zones~~**

**~~Te Rārangi Tuangahuru: Ngā Wāhi i te
Tuawhenua i ngā Wāhi Pōaha Hoki i Keria Kētia
Āhukahukatia~~**

~~This schedule outlines the locations of previously mined areas subject to Controlled Activity Resource Consent for Mineral Extraction under Rules GRUZ-R18 and OSZ-R19.~~

~~To date no specific sites have been identified. In order to be included within this Schedule sites will need to have been previously mined during the period since 2002. ¹~~

¹ Brian Anderson (S576.003), Forest & Bird (S560.021) and Lynley Hargreaves (S481.013).

Attachment 2: Recommended provisions (clean)

- MINZ provisions
- BCZ provisions
- RURZ provisions
- OSZ provisions
- Appendix 7 management plan provisions
- Schedule 9 – lawfully established mining areas
- Schedule 10 – previously mined locations

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.

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:

- **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 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 scale and operational characteristics, and the contribution that these activities make to the economic and social wellbeing of the region and districts.

MINZ - O2	To ensure that the exploration, extraction and processing of minerals within the MINZ - Mineral Extraction Zone manages adverse effects on the environment, the community and the relationship of Poutini Ngāi Tahu with their ancestral lands, sites and areas of significance, water, wāhi tapu and other taonga.
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Also the Strategic Objectives and Policies

Mineral Extraction Policies	
MINZ - P1	To provide for significant mineral resources by identifying MINZ - Mineral Extraction Zones and applying provisions to facilitate mineral extraction activities, in areas: <ul style="list-style-type: none"> a. where there are mineral extraction activities that are lawfully established by: <ul style="list-style-type: none"> x. Existing use rights as provided for by Section 10 of the Resource Management Act 1991; or i. Coal mining licences under the Coal Mines Act (1979); or ii. Ancillary coal mining licences under the Coal Mines Act (1979); or iii. Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).
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 ceases, all mine sites in the MINZ - Mineral Extraction Zone are rehabilitated to enable future land uses 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. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; e. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; f. Undertaking remediation alongside extraction operations; and g. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.
MINZ - P5	
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 into any resource consenting processes; b. Requiring ongoing liaison and communication where Poutini Ngāi Tahu values may be affected by mineral extraction, processing or rehabilitation activities; c. Recognising the ownership of the pounamu resource lies with Te Rūnanga o Ngāi Tahu; and d. Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.
MINZ - P7	<p>Manage conflicts between mineral extraction activities and other land uses by ensuring that:</p> <ul style="list-style-type: none"> a. Performance standards to maintain amenity, rural character and natural values of adjacent areas are met; and b. Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.
MINZ - P8	Co-ordinate the approach to mineral extraction activity resource consents with the West Coast/Te Tai o Poutini Regional Council, particularly where water resources and soil conservation are affected.
Rules	
Permitted Activities	
MINZ - R1	Mineral Prospecting and Mineral Exploration
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required; 2. Written notice is provided to the relevant District Council at least 10 working days ahead of any Mineral Prospecting or Mineral Exploration being undertaken; 3. 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); 4. The site 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; 5. No more than 5,000m³ of material is excavated in a 12 month period per site; and 6. The mineral prospecting or mineral exploration does not occur within: <ul style="list-style-type: none"> a. An Outstanding Natural Landscape; b. An Outstanding Natural Feature; c. A Historic Heritage site; d. A Significant Natural Area; or e. An area of High or Outstanding Coastal Natural Character. 	<p>Activity status where compliance not achieved: Restricted Discretionary</p>

Advice Note:		
1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.		
MINZ - R2	Mineral Extraction and Mineral Processing	
Activity Status Permitted Where: 1. The Mineral Extraction and Mineral Processing are lawfully established at the date the Plan becomes operative [insert date]; and 2. 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.		Activity status where compliance not achieved: Restricted Discretionary
MINZ - R3	Activities ancillary to lawfully established Mineral Extraction and Mineral Processing	
Activity Status Permitted Where: 1. The activities include the maintenance and operation of all roads, parking, buildings, water treatment facilities, storage facilities, railway loadout areas and structures that are lawfully established at the date the Plan becomes operative [insert date].		Activity status where compliance not achieved: Restricted Discretionary
MINZ – R4	Conservation, Recreation and Research Activities	
Activity Status Permitted Where: 1. The Conservation, Recreation and / or Research Activities do not include a Sensitive Activity.		Activity status where compliance not achieved: Non Complying
MINZ - R5	Grazing of Animals	
Activity Status Permitted		Activity status where compliance not achieved: N/A
MINZ - RX	Any Buildings	
Activity Status Permitted Where: 1. The maximum building height above ground level is 10m; and 2. Any buildings are setback a minimum of 10m from any road boundaries, and 10m from any external boundary of the Mineral Extraction Zone – MINZ.		Activity status where compliance not achieved: Discretionary
MINZ - RX	Agricultural, Pastoral and Horticultural Activities	
Activity Status Permitted		Activity status where compliance not achieved: N/A
MINZ - RX	Plantation Forestry	

Activity Status Permitted	Activity status where compliance not achieved: N/A
Controlled Activities	
MINZ – R6	
Restricted Discretionary Activities	
MINZ – RX	Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards
Activity Status Restricted Discretionary Where: <ol style="list-style-type: none"> 1. A Mineral Extraction Management Plan is prepared and provided to Council in accordance with the relevant matters outlined in Appendix Seven; and 2. The mineral prospecting or mineral exploration does not occur within: <ol style="list-style-type: none"> a. An Outstanding Natural Landscape; b. An Outstanding Natural Feature; c. A Historic Heritage site; d. A Significant Natural Area; or e. An area of High or Outstanding Coastal Natural Character. Discretion is restricted to: <ol style="list-style-type: none"> a. The relevant matters within Appendix 7; b. Suitable bond requirements; Advice Note: <ol style="list-style-type: none"> 1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required. 	Activity status where compliance not achieved: Discretionary
MINZ - R7	
Discretionary Activities	
MINZ - R8	
MINZ – RX	Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Restricted Discretionary Standards
Activity Status Discretionary	Activity status where compliance not achieved: N/A
Non-complying Activities	

MINZ - R9	
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, to, from and between the mineral extraction sites and ancillary sites.
Lawfully Established	Means buildings, structures and activities provided for by one of the following: <ol style="list-style-type: none"> 2. Permitted through a rule in the plan, or 3. A resource consent, or 4. A national environmental standard; or 5. A designation; or 6. By an existing use right (as provided for by Section 10 of the RMA); or 7. In the case of mineral extraction, it also includes an 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

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 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.

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 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 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.

Buller Coalfield Zone Objectives	
BCZ - O1	Mineral extraction activities in the BCZ - Buller Coalfield Zone are enabled in recognition of its national and regional significance, their scale and operational characteristics, and the contribution that these activities make to the economic and social wellbeing of the region and Buller District.
BCZ - O2	To ensure that the exploration, extraction and processing of minerals within the BCZ - Buller Coalfield Zone manages adverse effects on the environment, the community and the relationship of Ngāti Waewae with their ancestral lands, sites, water, wāhi tapu and other taonga.

Also the Strategic Objectives and Policies

Buller Coalfield Zone Policies

BCZ - P1	<p>To provide for existing mineral extraction and processing activities at Stockton Mine and surrounding areas, by identifying the BCZ - Buller Coalfield Zone, where:</p> <ol style="list-style-type: none"> a. This is lawfully established by: <ol style="list-style-type: none"> i. Existing use rights as provided by Section 10 of the Resource Management Act 1991; or ii. Coal mining licences under the Coal Mines Act (1979); or iii. Ancillary coal mining licences under the Coal Mines Act (1979); or iv. Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).
BCZ - PX	<p>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.</p>
BCZ - P2	<p>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.</p>
BCZ - P3	<p>To ensure that after mineral extraction is complete, all mine sites in the BCZ - Buller Coalfield Zone are rehabilitated to enable future use and activities appropriate to the area.</p>
BCZ - P4	<p>Maintain the quality of the environment, landscape, ecological values, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by:</p> <ol 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 and avoid significant adverse effects; c. Managing traffic generation impacts on the operation, maintenance and safety of the transport network and avoiding significant adverse effects; d. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; e. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; f. Undertaking remedial measures during extraction operations; and g. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.
BCZ - P5	
BCZ - PX	<p>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:</p> <ol style="list-style-type: none"> 1. Ensuring Poutini Ngāi Tahu input to any resource consenting processes; 2. Requiring ongoing liaison and communication where Poutini Ngāi Tahu values may be affected by mineral extraction, processing or rehabilitation activities;

3. Recognising the ownership of the pounamu resource lies with Te Rūnanga o Ngāi Tahu; and
4. Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.

Buller Coalfield Zone Rules

Permitted Activities

BCZ - R1

Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required;
2. Written notice is provided to the Buller District Council at least 10 working days ahead of any Mineral Prospecting or Mineral Exploration being undertaken;
3. 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 BCZ – Buller Coalfield Zone);
4. The site 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 Exploration ceases;
5. No more than 5,000m³ of earthworks is undertaken in a 12 month period per site; and
6. The mineral prospecting or mineral exploration does not occur within:
 - a. An Outstanding Natural Landscape;
 - b. An Outstanding Natural Feature;
 - c. A Historic Heritage site;
 - d. A Significant Natural Area; or
 - e. An area of High or Outstanding Coastal Natural Character.

Advice Note:

1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.

Activity status where compliance not achieved: Restricted Discretionary

BCZ - R2

Mineral Extraction and Mineral Processing

Activity Status Permitted

Where:

1. The Mineral Extraction and Mineral Processing are lawfully established at the date of the Plan being notified [insert date] which are listed in Schedule X [BCZ specific schedule]; and
2. Any Mineral Extraction and Mineral Processing activities must be undertaken in accordance with relevant terms and conditions of the resource consents, Mining Licenses or

Activity status where compliance not achieved:
Restricted Discretionary

Permits that are listed in Schedule X [BCZ specific schedule]; and		
BCZ - R3	Activities ancillary to lawfully established Mineral Extraction and Mineral Processing	
Activity Status Permitted Where: <ol style="list-style-type: none"> The activities include the maintenance and operation of all roads, parking, buildings, coal haul road, aerial ropeway, water treatment facilities, railway loadout areas and structures existing that are lawfully established at the date the Plan was notified [insert date]. 		Activity status where compliance not achieved: Restricted Discretionary
BCZ - R4	Conservation, recreation and research activities	
Activity Status Permitted Where: <ol style="list-style-type: none"> The conservation, recreation and research activities are lawfully established at the date of the Plan being notified [insert date]; and 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 Any new conservation, recreation and research activities do not contain sensitive activities. 		Activity status where compliance not achieved: Non Complying
BCZ - RX	Any Buildings	
Activity Status Permitted Where: <ol style="list-style-type: none"> The maximum building height above ground level is 15m; and Any buildings are setback a minimum of 10m from any road boundaries, and 10m from any boundary outside of the Buller Coalfield Zone - BCZ. 		Activity Status where compliance not achieved: Discretionary
Controlled Activities		
BCZ - R5		
Restricted Discretionary Activities		
BCZ - R6		
BCZ - RX	Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards	

Activity Status Restricted Discretionary Where: <ol style="list-style-type: none"> 1. A Mineral Extraction Management Plan is prepared and provided to Council in accordance with the relevant matters outlined in Appendix Seven; and 2. The mineral prospecting or mineral exploration does not occur within: <ol style="list-style-type: none"> a. An Outstanding Natural Landscape; b. An Outstanding Natural Feature; c. A Historic Heritage site; d. A Significant Natural Area; or e. An area of High or Outstanding Coastal Natural Character. Discretion is restricted to: <ol style="list-style-type: none"> a. The relevant matters within Appendix 7; and b. Suitable bond requirements; Advice Note: <ol style="list-style-type: none"> 1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required. 		Activity status where compliance not achieved: Discretionary
BCZ – RX	Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Restricted Discretionary Standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
Non-complying Activities		
BCZ - R7	Any activity not provided for in another rule in the zone	
Activity Status Non-complying		Activity status where compliance not achieved: N/A

Definition of Lawfully Established

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

2. Permitted through a rule in the plan, or
3. A resource consent, or
4. A national environmental standard; or
5. A designation; or
6. By an existing use right (as provided for by Section 10 of the RMA); or
7. In the case of mineral extraction, it also includes an 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

RURZ - O5	To provide for mineral prospecting, mineral exploration and mineral extraction activities within the rural environment, while; <ul style="list-style-type: none"> a. Recognising that mineral resources are widespread, and these activities can be appropriate in a range of locations within the rural environment; and b. Ensuring that adverse effects are managed; and c. Ensuring that rehabilitation of land occurs following the completion of these activities.
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Mineral Prospecting, Mineral Exploration and Mineral Extraction

RURZ - P18	Recognise that mineral resources are fixed in location and enable mineral prospecting, mineral exploration and mineral extraction activities provided adverse effects are managed.
RURZ - P19	Manage conflicts between lawfully established mineral extraction activities and other land uses by ensuring that: <ul style="list-style-type: none"> a. Standards to manage adverse effects 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 lawfully established 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: <ul style="list-style-type: none"> a. Provide adequate information on the establishment and operation of the mineral extraction activity; b. Measures to manage adverse effects; and c. Details on the rehabilitation of the area once mineral extraction is completed.
RURZ - P22	Sites used for mineral prospecting, mineral exploration and mineral extraction activities are rehabilitated at the completion of the activities to enable the land to be used for other activities appropriate to the area.
RURZ - P23	Co-ordinate the approach to mineral prospecting, mineral exploration and mineral extraction resource consents with the West Coast Regional Council, particularly where water resources and soil conservation are affected.
RURZ - P24	
RURZ - P25	Maintain the quality of the environment and amenity of areas surrounding mineral extraction activities as far as practicable by: <ul style="list-style-type: none"> a. Utilising management, mitigation and rehabilitation plans as a key tool; 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. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; e. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; f. Undertaking progressive remediation to address effects during extraction operations; and g. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.

GRUZ - R11	Mineral Prospecting and Mineral Exploration
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<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a mineral prospecting or mineral exploration permit from New Zealand Petroleum and Minerals, where legally required; 2. Written notice is provided to the relevant District Council 10 working days prior to any mineral prospecting or mineral extraction works commencing; 3. Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary; 4. The site 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 Extraction ceases; 5. No more than 5,000m³ of earthworks is undertaken in a 12 month period per site. 6. The mineral prospecting or mineral exploration does not occur within: <ol style="list-style-type: none"> a. An Outstanding Natural Landscape; b. An Outstanding Natural Feature; c. A Historic Heritage site; d. A Significant Natural Area; or e. An area of High or Outstanding Coastal Natural Character <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required. 	<p>Activity status where compliance not achieved: Discretionary</p>
GRUZ - RX	
GRUZ - R12	Mineral Extraction
<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. No more than 20,000m³ of mineral extraction occurs within a 12 month period; 2. Land disturbance is limited to no more than 3ha at any one time per site on which the activity is occurring; 3. Rehabilitation of the area subject to land disturbance is completed within 12 months of the mineral extraction activity ceasing; 4. 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. 250m of a sensitive activity on an adjoining site; 5. There are no stockpiles within 20m of the property boundary; 6. The maximum stockpile height is 7m; 7. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity; 8. Hours of operation are limited to 7am to 7pm. <p>Advice Notes:</p>	<p>Activity status where compliance not achieved: Discretionary</p>

1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required.		
GRUZ - R18		
GRUZ - R25	Mineral Prospecting, Mineral Exploration and Mineral Extraction Activities not meeting Permitted Activity Standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
GRUZ - R32		

Rural Lifestyle Zone

RLZ - R11	Mineral Prospecting and Mineral Exploration	
<ol style="list-style-type: none"> 1. This is authorised under a mineral prospecting or mineral exploration permit from New Zealand Petroleum and Minerals, where legally required; 2. Written notice is provided to the relevant District Council 10 working days prior to any mineral prospecting or mineral exploration commencing; 3. Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary; 4. The site is progressively rehabilitated as far as is practicable to its original condition, with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral Extracting ceases; 5. No more than 5,000m³ of material is excavated in a calendar year; and 6. The mineral prospecting or mineral exploration does not occur within: <ol style="list-style-type: none"> a. An Outstanding Natural Landscape; b. An Outstanding Natural Feature; c. A Historic Heritage site; d. A Significance Natural Area; or e. An area of High or Outstanding Coastal Natural Character <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required. 		Activity status where compliance not achieved: Discretionary
RLZ - R15	Mineral Prospecting and Exploration not Meeting Permitted Activity Standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A
RLZ-RX	Mineral Extraction	

Activity Status Non-complying	Activity status where compliance not achieved: N/A
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Settlement Zone

SETZ - R15	Mineral Prospecting and Mineral Exploration
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<p>Activity Status Permitted</p> <p>Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a mineral prospecting or mineral exploration permit from New Zealand Petroleum and Minerals, where legally required; 2. Written notice is provided to the relevant District Council 10 working days prior to the work any mineral prospecting or mineral exploration commencing; 3. Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary; 4. The site 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 exploration ceases; 5. No more than 5,000m³ of material is excavated in a calendar year per site; and 6. The mineral prospecting or mineral exploration does not occur within: <ol style="list-style-type: none"> a. An Outstanding Natural Landscape; b. An Outstanding Natural Feature; c. A Historic Heritage site; d. A Significant Natural Area; or e. An area of High or Outstanding Coastal Natural Character <p>Advice Notes:</p> <ol style="list-style-type: none"> 1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required. 	<p>Activity status where compliance not achieved: Discretionary</p>
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SETZ - R23	Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards
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Activity Status Restricted Discretionary	Activity status where compliance not achieved: Discretionary
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SETZ-RX	Mineral Extraction
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Activity Status Non-complying	Activity status where compliance not achieved: N/A
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OSRZ - P14	<p>Provide for Mineral Extraction, Mineral Prospecting and Mineral Exploration activities within the OSZ - Open Space Zone where:</p> <ol style="list-style-type: none"> a. This is provided for within any Open Space Management Plan for the area; b. Adverse effects on open space and recreation values and the environment are managed; and c. Sites or areas are rehabilitated at the completion of any mineral extraction activities to enable the land to be used for future use and activities to the area.
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Open Space Zone

OSZ - R11	Mineral Prospecting and Mineral Exploration	
<p>Activity Status Permitted Where:</p> <ol style="list-style-type: none"> 1. This is authorised under a mineral prospecting or mineral exploration permit from New Zealand Petroleum and Minerals, where legally required; 2. Written notice is provided to the relevant District Council 10 working days prior to any mineral prospecting or mineral exploration commencing; 3. Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary; 4. The site is progressively rehabilitated as far as is practicable to its original condition with rehabilitation being completed no more than three months after mineral prospecting and mineral exploration ceases; and 5. No more than 5,000m³ of material is excavated in a calendar year per site 6. The mineral prospecting or mineral exploration does not occur within: <ol style="list-style-type: none"> a. An Outstanding Natural Landscape; b. An Outstanding Natural Feature; c. A Historic Heritage site; d. A Significant Natural Area; or e. An area of High or Outstanding Coastal Natural Character. <p>Advice Note:</p> <ol style="list-style-type: none"> 1. Where the activity subject to this rule is located within a Site or Area of Significance to Māori, then compliance with SASM-R7 is required. 	<p>Activity status where compliance not achieved: Discretionary</p>	

OSZ - R19	Mineral Extraction and Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards	
Activity Status Discretionary		Activity status where compliance not achieved: N/A

OSZ - R22		

Natural Open Space Zone

NOSZ - R16	Mineral Prospecting, Mineral Exploration and Mineral Extraction
Activity Status Non-complying	Activity status where compliance not achieved: N/A

Appendix Seven: Mineral Extraction Management Plan Requirements

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

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, layout and progression of the activity on 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 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 manage adverse effects on the natural environment, including any areas of indigenous biodiversity (flora and fauna), natural inland wetlands and watercourses;
 - f. 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 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 at 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;
 - m. Details on any 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, within a reasonable timeframe from the completion of any mineral prospecting, mineral exploration, mineral extraction and / or mineral processing activities.
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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



**Schedule Nine: Lawfully Established Mineral Extraction
and Processing Areas**

**Te Rārangi Tuaiwa: Ngā Wāhi Tango Kohuke ngā Wāhi
Tukatuka hoki kua Whakamanatia ki Whakatūnga**

**SCHED
10**

**Schedule Ten: Previously Mined Locations in
the Rural and Open Space and Recreation
Zones**

**Te Rārangi Tuangahuru: Ngā Wāhi i te
Tuawhenua i ngā Wāhi Pōaha Hoki i Keria Kētia
Āhukahukatia**

Attachment 3: Section 32AA assessment

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Mineral extraction provisions options analysis

Pre-notification Section 32 Evaluation Report

The pre-notification section 32 evaluation did not include a detailed evaluation or analysis of the different options for providing for mineral extraction within the pTTPP.

Section 2.4 briefly analyses best practice; section 2.6 describes the proposed provisions:

“A specific Buller Coalfield Zone is proposed (encompassing the hard coking coal mines on the Stockton and Denniston Plateaux) as well as a region-wide Mineral Extraction Zone encompassing specific spatial locations of mining and quarrying activity across the West Coast.

Alongside this, provisions for mineral extraction are provided in other parts of TTPP – most specifically in the Rural Zones and the the Open Space and Recreation Zones. This recognises that some mineral resources of the West Coast are widespread and not confined to a small number of locations.”

Section 4.1 provides an evaluation of objectives and section 4.2 evaluates the provisions for the Special Purpose Buller Coalfield Zone, Special Purpose Mineral Extraction Zone and evaluation of provisions for Rural and Open Space Zones.

National Planning Standards

Standard 8 of the National Planning Standards apply to zone framework which is a mandatory direction. District Plans must only contain the zones listed in table 13 consistent with the description of those zones, except for a special purpose zone when direction 3 is followed. Table 13 does not include provision for a ‘mineral extraction zone’. National Planning Standards 8.3:

“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.”*

District-wide Matters Standard 7 applies to matters on a district-wide basis the Planning Standards and does not specify limitations or provide direction with respect to what is district wide.

Options

The following reasonably practicable options could be utilised to provide for mineral extraction within the pTTPP:

- Option 1:** Mineral extraction objectives, policies and rules within each zone
- Option 2:** Mineral extraction objectives, policies and rules within a district wide overlay identified via mapped locations
- Option 3:** Mineral extraction objectives, policies and rules within a single special purpose zone identified via mapped locations (Mineral Extraction Zone)

Option 4: Mineral extraction objectives, policies and rules within multiple special purpose zones (Mineral Extraction Zone and Buller Coalfield Zone) and the rural and open space zones (notified option).

Analysis and conclusion

A more fulsome analysis is provided in Tables 1 – 4 in the preceding pages. Ultimately, I consider that, in agreeance in principle with the Planners that were party to JWS #2, Option 4 represents the most appropriate option in terms of efficiency and effectiveness pursuant to Section 32 of the RMA. While I draw this conclusion, I consider that the matter is finally balanced, and that a different conclusion could be reached depending on what weight is given to the various costs and benefits that have been outlined below.

Table 1 - Option 1: Mineral extraction objectives, policies and rules within each zone

Benefits	Costs
<ul style="list-style-type: none"> - Objectives, policies and rules which provide for mineral prospecting and exploration, and mineral extraction activities can be tailored at a level which is consistent with the relevant zone outcomes to maintain zone character and amenity. - Specific zone provisions will afford a level of certainty for applicants, landowners and Council. - Consistent management of effects associated with mining activities across the region. - Relies upon the mapped overlays to avoid sensitive locations affording protection of ONFs and ONLs, ONCs and SNA's within the Coastal Environment. - Zone provisions provide for alternative activities appropriate to each zone, where mining activities are not proposed while still requiring consideration of the Mineral Extraction. - Actual and potential adverse environmental effects associated with mineral extraction are considered and assessed on a case by-case basis, with the ability to impose conditions to mitigate adverse effects or decline consents if these are significant. - Will give effect to proposed Strategic Direction objectives MIN-O1, MIN-O3, MIN-O5 and MIN-O6. 	<ul style="list-style-type: none"> - Does not afford a higher protection of potentially significant mineral resources and provisions for their efficient use and development. - Non-mineral extraction activities could occur within zones which conflict and ultimately compromise future mineral extraction activities. - Potential reverse sensitivity effects which will require cross boundary provisions to manage effects on mineral extraction activities. - General public may not be aware of mineral extraction activities (particularly future) due to lack of mapping of special purpose zones/overlays which could lead to land sterilisation, reverse sensitivity and loss of development potential. - Higher consenting cost due to need to assess multiple spatial layers of the plan. - Option 1 is a major change from the notified Special Purpose Zones and will require major re-writing of provisions and may lead to the need to complete a variation to the plan resulting in additional process cost. - Will not directly give effect to MIN-O2 and the RPS (reverse sensitivity policy 5.2 and enabling resource use and development objective 5.1).
Efficiency	Effectiveness
<ul style="list-style-type: none"> - Option one duplicates provisions across every zone, increasing the length of the plan and adding complexity for plan interpretation, ultimately resulting in an inefficient plan. - Management of zone interface and incompatible land use will require complicated zone rules which are not efficient. 	<ul style="list-style-type: none"> - Zone specific provisions are effective in ensuring management of effects consistent with amenity and character of each zone. This option provides for assessment of proposals and process which is commensurate to the scale and potential effects of each proposal, including activity status to effectively direct case-by-case assessment. - Due to size and scale of mining activities it is common for activities to cross zone boundaries, which could result in overly complicated consent processes and in consistent effects management. - Sole reliance upon overlays to protect sensitive locations may be ineffective. - Lack of mapping can lead to monitoring and enforcement complexities.
Opportunities for Economic Growth and Employment	
None specifically identified.	
Certainty and Sufficiency of Information/Risk of Acting or not Acting if there is Uncertainty	
<ul style="list-style-type: none"> - Option 1 does not rely upon additional mapping, research or zone criteria that is directly sourced from existing consents or mining permits. Therefore, Option 1 does have a level of certainty and sufficiency of information. - There is no risk of activity or not activity due to uncertainty. 	

Table 2 - Option 2: Mineral extraction objectives, policies and rules within a district wide overlay identified via mapped locations

Benefits	Costs
<ul style="list-style-type: none"> - The use of an overlay as opposed to a zone or precinct reflects that this resource is located across zone boundaries, requiring specific management. The underlying zone provides context for any assessment of amenity values and the character of the surrounding environment. Where activities are proposed which are not quarrying activities, residential activities or subdivision this enables reliance on the underlying zone provisions to appropriately manage these activities, while still requiring consideration of the Mineral Extraction overlay direction. - Consistent management of effects associated with mining activities across the region. - Mapped overlay can avoid sensitive locations affording protection of ONFs and ONLs, ONCs and SNA's within the Coastal Environment. - Actual and potential adverse environmental effects associated with mineral extraction are considered and assessed on a case by-case basis, with the ability to impose conditions to mitigate adverse effects or decline consents if these are significant. - The proposed provisions better align with national and regional direction including by enabling protection of significant mineral resources and provisions for their efficient use and development. - Protection of potentially significant mineral resources and provisions for their efficient use and development has economic benefits to the district, directly to the mining and quarrying industry and indirectly through the availability of resources for use in development and roading. - Will give effect to proposed Strategic Direction objectives MIN-O1, MIN-O3, MIN-O5 and MIN-O6 and the RPS (reverse sensitivity policy 5.2 and enabling resource use and development objective 5.1). 	<ul style="list-style-type: none"> - There is little differentiation between how mineral extraction is treated between the different zones or overlays. This means that it is potentially easier to establish a mineral extraction operation which is potentially incompatible with the amenity values and existing activities within the existing environment. - Mineral prospecting and exploration are a critical task in the identification of where mineral resources are located and it is important that they are provided for within the District Plan, these activities outside of an overlay would have to be managed via zone provisions. - Likewise, the requirement to comply with all other relevant standards in the District Plan (e.g. the earthworks provisions) provides a restriction on the potential for adverse effects of prospecting and exploration. - Will not directly give effect to MIN-O2. - Option 2 is a major change from the notified Special Purpose Zones and will require major re-writing of provisions and may lead to the need to complete a variation to the plan resulting in additional process cost.
<p>Efficiency</p> <ul style="list-style-type: none"> - Option 2 avoids duplication of provisions, decreasing the length of the plan and reducing complexity for plan interpretation resulting in an efficient plan. - Option 2 avoids the need to address zone interface and incompatible land use between zone rules which are not efficient. 	<p>Effectiveness</p> <ul style="list-style-type: none"> - Option 2 is efficient enabling the development of known resources that are understood to be significant while managing adverse effects supporting development within the region, including the provision of affordable infrastructure and urban sustainability. - Spatial identification also clearly indicates where reverse sensitivity effects need to be avoided providing certainty for plan users and the general public and addressing rural sustainability concerns.
<p>Opportunities for Economic Growth and Employment</p>	
<p>None specifically identified.</p>	
<p>Certainty and Sufficiency of Information/Risk of Acting or not Acting if there is Uncertainty</p>	
<p>There is uncertainty due to lack of information in relation to the extent of mineral resources within across the District, reliance of mapping an overlay based upon mapped consents and permits as notified has an element of risk.</p>	

Table 3 - Option Three: Mineral extraction objectives, policies and rules within a single special purpose zone identified via mapped locations (Mineral Extraction Zone)

Benefits	Costs
<ul style="list-style-type: none"> - The use of a single special purpose zone as opposed to multiple special purpose zones or an overlay reflects that this resource requires location specific management of effects. - A single special purpose zone affords consistent management of effects associated with mining activities across the region. - Relies upon the mapped overlays to avoid sensitive locations affording protection of ONFs and ONLs, ONCs and SNA's within the Coastal Environment. - The proposed provisions better align with national and regional direction including by enabling protection of significant mineral resources and provisions for their efficient use and development. - Protection of potentially significant mineral resources and provisions for their efficient use and development has economic benefits to the district, directly to the mining and quarrying industry and indirectly through the availability of resources for use in development and roading. - Mineral extraction activities can be enabled within the zone. - Will give effect to proposed Strategic Direction objectives MIN-O1, MIN-O3, MIN-O5 and MIN-O6, and the RPS (reverse sensitivity policy 5.2 and enabling resource use and development objective 5.1). - Transparently identifies where these large mining operations occurs so the general public is aware of their location, but also provides for the ability to include reverse sensitivity provisions to manage setbacks of new sensitive activities in proximity. 	<ul style="list-style-type: none"> - Mineral resources may be located within other zones which could be hindered. - Mineral extraction activities will be constrained to zoned locations increasing economic costs to operations but it may be perceived as an environmental and social benefit. - Potential for cross zone boundary conflict and amenity effects. - Impacts the use of this land for other activities, which may be sought prior to mining operations, or once operations cease. - Significant issues regarding the justification of the spatial extent of the MINZ and BCZ – this is addressed further in Section 3.0 of the written right of reply. - The special purpose zones will need to include context for any assessment of amenity values and the character of the surrounding environment. Where activities are proposed which are not mining or quarrying activities, residential activities or subdivision this enables reliance on the underlying zone provisions to appropriately manage these activities, while still requiring consideration of the Mineral Extraction overlay direction. - Mineral prospecting and exploration are a critical task in the identification of where mineral resources are located and it is important that they are provided for within the District Plan, these activities outside of an overlay would have to be managed via zone provisions. - Option 3 does not acknowledge the unique national importance of mining activities at Stockton Mine within the proposed BCZ, which have been demonstrated to include some of the most valuable and important coal resource for the country. - Will not directly give effect to MIN-O2. - Option 3 is a change from the notified Special Purpose Zones and will require re-writing of provisions resulting in additional process cost.
<p>Efficiency</p> <ul style="list-style-type: none"> - Option 3 avoids duplication of provisions, decreasing the length of the plan and reducing complexity for plan interpretation resulting in an efficient plan. - Option 3 avoids the need to address zone interface and incompatible land use between zone rules which are not efficient. 	<p>Effectiveness</p> <ul style="list-style-type: none"> - Option 3 would efficiently provide for mineral extraction activities achieving the objectives, provide a single zone and set of provisions within the Plan. The zone would appropriately enable mineral extraction activities within the mapped zone locations and enable efficient identification of reverse sensitivity effects. - Spatial identification also clearly indicates where reverse sensitivity effects need to be avoided providing certainty for plan users and the general public and addressing rural sustainability concerns.
<p>Opportunities for Economic Growth and Employment</p>	
<p>None specifically identified.</p>	
<p>Certainty and Sufficiency of Information/Risk of Acting or not Acting if there is Uncertainty</p>	
<p>There is uncertainty due to lack of information in relation to the extent of mineral resources within across the District, reliance of mapping an overlay based upon mapped consents and permits as notified has an element of risk.</p>	

Table 4 - Option Four: Mineral extraction objectives, policies and rules within multiple special purpose zones (Mineral Extraction Zone and Buller Coalfield Zone) and the rural and open space zones (notified option)

Benefits	Costs
<ul style="list-style-type: none"> - The use of a two special purpose zones as opposed to an overlay reflects that this resource requires location specific management of effects and acknowledges the difference between resources and environmental characteristics. - Relies upon the mapped overlays to avoid sensitive locations affording protection of ONFs and ONLs, ONCs and SNA's within the Coastal Environment. - The proposed provisions better align with national and regional direction including by enabling protection of significant mineral resources and provisions for their efficient use and development. - Protection of potentially significant mineral resources and provisions for their efficient use and development has economic benefits to the district, directly to the mining and quarrying industry and indirectly through the availability of resources for use in development and roading. - Mineral extraction activities can be enabled within the zones. - Will give effect to proposed Strategic Direction objectives MIN-O1, MIN-O2, MIN-O3, MIN-O5 and MIN-O6, and the RPS (reverse sensitivity policy 5.2 and enabling resource use and development objective 5.1). - Continues authorization of existing activities and allows a more enabling framework for future expansion of mineral extraction activities. - Community / Elected Members preference given employment, economic and social benefits. - Reduced cost associated with re-writing notified Special Purpose Zones beyond that of the hearing process. - Transparently identifies where these large mining operations occurs so the general public is aware of their location, but also provides for the ability to include reverse sensitivity provisions to manage setbacks of new sensitive activities in proximity. 	<ul style="list-style-type: none"> - Mineral resources may be located within other zones which could be hindered. - Mineral extraction activities will be constrained to zoned locations increasing economic costs to operations but it may be perceived as an environmental and social benefit. - Potential for cross zone boundary conflict and amenity effects. - Impacts the use of this land for other activities, which may be sought prior to mining operations, or once operations cease. - Significant issues regarding the justification of the spatial extent of the MINZ and BCZ – this is addressed further in Section 3.0 of the written right of reply. - The special purpose zones will need to include context for any assessment of amenity values and the character of the surrounding environment. Where activities are proposed which are not mining or quarrying activities, residential activities or subdivision this enables reliance on the underlying zone provisions to appropriately manage these activities, while still requiring consideration of the Mineral Extraction overlay direction. - Mineral prospecting and exploration are a critical task in the identification of where mineral resources are located and it is important that they are provided for within the District Plan, these activities outside of an overlay would have to be managed via zone provisions.
<p>Efficiency</p>	<p>Effectiveness</p>
<ul style="list-style-type: none"> - Option 4 duplication of provisions, decreasing the length of the plan and reducing complexity for plan interpretation resulting in an efficient plan. 	<ul style="list-style-type: none"> - Option 4 is efficient enabling the development of known resources that are understood to be significant while managing adverse effects supporting development within the region, including the provision of affordable infrastructure and urban sustainability. - Spatial identification also clearly indicates where reverse sensitivity effects need to be avoided providing certainty for plan users and the general public and addressing rural sustainability concerns.
<p>Opportunities for Economic Growth and Employment</p>	
<p>None specifically identified.</p>	
<p>Certainty and Sufficiency of Information/Risk of Acting or not Acting if there is Uncertainty</p>	
<p>There is uncertainty due to lack of information in relation to the extent of mineral resources within across the District, reliance of mapping an overlay based upon mapped consents and permits as notified has an element of risk.</p>	

Attachment 4: Wynn Williams legal advice regarding scope

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MEMORANDUM

Date: 18 October 2024
To: David Badham
From: Lucy de Latour | Kate Dickson

Advice regarding scope matters for the Mining and Minerals Chapter

1. You have asked us to provide legal advice on the scope of certain proposed changes to the proposed Te Tai o Poutini Plan (**TTPP**) as directed by Minute 32 of the Te Tai o Poutini Hearing Panel (**Panel**).
2. Specifically, the Panel requested that issues relating to scope regarding the following provisions are covered in the right of reply for the Mining and Minerals Extraction Zone (**MINZ**) Hearings:¹
 - (a) BCZ-P1 (and the newly proposed BCZ-PX);
 - (b) MINZ-P1;
 - (c) GRUZ-R12 and GRUZ-RX.
2. Attached as **Appendix One** is a summary of the key legal principles relating to scope which is relied upon in the below analysis.
3. We understand that this legal advice will be attached to your right of reply, and record for completeness that while we have provided our advice on whether we consider there is scope to include the amendments, that this is ultimately a matter for the Panel to determine, bearing in mind the principles set out in Appendix One.
4. We note that this advice has also touched on the use of clause 16 of Schedule 1 of the RMA, to make changes of minor effect or to correct minor errors, where there may not be scope in a submission to make the recommended amendments to the provisions in the TTPP. While the Panel does not have a direct delegation to use clause 16 of Schedule 1, we consider it is consistent with the Panel's power to make recommendations on submissions to the TTPP Committee, for the Panel to also make recommendations regarding the use of clause 16 for this purpose.

Executive Summary

3. Overall, we consider there either to be scope to include the proposed changes in the respective Joint Witness Statements to the relevant provisions, or that the changes could be made under clause 16, should the Panel be minded to do so.
4. The key points on these changes are as follows:
 - (a) **BCZ-P1 and BCZ-PX:** To the extent that there are differences in the content by the introduction of this additional policy, in our opinion the changes fall on the continuum of changes sought in submissions (from the retention of the policy, to the deletion of the policy). Additionally, providing further clarity on what 'lawfully established' means falls within the scope of the plan as proposed. It is not the introduction of a further term, or an additional 'requirement' that it be lawfully established, but instead providing clarity on the term used in the TTPP as proposed.
 - (b) **MINZ-P1:** While no submission specifically sought that the criteria be moved to a policy, the shifting of these criteria to a policy is in the vein of the submissions which support the criteria, when approached holistically. This could be seen as consequential relief to the submissions that support the criteria themselves.

¹ Te Tai o Poutini Hearing Panel, Minute 32, at paragraph 5(viii).

- (c) **GRUZ-R12 and GRUZ-RX:** Introducing a new rule specifically in relation to farm quarries, and tying the conditions to the same as those for GRUZ-R12, does not substantially amend the operation of the TTPP. The outcome would still be the same regardless of whether there is a specific rule for farm quarries or not – they would need to comply with the conditions of GRUZ-R12 to be a permitted activity. However, providing a specific farm quarry rule may be said to better give effect to RURZ-P20. Therefore, we consider that there is scope for such a change, being consequential on the submissions that support RURZ-P20.

5. Our detailed advice follows.

Scope for BCZ-P1

Changes proposed to BCZ-P1

6. The changes proposed in the Joint Witness Statement (**JWS**) in relation to the BCZ (dated 20 September 2024) are set out in the table below:

JWS Version ²	
BCZ-P1	To provide for the current lawfully established existing mineral extraction and processing activities in at Stockton Mine and surrounding areas, by identifying the BCZ - Buller Coalfield Zone, and applying provisions to facilitate mineral extraction activities, and the opportunities for reasonable growth and expansion to meet future demands, while managing adverse effects on the environment, where: <ol style="list-style-type: none"> a. This is currently authorised lawfully established by: <ol style="list-style-type: none"> i. Existing use rights as provided by Section 10 of the Resource Management Act 1996; or ii. Coal mining licences under the Coal Mines Act (1979); or iii. Ancillary coal mining licences under the Coal Mines Act (1979); or iv. Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).³
BCZ-PX	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.

Scope for changes

7. Three submissions were received specifically on BCZ-P1, which can be summarised as:⁴
- (a) Te Mana Ora (Community and Public Health) of the NPHS / Te Whatu Ora - supported that BCZ-P1 be retained;
 - (b) Karen Lippiatt – Delete the policy; and
 - (c) Brian Anderson – Remove BCZ, and remove BCZ-P1.
8. These submissions do not provide much assistance in the interpretation of scope for the above changes.
9. While the JWS proposes two policies instead of one, the separation does not substantially change the content, with BCZ-PX largely being a 'cut out' of the original BCZ-P1 as proposed in the TTPP. In essence it is a restructuring, not affecting the substance of the TTPP. To the extent that there are differences in the content by the introduction of this additional policy, in

² Joint Witness Statement of David Badham and Claire Hunter, for the Mineral Extraction Topic – Buller Coalfield Zone (Planning) – dated 20 September 2024 at paragraphs 6.1 to 6.2.

³ See Section 11.6 of the s42A.

⁴ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1090); Karen Lippiatt (S439.035) and Brian Anderson (FS237.025).

our view the changes fall on the continuum of changes sought in submissions (from the retention of the policy, to the deletion of the policy).

10. We consider providing further clarity on what 'lawfully established' means is a change of minor effect. It is not the introduction of a further term, or an additional 'requirement' that it be lawfully established, but instead providing clarity on the term used in the TTPP as proposed. We consider that this change fits within the principles of clause 16 as described in Appendix 1, being that it is consistent with the overall scheme of the plan, it is a change of wording that does not affect the rights of some members of the public and is merely neutral.
11. Therefore, we are of the opinion that there is scope for the proposed changes (or that they can be made under clause 16), should the Panel be minded to include them.

Scope for MINZ-P1

Changes proposed to MINZ-P1

12. The changes proposed in the JWS in relation to the MINZ provisions (dated 20 September 2024) are set out in the table below:

JWS Version ⁵	
	<p>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:</p> <ol style="list-style-type: none"> a. where there are <u>discrete, long term</u> mineral extraction activities that are <u>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);⁶</u> iii. <u>Where all necessary resource consents required to authorise the activities have been issued under the Resource Management Act (1991).⁷</u>

Scope for changes

13. In the notified TTPP, the criteria now proposed to be included in MINZ-P1 were in the Overview section of the MINZ Chapter. The S42A Report explained that the changes made were:⁸

...shifting the criteria used to identify the MINZ within the Overview section, I consider that it is more appropriate that this is included in a policy, and more specifically MINZ-P1. This is because, in my opinion, the wording of an Overview Section is generally given less weighting when compared to a policy. I consider it is important to have the criteria used to identify where the MINZ should apply within a policy as it makes this clear and consistent on its application for plan users. This is even more important given the raft of rezoning requests that have been received, which I address below...
14. The rationale provided is that the wording of an Overview Section is generally given less weight, compared to a policy.⁹ This could be viewed as going beyond a simple reordering, as it is providing more 'weight' to the criteria, than when originally proposed.

⁵ Joint Witness Statement of David Badham Claire Hunter, Mark Lile, Michael McEnaney and Kate McKenzie for the Mineral Extraction Topic – Overall JWS #2 (Planning) – dated 20 September 2024, at paragraphs 5.1 to 5.3.

⁶ Rocky Mining Limited (S474.045), Davis Ogilvie & Partners Ltd (S465.004) et al

⁷ Rocky Mining Limited (S474.045), Davis Ogilvie & Partners Ltd (S465.004) et al

⁸ S42A Report – Mining and Minerals, at paragraph 176.

⁹ S42A Report – Mining and Minerals, at paragraph 176.

15. In terms of submissions, various submissions were received which supported the 'criteria' as included in the Overview.¹⁰ For example:
 - (a) Michael Hill (S70.006) – Support - Retain the criteria for identifying a land parcel as a Mineral Extraction Zone;
 - (b) Ross Wildbore (S389.002) – Support – Only zone areas mineral extraction zone where they fit with the approach outlined in the overview;
 - (c) Davis Ogilvie & Partners Ltd (S465.004) – Amend – Amend the Overview to more accurately describe how the zone has been defined and refer to the Crown Minerals Act.
16. Submissions received on MINZ-P1 range from opposing MINZ-P1 as a whole, to support and retain as notified.¹¹
17. Considering the various strands of submissions on the MINZ chapter as a whole, in a holistic manner, various submissions show a strong preference for criteria for where the MINZ provisions would apply (just not specifically requesting that they be in a policy).
18. Rather than interpreting the submissions from a perspective of “legal nicety”, on balance (and acknowledging that this is ultimately a matter for the Panel to decide), we consider there to be scope for the criteria to be shifted from the Overview to MINZ-P1.¹² Various submissions indicate a strong demand for the criteria (albeit with some tweaks). Therefore, while no submission *specifically* sought that the criteria be moved to a policy, the shifting of these criteria to a policy is in the vein of the submissions which support the criteria. This could be seen as consequential relief to the submissions that support the criteria themselves.
19. In terms of the specific amendments, if the Panel is minded to accept the shifting of the criteria to MINZ-P1:
 - (a) The deletion of 'discrete, long term' is also supported by the submission of Davis Ogilvie & Partners (S465.004), where they raised concern with 'long term' being a part of the wording, which provides scope for this change;
 - (b) Various submissions sought that existing use rights under the RMA be specifically included, providing clear scope for this addition;¹³
 - (c) Amending 'currently established' to 'lawfully established' is not expressly sought in any submission. However, the proposed change aligns the wording with an already existing definition, enhancing the usability of the TTPP. We consider that this change fits within the principles of clause 16, as described in Appendix 1, being that it is consistent with the overall scheme of the plan, it is a change of wording that does not affect the rights of some members of the public and is merely neutral.

Scope for GRUZ-R12 – whether a new farm quarry rule can be introduced

Changes proposed to GRUZ-R12

20. The changes proposed in the JWS in relation to the MINZ provisions (dated 20 September 2024) are set out in the table below. We understand the change proposed through the JWS (and which you have specifically requested our advice on) is the proposed introduction of a new farm quarry rule in the JWS (rather than changes to GRUZ-R12 as proposed in the section 42A report).

¹⁰ For example, see Michael Hill (S70.006); Ross Wildbore (S389.002).

¹¹ For example, TiGa Minerals and Metals Limited (S493.112); Brian Anderson (FS237.0121); Whyte Gold Limited (S607.079).

¹² *Royal Forest and Bird Protection Society of New Zealand Inc v Southland District Council* [1997] NZRMA 408 (HC) at 10; *General Distributors Ltd v Waipa District Council* (2008) 15 ELRNZ 59 (HC) at [56] and [59].

¹³ For example, Geoff Volckman (S563.147); Peter Langford (S615); Koiterangi Lime Co LTD (S577.123).

JWS Version ¹⁴	
<p>GRUZ-RX – Farm Quarries</p> <p>Activity Status Permitted</p> <p><u>Where:</u></p> <p>1. The Farm Quarry complies with the permitted activity criteria in GRUZ-R12</p>	<p><u>Activity status where compliance not achieved:</u></p> <p>Discretionary</p>
<p>GRUZ-R12 – Mineral Extraction</p> <p>Activity Status Permitted</p> <p><u>Where:</u></p> <p>X. The mineral extraction is associated with a farm quarry;</p> <p>1. Less No more than 20,000m³ of material is disturbed or removed <u>mineral extraction occurs</u> within a 12 month period; or</p> <p>2. Progressive rehabilitation of the mined area occurs so that Land disturbance is limited to no more than 3ha at any one time per <u>property Site</u> on which the activity is occurring;</p> <p>X. Rehabilitation of the area subject to land disturbance is completed within 12 months of the mineral extraction activity ceasing;</p> <p>3. The activity does not occur within:</p> <ul 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 residential building <u>sensitive activity on any RESZ – Residential Zone or RURZ – Rural Zone an adjoining site;</u> <p>4. There are no stockpiles within 20m of the property boundary;</p> <p>5. The maximum stockpile height is 7m;</p> <p>6. There shall be no offensive or objectionable dust nuisance as a result of the activity at or beyond the property boundary;</p> <p>7. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity;</p> <p>8. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards;</p>	<p><u>Activity status where compliance not achieved:</u></p> <p>Controlled where this is a previously mined area identified in Schedule Ten. Otherwise Restricted Discretionary.</p>

¹⁴ Joint Witness Statement of David Badham Claire Hunter, Mark Lile, Michael McEnaney and Kate McKenzie for the Mineral Extraction Topic – Overall JWS #2 (Planning) – dated 20 September 2024, at paragraph 9.1 to 9.16.

<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.¹⁵</p>	
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Scope for new rule

21. Various submissions were received on GRUZ-R12.¹⁶ As notified, this rule provides for a permitted activity of mineral extraction where the conditions are met (for example, less than 20,000m³ of material is disturbed or removed within a 12-month period, and progressive rehabilitation of the mined area occurs, as well as not occurring within specific overlays and limitations on hours of operation and stockpiles).
22. No submission has specifically raised changes to GRUZ-R12 to provide for farm quarries. However, RURZ-P20 as notified sought to specifically enable rural production activities to utilise aggregate resources by providing for farm quarries (outside specific areas). A number of submitters supported RURZ-P20.¹⁷
23. Under the presumptions of the RMA, no person may use land in a manner that contravenes a district plan rule unless expressly allowed.¹⁸ This means that if farm quarries were not otherwise provided for in a district plan, they would be permitted under section 9 of the RMA.
24. While farm quarries were not specifically referred to in GRUZ-R12 as notified, this rule would have still applied to farm quarries. Introducing a new rule to specifically provide for farm quarries does not amend the activity status, as GRUZ-R12 (as notified) is a permitted activity.
25. For this reason, introducing a new rule specifically in relation to farm quarries, and tying the conditions to the same as those for GRUZ-R12, does not substantially amend the operation of the TTPP. The outcome would still be the same regardless of whether there is a specific rule for farm quarries or not – they would need to comply with the conditions of GRUZ-R12 to be a permitted activity. However, providing a specific farm quarry rule may be said to better give effect to RURZ-P20.
26. On balance, we consider that there is scope for such a change, being consequential on the submissions that support RURZ-P20. As noted in **Appendix One**, scope for consequential changes can flow downwards from submissions provided on objectives and policies. In this case, it could be said that a more specific rule was necessary in order to give effect to RURZ-

¹⁵ Various – see Section 17.2 of the s42A Report.

¹⁶ Refer to section 17.2 of the s42A Report – Mining and Minerals for a summary of submissions relating to GRUZ.

¹⁷ For example, Te Mana Ora (S190.953), Peter Langford (S615.164) and Westreef Services Ltd (S518.009).

¹⁸ RMA, s 9(3).

P20, and therefore the introduction of a specific rule is consequential to the submissions that supported GRUZ-R12.

27. In any event, we consider that the introduction of a new rule in relation to farm quarries in this context to have only minor effect, and therefore could be made as a change under clause 16. Given that the specific reference to farm quarries does not amend the activity status, or the conditions that would apply to this activity (compared to if it was treated under GRUZ-R12), the change does not appear to have an effect.

Conclusion

28. We trust that our advice assists. Please let us know if you have any questions, or would like to discuss.

Wynn Williams

Appendix One: Legal principles on scope

29. Clause 10 of Schedule 1 of the Resource Management Act 1991 (**RMA**) provides for the making of decisions on provisions and matters raised in submissions. When undertaking this assessment, the Panel must be satisfied that there is scope to make any amendments to the TTPP, in terms of:
- (d) Submissions received are “on” the TTPP; and, if so;
 - (e) Any amendments are within the scope of a submission such that the Panel has jurisdiction to recommend amendments.
30. Case law demonstrates that the nature of the plan review or plan change influences the scope enquiry.¹⁹ Where a full plan review (such as the TTPP) is being conducted rather than a discrete plan change, this may influence the scope of submissions such that the Panel can take a broader approach to scope than might be possible in relation to a discrete plan change.
31. In terms of whether an amendment proposed is within the scope of a submission, the orthodox test is as follows:²⁰
- The local authority or Tribunal must consider whether any amendment made to the plan change as notified goes beyond what is reasonably and fairly raised in submissions on the plan change. ... It will usually be a question of degree to be judged by the terms of the proposed change and of the content of the submissions.
32. This test has been refined over time through case law, and has been expressed as a sort of “continuum”, with any decision of the Council (or Panel in this case) needing to be fairly and reasonably within the general scope of:²¹
- (a) An original submission; or
 - (f) The proposed plan as notified; or
 - (g) Somewhere in between.
33. Issues of scope should be approached in a realistic, workable fashion, rather than from a perspective of “legal nicety”.²² This requires consideration of the whole relief package detailed in submissions in a holistic manner.
34. The consideration of scope requires the Panel to consider the relief sought in a realistic workable fashion, while seeking to ensure that amendments are not made to the TTPP that would not have been appreciated by persons that have not had the opportunity to participate further.
35. The potential relief that can be provided to a submitter (and therefore amendments that can be made to the TTPP) is not confined purely to the words used or suggested by a submitter. The important consideration is the intent of the submission, and whether the proposed amendment is reasonably and fairly raised by the submission itself.
36. Changes that are considered to be incidental or consequential to other changes are also allowed. Consequential changes can flow downwards, for example if a submission requesting amendment is accepted on an objective or policy, but there is a subsequent method or rule that would then be incompatible with the amended objective or policy such that it also requires amendment.²³

¹⁹ *Calcutta Farms Ltd v Matamata-Piako District Council* [2018] NZEnvC 187, at [83]; *Albany North Landowners v Auckland Council* [2017] NZHC 138, at [129].

²⁰ *Countdown Properties (Northlands) Ltd v Dunedin City Council* [1994] NZRMA 145 (HC) at 41.

²¹ *Re an application by Vivid Holdings Ltd* [1999] NZRMA 467 (EnvC) at [19].

²² *Royal Forest and Bird Protection Society of New Zealand Inc v Southland District Council* [1997] NZRMA 408 (HC) at 10; *General Distributors Ltd v Waipa District Council* (2008) 15 ELRNZ 59 (HC) at [56] and [59].

²³ *Campbell v Christchurch City Council* [2002] NZRMA 332 (EnvC) at [20].

Clause 16 of the RMA

37. In the alternative, to the extent that the Panel is considering making changes that do not alter the effect or content of the TTPP, this may be able to be achieved under clause 16 of Schedule 1 of the RMA, rather than relying on scope in submissions.²⁴ Clause 16(2) of Schedule 1 of the RMA allows for a local authority to make an amendment to a proposed plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors.
38. It is in the local authority's discretion to determine what amendments are of minor effect. The test for whether an amendment has "minor effect" is whether the amendment affects the rights of some members of the public, or whether it is merely neutral.²⁵ Only neutral amendments can be made under clause 16. In other words, the assessment is whether the amendment will prejudicially or beneficially affect the rights of some members of the public, or whether the amendment is neutral.²⁶ In order to determine whether the 'minor effect' part of the clause is satisfied, it can be necessary to look at the wider context of a plan.²⁷
39. It has been considered that the updating of information is only allowed where such alterations, had they been in the original proposed plan, would not have been such that anyone would have bothered to make a submission.²⁸
40. An error is a mistake or inaccuracy that has crept into a plan. The Environment Court has considered that obvious examples of such errors that could be corrected through clause 16 are spelling mistakes or reference to a wrong paragraph number where there can be no doubt what number is intended.²⁹ An error is minor if its correction will not cause prejudice to any person or give rise to misunderstanding.³⁰

²⁴ Resource Management Act 1991, schedule 1, clause 16(2).

²⁵ *Re an Application by Christchurch City Council* (1996) 2 ELRNZ 431 (EnvC), at 440; applied in *Power v Whakatane District Council* [2008] ELHNZ 57, and *Mawhinney v Auckland Council* [2011] ELHNZ 2011 39.

²⁶ *Mawhinney v Auckland Council* [2011] ELHNZ 2011 39, at [17].

²⁷ *Mawhinney v Auckland Council* [2011] ELHNZ 2011 39, at [17].

²⁸ *Re an Application by Christchurch City Council* (1996) 2 ELRNZ 431 (EnvC), at 439. For a more recent example of a 'minor effect' change being accepted by the Court, refer to *Mawhinney v Auckland Council* [2011] ELHNZ 2011 39.

²⁹ *Re an Application by Christchurch City Council* (1996) 2 ELRNZ 431 (EnvC), at 440

³⁰ *Re an Application by Christchurch City Council* (1996) 2 ELRNZ 431 (EnvC), at 440.

Appendix 1: Memorandums Outlining Recommendations for Each Notified MINZ and BZC Site

*Attached separately due to file size

- **Appendix 1a-** BCZ 1: Denniston Plateau
- **Appendix 1b-** BCZ 2: Stockton Mine
- **Appendix 1c-** MINZ 1: Barrytown Flats
- **Appendix 1d-** MINZ 2: Dunganville
- **Appendix 1e-** MINZ 3: Inchbonnie
- **Appendix 1f-** MINZ 4: Kiwi Quarry
- **Appendix 1g-** MINZ 5: Kumara/Greenstone
- **Appendix 1h-** MINZ 6: Papanoa Coal Field
- **Appendix 1i-** MINZ 7: Stillwater
- **Appendix 1j-** MINZ 8: Camelback Quarry
- **Appendix 1k-** MINZ 9: Ianthe Forest
- **Appendix 1l-** MINZ 10: Okuru Quarry
- **Appendix 1m-** MINZ 11: Rimu Channel
- **Appendix 1n-** MINZ 12: Ross Goldfields
- **Appendix 1o-** MINZ 13: Echo
- **Appendix 1p-** MINZ 14: Giles Creek
- **Appendix 1q-** MINZ 15: Grey Valley Distribution
- **Appendix 1r-** MINZ 16: Karamea Lime
- **Appendix 1s-** MINZ 17: Karamea Quarry
- **Appendix 1t-** MINZ 18: Mai Mai
- **Appendix 1u-** MINZ 19: New Creek
- **Appendix 1v-** MINZ 20: Reefton Distribution
- **Appendix 1w-** MINZ 21: Snowy River Goldmine
- **Appendix 1x-** MINZ 22: Te Kuka

Appendix 2: GIS maps showing notified MINZ and BCZ with applicable notified overlays
