



File Reference: RC12/45  
Valuation Roll No. N/A

15 May 2012

Buller Coal Limited  
C/- REM Ltd  
PO Box 1100  
**NELSON 7010**

Dear Craig

**APPLICATION FOR CERTIFICATE OF COMPLIANCE RC12/45**

Council's Certificate of Compliance is attached. If you do not agree with the whole or any part of the certificate, you may appeal to the Environment Court within 15 working days of the date this notification would have been delivered to you in the normal course of post. A copy of any appeal should be sent to the Buller District Council, PO Box 21, Westport.

If you are in doubt about your rights to appeal, or require an extension of time, you should discuss this with your solicitor/agent.

If you have any further queries please do not hesitate to contact me.

Yours faithfully

**Rachel Townrow**  
**ACTING TEAM LEADER PLANNING & POLICY**

Encl

**CERTIFICATE OF COMPLIANCE  
FOR  
PERMITTED ACTIVITY**

Buller District Council issues the following certificate of compliance pursuant to Section 139(1) of the Resource Management Act 1991 on the following terms:

<b>APPLICANT</b>	<b>Buller Coal Limited</b>
<b>APPLICATION NUMBER</b>	<b>RC12/45</b>
<b>CONSENT TYPE</b>	<b>Land Use Consent</b>
<b>LOCATION</b>	<b>Whareatea Mine Road, Denniston Plateau</b>
<b>LEGAL DESCRIPTION</b>	<b>Whareatea Mine Road</b>
<b>ZONE</b>	<b>Rural – Buller District Plan</b>

This certificate certifies that the particular activity described below is permitted, within the location described above.

**Activity Description**

Buller Coal Limited proposes to upgrade the existing Whareatea Mine Road to improve access for monitoring and construction related activities associated with the Escarpment Mine project. Currently the road is formed but the road surface is of poor quality. The proposed works will remain within the current road footprint and will comprise:

- Placement and compaction of varying grades of surface materials, free from weeds and non-acid producing, along 3.9km of the existing road formation.
- Installation of a culvert in a tributary of the Whareatea River in accordance with the permitted standards of the West Coast Regional Council's Proposed Regional Land and Water Plan.
- On-going maintenance of the road surface as required.

**Resource Management Act 1991 (RMA)**

Section 139(1) of the Resource Management Act 1991 states, where an activity could be lawfully carried out without a resource consent, the Consent Authority shall upon request, issue to any person who so requests a certificate, that a particular activity complies with the plan.

Pursuant to Rule 6.2.18 of the Buller District Plan, temporary activities incidental to building and construction of a specific project are deemed a permitted activity. The relevant rule is as follows:

*Temporary activities that comply with the following:*

*6.2.18.1 Activities incidental to building and construction, limited either to the duration of the project or a period of 12 months whichever is the lesser, and provided they comply with the noise limits set out in 7.8*

Up-grading of the road surface is considered a temporary activity in terms of the rule and directly related to the duration of the Escarpment Mine Project.

However, it is noted that the consents required for this project are the subject of appeals, therefore commencement of mining and construction of associated infrastructure is yet to be resolved.

### **Conclusion**

The Buller District Council is satisfied that the application for a Certificate of Compliance by Buller Coal Limited complies with the requirements of the RMA and is a permitted activity pursuant to the Buller District Plan and accordingly issues this Certificate of Compliance.

Under delegated authority of the Buller District Council.



**Rachel Townrow**  
**ACTING TEAM LEADER PLANNING & POLICY**

Dated this day 15<sup>th</sup> May 2012