



Te Tai o Poutini PLAN

A combined district plan for the West Coast

To: Hearing Commissioners – Proposed Te Tai o Poutini Plan (pTTPP)

From: David Badham – Reporting Officer

Date: 21 May 2025

Re: Reporting Officer Review of Response to Further Information Received under Minute 57 – Mining and Minerals Topic

1.0 Introduction and Purpose

- (1) This review 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 review in addition to my original Right of Reply is to respond to the further evidence received in response to Minute 57, which was released on 17 January 2025 addressing matters raised in the original Right of Reply dated 02 December 2024.
- (3) Minute 57 offered the opportunity for submitters to provide further information in relation to their interest in the proposed MINZ where amendments, reductions or deletions of zoning have been recommended in the original Right of Reply. The following further information was encouraged:
 - (a) Resource consents;
 - (b) Certificate of Compliance or Existing Use Certificates issued under the RMA;
 - (c) Coal mining licences under the Coal Mines Act 1979 (CML); and
 - (d) Ancillary coal mining licences under the Coal Mines Act 1979 (ACML).
- (4) This review and reply is structured to address the responses received in relation to Minute 57 and further information received. My final recommendations are provided below.

2.0 Methodology

- (5) I have undertaken a comprehensive review of the further information received from submitters in response to Minute 57.
- (6) 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.
- (7) The following is a timeline of the comprehensive review process of the information provided:

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Date	Action
17 January 2025	Minute 57 was released
10 February – 28 March 2025	Submitter responses were provided for review. Eight responses were received for review.
31 March – 16 May 2025	Preliminary assessment and review of the information received completed.
21 May 2025	Preparation of Reporting Officer review memorandum and recommendations.

3.0 Summary of Findings and Recommendations

3.1 BCZ at Denniston Plateau

- (8) The Right of Reply recommended that the notified BCZ for Denniston Plateau be amended slightly to align with the areas subject to the existing Resource Consents, CML, and ACML cited and summarised with Appendix 1a of the Right of Reply (**Appendix 1**).
- (9) In response to Minute 57, further information was received from submitter Bathurst Resources Limited and BT Mining Limited (Bathurst). Whilst generally concurring with the majority of the recommendations concerning the Dennison Plateau, Bathurst seek the inclusion of established access roads to and from the Cascade Mine and Escarpment Mine and provided the following:
 - (a) Application for Environmental Effects (AEE) for Cascade Mine (RC160055); and
 - (b) Certificate of Compliance (CC12045) for the access road to Escarpment Mine.
- (10) The AEE for Cascade Mine includes the “Escarpment Mine Location Map” dated 23 November 2015 which identifies Cascade Access Road. This access road is described as an existing access road which was created in 1941, prior to the requirement to obtain a Resource Consent. There was an easement with the Department of Conservation (DOC) for the use and maintenance of the road at the time of the resource AEE.
- (11) RC160055 was assessed as part of the Right of Reply and grants consent to undertake open cast coal mining, quarrying and processing of granite and associated activities. The conditions state the proposal will “proceed in accordance with the submitted application dated 14 November 2016 and the relevant plans”.

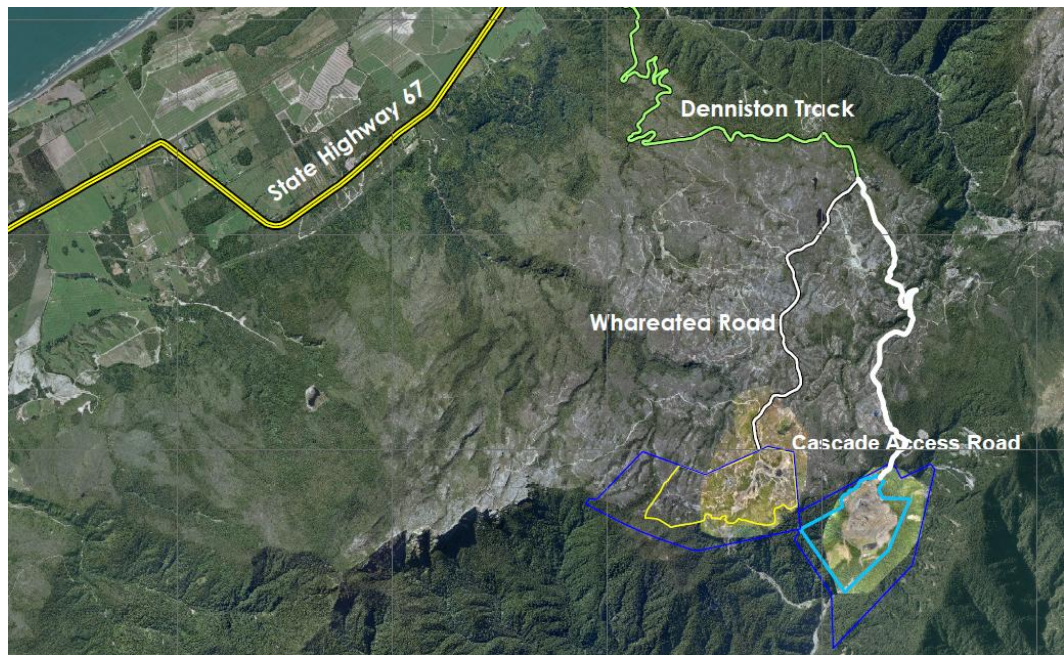


Figure 1: Cascade Access Road. Source: AEE 14 November 2016

- (12) The Certificate of Compliance (CC12045) provides that the upgrading of Whareatea Mine Road in relation to the Escarpment Mine project is a permitted activity.
- (13) On the basis of the above, it is recommended that both of these access roads are included in the MINZ area for Denniston Plateau. An updated version of the Map of Authorised Mining Activities in relation to BCZ (Appendix 1a of the Right of Reply) is included at **Appendix 2**.

3.2 BCZ at Stockton

- (14) The Right of Reply recommended that the notified BCZ for Stockton Mine be amended slightly to align with the areas subject to the existing Resource Consents, CML, and ACML cited and summarised at Appendix 1b of the Right of Reply (**Appendix 3**).
- (15) In response to Minute 57, further information was received from submitter Bathurst. Whilst generally concurring with the majority of the recommendations concerning the Stockton, Bathurst seek that the recommendation for the boundary of the Cypress area be amended to align with Bathurst's approved plans.
- (16) On comparison of the outline of the boundary recommended in the Right of Reply, against Appendix D provided by Bathurst with their Minute 57 response, and against the original Resource Consents RC030164 and RC03175 (which were originally assessed for the Right of Reply), it is considered that the Right of Reply recommended BCZ boundary area is misaligned with that consented.
- (17) It is noted that the outline of the Cypress consented boundary in Appendix 1b of the Right of Reply is an approximation of the area and is not based on surveying or GPS measurements. The outline was intended to depict an approximation of the consented area under RC030164 and RC03175.
- (18) On the basis of the above, it is recommended that the BCZ boundary that indicates the Cypress area for the Stockton BCZ area is updated to better reflect the consented area. An updated version of the Map of Authorised Mining Activities in relation to BCZ (Appendix 1b of the Right of Reply) is included at **Appendix 4**.

3.3 MINZ at Barrytown

- (19) The Right of Reply recommended, on the basis of an assumption that the Environment Court decision is beyond challenge, that the notified MINZ at Barrytown Flats be amended slightly to coincide with the area subject to LUN3154-24. This is detailed in Appendix 1c of the Right of Reply (**Appendix 5**)
- (20) In response to Minute 57, further comments were received from the following submitters regarding the Barrytown MINZ:
- (a) Ms Deborah Langrage;
 - (b) Ms Marie Elder;
 - (c) Ms Suzanne Hills; and
 - (d) Ms Sharon Langridge and Mr Ross Wildbore.
- (21) The responses from the submitters listed above all disagree with the recommendation of the Right of Reply and provide further comment in support of their position to oppose the MINZ on the Barrytown Flats, and in general the creation of the MINZ.
- (22) On the basis that no further authorisations were received to justify the removal of the MINZ at Barrytown, it is recommended that no change is made to the recommendations of the Right of Reply.

3.4 MINZ at Echo

- (23) The Right of Reply recommended that the notified MINZ at Echo be reduced to coincide with the areas subject to the existing Resource Consents which were cited and summarised at Appendix 1o of the Right of Reply (**Appendix 6**).
- (24) In response to Minute 57, a response was received from New Zealand Coal and Carbon Ltd that disagrees with the recommendation of the Right of Reply. New Zealand Coal and Carbon Ltd stated there were errors and/or omissions in the Right of Reply in relation to their site but do not provide further detail to elaborate on these errors and/or omissions.
- (25) On the basis that no further authorisations were received to justify any amendments of the MINZ at Echo it is recommended that no change is made to the recommendations of the Right of Reply.

3.5 MINZ at New Creek

- (26) The Right of Reply recommended that the notified MINZ at New Creek be significantly reduced or deleted from the MINZ to coincide with the areas subject to the existing Resource Consents which were cited and summarised at Appendix 1u of the Right of Reply (**Appendix 7**).
- (27) In response to Minute 57, a response was received from New Zealand Coal and Carbon Ltd that disagrees with the recommendation of the Right of Reply. New Zealand Coal and Carbon Ltd stated there were errors and/or omissions in the Right of Reply in relation to their site but do not provide further detail to elaborate on these errors and/or omissions.

- (28) On the basis that no further authorisations were received to justify any amendments of the MINZ at New Creek it is recommended that no change is made to the recommendations of the Right of Reply.

3.6 MINZ at Paparoa Coal Field

- (29) The Right of Reply 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 which were cited and summarised at Appendix 1h of the Right of Reply (**Appendix 8**). It was noted that the MINZ at Paparoa Coal Field proved to be complex, with the largest amount of information which was difficult to reconcile and understand. A consistent conservative approach was taken and acknowledged.
- (30) In response to Minute 57, responses were received from the following submitters regarding the Paparoa MINZ:
- (a) Terra Firma Mining Limited; and
 - (b) New Zealand Coal and Carbon Ltd.
- (31) The responses from the submitters listed above disagree with the recommendation of the Right of Reply. New Zealand Coal and Carbon Ltd stated there were errors and/or omissions in the Right of Reply in relation to their site but do not provide further detail to elaborate on these errors and/or omissions. Terra Firma Mining Limited have restated their position for the inclusion of the Paparoa Coal Filed MINZ and provided a letter of support from the Mayors and Chairs of the Buller, Grey and Westland District Councils, the West Coast Regional Council, Development West Coast, Te Runanga O Makaawhio and Te Runganga O Ngati Waewae.
- (32) These responses did not provide further authorisations by way of resource consents, Certificate of Compliance or Existing Use Certificates issued under the RMA, CML or ACML to justify the inclusion of the MINZ at Paparoa. As such, it is recommended that no change is made to the recommendations of the Right of Reply.

3.7 MINZ at Stillwater

- (33) The Right of Reply recommended that the notified MINZ at Stillwater is reduced to only include the area subject to LU1422/06. This is detailed in Appendix 1i of the right of reply (**Appendix 9**).
- (34) In response to Minute 57, a response was received from New Zealand Coal and Carbon Ltd that disagrees with the recommendation of the Right of Reply. New Zealand Coal and Carbon Ltd stated there were errors and/or omissions in the Right of Reply in relation to their site but do not provide further detail to elaborate on these errors and/or omissions.
- (35) On the basis that no further authorisations were received to justify any amendments of the MINZ at Stillwater it is recommended that no change is made to the recommendations of the Right of Reply.

3.8 MINZ at Snowy River

- (36) The Right of Reply recommended that the notified MINZ for Snowy River be either significantly reduced or deleted from the MINZ as summarised at Appendix 1w of the Right of Reply (**Appendix 10**). It was noted that the MINZ at Snowy River proved to be complex due to the lack of information

available to justify a significant extent of the mapped MINZ. The recommendation was made utilising a consistent conservative approach and acknowledged that there is a possibility that if further information was provided this could result in a different recommendation.

- (37) In response to Minute 57, further information was received from submitter Tasman Mining Ltd. The response disagreed with the recommendation of the Right of Reply. Tasman Mining Ltd advised that Snowy River Mine is an active gold mine with all appropriate and necessary Mineral Permits and Resource Consents. It is noted that the Mining Permit – MP60473 and Exploration Permit EP60460 are cited. However, these are not considered to be authorisation mechanisms to establish an existing lawful activity per the pTTPP. The following authorisation mechanisms were provided and are summarised below:
- (a) RC220060: This resource consent was included in the assessment as part of the Right of Reply and included in Appendix 1w (**Appendix 10**). This was the authorisation mechanism that was used to justify the section of the MINZ that had existing authorisation to undertake a mining activity.
 - (b) RC130025B: This variation is the superseding resource consent and amends the conditions of RC130025. RC130025 was assessed in the Right of Reply and included in Appendix 1w (**Appendix 10**). The variation RC130025B provides for a revised waste rock stack design and water management and treatment facilities at the Snowy River Mine site. The legal description of the site is provided as section 9-10 Blk XVI Mawheraiti SD. The approved plans included a site plan prepared by Pattle Delamore Partners Ltd titled “Fig 1: WRS Consented & New Design footprint” and dated Mar 2022. Whilst a copy of this plan was not provided by Tasman Mining Ltd, it is noted that RC220060 also relies on this same plan. As such, a copy of this was already held on file and included in the assessment of RC220060 in the Right of Reply to identify the area within the notified MINZ that has existing authorisation to undertake a mining activity.
 - (c) RC13042-V1: This resource consent grants six Land Use Consents, five Water Permits and four Discharge Permits in relation to the processing of ore on the Snowy River Mine site. No legal descriptions of the site are provided but the following are referenced: access road, haul bridges over Snowy River, riparian margins of the Snowy River, and the bed of an unnamed tributary. No approved plans to show the layout and consented boundary have been provided. Condition 24.9 references that the treatment wetland pond will be located within sections 9 and 10 Block XVI Mawheraiti Survey District Nelson Land District, NL10A/347. Also lists other sampling sites as identified by NZ Topo identifiers.
 - (d) RC-2022-0079: This resource consent grants three Discharge Permits relating to the construction and operation of the processing plant at the Snowy River site. The location is cited as Waiuta and the NZTM reference 1499832E, 5317401N was given. A search of this NZTM reference leads to Section 9-10 Block XIV Mawheraiti Survey District. None of the approved plans were provided. Condition 109 references that the treatment wetland pond will be located within sections 9 and 10 Block XVI Mawheraiti Survey District Nelson Land District, NL10A/347. Also lists other sampling sites as identified by NZ Topo identifiers.
 - (e) RC240011: This resource consent grants a land use consent to construct, operate and maintain a temporary laydown and truck storage facility within the Rural Zone associated with the construction of a processing plant at the Snowy River Mine. The address is Snowy River Mine, Snowy River Road, Ikamatua and the site Sections 9-10 Block XVI Mawheraiti Survey District.

The approved plan that shows the approximate location of the Snowy River Mine Laydown and Truck Storage was not provided.

- (38) The assessment of the further information provided shows that all of these resource consents reference the same site, described as sections 9-10 Blk XVI Mawheraiti SD which is where the surface infrastructure is located per Figure 1 in Tasman Mining Ltd.'s response. This site also corresponds to the same area that the Right of Reply has identified as having authorisation to operate a mining activity (**Appendix 10**).
- (39) It is noted that Tasman Mining Ltd have referenced the land parcels in relation to RC130025B as corresponding with Exploration Permit area EP40542 (now MP60473). However, no reference to these permits were identified in the material provided, and so this boundary was not able to be identified.
- (40) As such, whilst it is considered that there is a suite of resource consents granted by the West Coast Regional Council and the Buller District Council that authorise these mining activities, the issue we have faced is in trying to identify the consented boundary of these activities.
- (41) Based on the information provided, it is still not possible to identify the boundary of the consented activities. As such, it is recommended that no change is made to the recommendations of the Right of Reply.

4.0 Proposed Schedule 9 – BCZ Sites

- (42) I did not address the matter of the spatial extent of BCZ and proposed Schedule 9 in my original Right of Reply as I was awaiting the receipt of further information from Ms Hunter / Bathurst relating to the spatial extent of the BCZ. This has now been provided in response to Minute 57, and as outlined in 3.1 and 3.2 above,
- (43) I note that within paragraph 3.5 of the Joint Witness Statement of Claire Hunter and I (BCZ JWS), the following was stated:

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

- (44) .
- (45) Considering the revised information provided for Bathurst, I consider that there is now a basis for the relevant Coal Mining Licences and resource consents outlined previously to be listed in a revised Schedule 9 that is specific to the BCZ.
- (46) To be clear, I do not consider that this should apply to the MINZ for the reasons I have outlined previously in the overall JWS and my Right of Reply.

5.0 Conclusion

- (47) In summary, I have reviewed the information provided by the submitters in response to Minute 57 regarding the extent of mapping for the MINZ and BCZ. 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.
- (48) This has resulted in me continuing to recommend the removal or significant amendment/reduction of the MINZ as it relates to a number of sites.