

TAI POUTINI PLAN COMMITTEE

Hearing of Submissions on the Proposed Te Tai O Poutini Plan

Recommendation Report of Hearing Panel

Recommendation Report

Mineral Extraction

Incorporating

Mineral Extraction Zone – Te Takiwā Kohuke

Buller Coalfield Zone – Te Takiwā Waro o Kawatiri

Mineral Extraction Provisions in the Rural Zones, Open Space Zone and Future Urban Zone

Hearing Dates: 28-29 May 2024 and 11-13 June 2024

HEARING PANEL

Dean Chrystal (Chair)

Paul Rogers

Maria Bartlett

Sharon McGarry

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
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 Mineral Extraction Provisions in the Rural Zone - Te Takiwā Tuawhenua, Open Space Zone - Te Takiwā Pōaha
 and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

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PART A – INTRODUCTORY MATTERS

1. PRELIMINARY MATTERS

1.1. Introduction

1. Matters to do with our appointment and other preliminary matters applicable to all Hearing Panel’s recommendations on the Proposed Te Tai o Poutini Plan (**pTTPP** or ‘the Plan’) are recorded and addressed in Recommendation Report 1.
2. This Recommendation Report relates to the Mining and Mineral sections of the pTTPP, incorporating Buller Coalfield Zone (**BCZ**) – Te Takiwā Waro o Kawatiri, Mineral Extraction Zone (**MINZ**) – Te Takiwā Kohuke and the mineral extraction provisions in the Rural Zone (**RURZ**) - Ngā Takiwā Tuawhenua, the Future Urban Zone (**FUZ**) – Te Takiwā Tāone mō Raurangi, and the Open Space Zone (**OSZ**) – Te Takiwā Pōaha and; and contains the Hearing Panel’s evaluations and recommendations to the TTPP Committee on the submissions and further submissions received on these sections in Part 1 (Definitions), Part 3, Appendix 7, Schedules 9 and 10, and the planning maps.
3. The Section 32 Report¹ provided an evaluation of options for the management of Mineral Extraction and how this was managed through the combined Plan, including the regulatory framework, resource management issues, the evidence base, consultation, information and analysis undertaken and evaluation of the options.
4. The Section 42A Officer’s Report² (**s42A Report**), authored by Mr David Badham, a planner with Barker & Associates Limited consultancy acting as the Reporting Officer, was circulated prior to the hearing. The s42A Report provided an analysis of submissions and further submissions received; and made recommendations on changes to the notified plan provisions (the changes were included in Appendix 1 and Appendix 3 (planning maps), and the recommendation on all submissions as to either accepted, accepted in part or rejected in Appendix 2).
5. The s42A Report assessed a total of 1198 submission points and 113 further submission points on the Mining and Mineral Extraction topic. It provided summaries of all the submissions and further submissions received and the relief sought; an analysis of the proposed changes to provisions in submissions; and recommendations for amendment to the plan provisions.
6. The matters raised by submitters were generally grouped in the s42A Report in relation to each of the following key issues for each of the chapters, as relevant:
 - Definitions
 - General Submissions;
 - Overview;
 - Objectives;
 - Policies;

¹ Te Tai o Poutini Plan – Section 32 Evaluation Report Fourteen

² Te Tai o Poutini Plan Section 42A Officer’s Report Mining and Minerals

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- Rules;
 - Rezonings;
 - Planning Maps;
 - Appendices; and
 - Schedules.
7. A s32AA Evaluation for the recommended changes was provided at the end of the s42A Report.
 8. The Hearings Panel issued three minutes in relation to the Mining and Minerals hearings that gave direction to various participants.
 9. Minute 30 (dated 18 June 2024) requested the four West Coast Councils to provide the Reporting Officer with access to any information pertaining to licenses and/or resource consents in relation to MINZ and BCZ sites identified in the pTTPP.
 10. Minute 32 (dated 1 July 2024) directed caucusing between planning experts on a variety of matters. This resulted in three Joint Witness Statements (**JWS**), two that related to the MINZ and the one for the BCZ.
 11. Minute 57 (dated 17 January 2025), following receipt of the right of reply, identified significant gaps in information to support the spatial extent of MINZ areas and sought responses from affected submitters with interests in the proposed amendments to the MINZ. The Panel received eight responses to Minute 57 by 14 February 2025.
 12. This Recommendation Report generally follows the same structure of the s42A Report and provides a brief summary of the issues raised in submissions and further submissions, the s42A Report analysis and recommendations, submitter evidence and the Reporting Officer’s reply evidence, before providing our evaluation and recommendations.
 13. This Recommendation Report should be read in conjunction with the s42A Report and the tracked change version of the notified Plan provisions (attached as Appendix 1 to this Report). The tracked change version of the TTPP provisions forms an integral part of the report and records all recommended amendments (additions and deletions) to the notified TTPP provisions made by the Panel. The tracked change version of the TTPP shows the Panel’s recommended changes to the notified provisions in **bold and underlining** indicating additions and ~~striketrough~~ indicating deletions. If there is any discrepancy between this Recommendation Report and the tracked change version of the Plan, the tracked change version of the Plan shown in Appendix 1 of this Report must prevail.
 14. This Recommendation Report contains the reasons for the Panel’s recommendations. These comprise either adoption of the reasoning and recommendations of the original section 42A Reports or the Reporting Officer’s reply evidence (Councils’ right of reply post hearing adjournment), or a specific reasoning by the Panel.
 15. Where the Panel recommends the TTPP provisions should remain as notified, it is because:

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

- (a) The Panel has adopted the reasoning and recommendation of the s42A Report to retain the provision as notified; or
 - (b) The Panel has adopted the reasoning and recommendation to retain the provision as notified as recommended in the Reporting Officer’s reply evidence; or
 - (c) The Panel has recommended to retain the provision as notified for reasons set out in this Recommendation Report.
16. Where there is a recommended change to a notified provision of the TTPP, it is because:
- (a) The Panel has recommended amendment to a provision for reasons set out in this Recommendation Report in response to a submission point, which the s42A Report did not recommend; or
 - (b) The Panel adopted the reasoning and recommendation of the s42A Report to change the provision to that recommended in the s42A Report; or
 - (c) The Panel has adopted the reasoning and recommendation to that recommended in the Reporting Officer’s reply evidence; or
 - (d) A consequential change has been necessary following on from a decision in either (a), (b) or (c).
17. Where there may be a different recommendation between the s42A Report and the Reporting Officer’s addendum or reply evidence (i.e., the recommendation by the Reporting Officer has changed as a result of hearing the evidence of submitters), unless the Panel decision specifically adopts the original s42A Report’s reasoning and recommendations, the reasoning and recommendations in the (later) reply to evidence has been adopted and it must be taken to prevail.
18. If there are circumstances where the Panel consider that alternative relief is more appropriate than that requested in submissions and further submission to give effect to the RMA, NZCPS, national policy statements and/or WCRPS, but are still within the scope of the relief sought, the relevant recommendation clearly sets out the nature of the change and the reason for the change. This is recorded in this Recommendation Report.
19. If any changes are recommended to the provisions (since the Section 32A Report was completed) a further evaluation if required pursuant to section 32AA of the RMA has been undertaken. Any such circumstances are referred to in this Recommendation Report in sufficient detail to demonstrate a further evaluation was undertaken.
20. Clause 16(2) of the First Schedule of the RMA enables the Panel to recommend amendments to alter information, where such an alteration is of minor effect, or may correct any minor errors. In the Panel’s recommendations below each section considered in Part C of this Report and in the tracked change version of the notified Plan provisions (Appendix 1 of this Report) records any such minor amendments.

1.2. Terminology in this Report

21. Throughout this Report, the following abbreviations will be used:

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Bathurst	Bathurst Resources Limited and BT Mining Limited
BCZ	Buller Coalfield Zone
BDC	Buller District Council
CMA	Crown Minerals Act 1991
Councils	Buller District Council, Grey District Council, and Westland District Council
Director General	Director General of Conservation
DOC	Department of Conservation
ECO	Ecosystems and Indigenous Biodiversity
FENZ	Fire and Emergency New Zealand
Forest & Bird	Royal Forest & Bird Protection Society of New Zealand Incorporated
FUZ	Future Urban Zone
GDC	Grey District Council
GRUZ	General Rural Zone
HAIL	Hazardous Activities and Industries List
JWS	Joint Witness Statement
MINZ	Mineral Extraction Zone
MWC	Minerals West Coast
NES-CS	National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health 2011
NES-F	National Environmental Standards for Freshwater
NOSZ	Natural Open Space Zone
NPS	National Policy Statement
NPS-FM	National Policy Statement for Freshwater Management 2020

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NPS-HPL	National Policy Statement for Highly Productive Land 2022
NPSIB	National Policy Statement for Indigenous Biodiversity 2023
NZCPS	New Zealand Coastal Policy Statement 2010
NZPAM	New Zealand Petroleum and Minerals
OSZ	Open Space Zone
PCL	Public Conservation Land
Planning Standards	National Planning Standards 2019
Poutini Ngāi Tahu	Te Rūnanga o Ngāi Tahu, Te Runanga o Ngāti Waewae, Te Rūnanga o Makaawhio
pTTPP or the Plan	Proposed Te Tai Poutini Plan
RLZ	Rural Lifestyle Zone
RMA or the Act	Resource Management Act 1991
RPS	West Coast Regional Policy Statement
RURZ	Rural Zone
SASM	Sites and Areas of Significance to Māori
SETZ	Settlement Zone
SNA	Significant Natural Area
SPZ	Special Purpose Zone
TTPP Committee	Te Tai o Poutini Plan Committee
Waka Kotahi NZTA	NZ Transport Agency Waka Kotahi
WCRC	West Coast Regional Council
WCRPS	West Coast Regional Policy Statement
WDC	Westland District Council

22.

1.3. Hearing Arrangements

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23. The hearing was held at the NBS Theatre Westport on the 28 and 29 of May 2024 and at the West Coast Regional Council on the 11 - 13 June 2024. Some submitters appeared by internet connection.
24. At the hearing, Mr Badham tabled a Planning Summary Statement to his s42A Report.

1.4. Appearances

25. The following submitters appeared at the hearing either in person or internet connection:

Ms Karen (Kair) Lippiatt, for herself

Terra Firma Mining Limited - Ms Lucy Smith

Koiterangi Lime Company Limited

- Mr William McLaughlin
- Mr Steve Keenan
- Ms Shirley Godfrey

Ms Frida Inta for herself and the **Buller Conservation Group**

Ms Suzanne Hills for herself

Mr Mark Pitchfork for himself

Westreef Services Limited - Mr Mark Lile, Planner

Karamea Lime Company Limited - Ms Katherine McKenzie, Planner

Mr Alistair Cameron and Davis Ogilvie & Partners Limited - Ms Pauline Hadfield, planner

Ms Anne Chapman, for herself

Ms Katherine Crick, for herself

Forest and Bird

- Ms Nicky Snoyink
- Ms Natasha Sitarz, Planner

Bathurst Resources Limited and BT Mining Limited

- Ms Christina Sheard, Counsel
- Mr Campbell Robertson, Environmental Manager for Bathurst Resources Limited
- Ms Claire Hunter, Planner
- Dr Mark Sargent, Economic and Social Impact Analyst

WMS Group (HQ) Limited and WMS Land Co. Limited - Ms Katherine McKenzie, Planner

Ms Marie Elder, for herself

Mr Murray Stuart, Ms Karen Jury and Mr Rob Lawrence for themselves

Grey District Council - Mr Michael McEnaney, Senior Planning Officer

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Ms Lynley Hargreaves and Mr Brian Anderson, for themselves

Ms Sharon Langridge, for herself

Te Rūnanga o Ngāti Waewae, Te Rūnanga Makaawhio and Te Rūnanga o Ngāi Tahu (Poutini Ngāi Tahu) - Ms Philippa Lynch, General Manager for Poutini Environmental

1.5. Overview of submitter evidence received

26. Legal submissions and/or Memorandum of Counsel were received as follows:

- (a) Ms Christina Sheard/Mr Joshua Leckie, counsel for Bathurst Resources Limited and BT Mining Limited (dated 14 May 2024); and
- (b) Ms Christina Sheard/Mr Joshua Leckie, counsel for Bathurst Resources Limited and BT Mining Limited (dated 1 November 2024);

27. For those appearing at the hearing the following evidence and/or statements were received:

- (a) Ms Claire Hunter, planner for Bathurst Resources Limited and BT Mining Limited (dated 29 April 2024);
- (b) Dr Mark Sargent, economic and social impact analyst for Bathurst Resources Limited and BT Mining Limited (dated 29 April 2024);
- (c) Ms Pauline Hadfield, planner for Alistair Cameron and Davis Ogilvie & Partners Limited (dated 27 May 2024);
- (d) Ms Katherine McKenzie, planner for Karamea Lime Co Limited (dated 29 April 2024);
- (e) Ms Katherine McKenzie, planner for WMS Group (HQ) Limited and WMS Land Co. Limited (dated 29 April 2024);
- (f) Ms Lucy Smith, planner for and director of Terra Firma Mining Limited (dated 29 April 2024);
- (g) Mr Mark Lile, planner for Westreef Services Limited (dated 28 May 2024);
- (h) Mr Michael McEnaney, planner for Grey District Council (dated 10 May 2024);
- (i) Ms Katherine Crick, for herself (undated, presented at hearing);
- (j) Ms Marie Elder, for herself (including powerpoint presentation) (dated 12 June 2024);
- (k) Mr Brian Anderson, for himself (including powerpoint presentation) (dated 12 June 2024);
- (l) Ms Lynley Hargreaves, for herself (including powerpoint presentation) (dated 13 June 2024);
- (m) Ms Karen Lippiatt, for herself (including powerpoint presentation) (undated, presented at hearing);

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- (n) Ms Philippa Lynch, for Poutini Ngāi Tahu, (dated 13 June 2024);
- (o) Ms Frida Inta, for herself and Buller Conservation Group, (dated 28 May 2024);
- (p) Ms Suzanne Hills, for herself (dated 28 May 2024); and
- (q) Mr William McLaughlin, for Koiterangi Lime Company Limited (undated).

28. Following the hearing the subsequent information was received as follows:

- (a) Joint witness statement of Mr David Badham and Ms Claire Hunter dated 20 September 2024 for the Mineral Extraction Topic – Buller Coalfield Zone;
- (b) Joint witness statement #1 of Mr David Badham, Ms Claire Hunter, Mr Mark Lile, Mr Michael McEnaney and Ms Katherine McKenzie dated 7 June 2024 for the Mineral Extraction Topic – Overall; and
- (c) Joint witness statement #2 of Mr David Badham, Ms Claire Hunter, Mr Mark Lile, Mr Michael McEnaney and Ms Katherine McKenzie dated 20 September 2024 for the Mineral Extraction Topic – Overall.

1.6. Right of Reply

29. Mr Badham provided a written Right of Reply (dated 2 December 2024) that included updated appendices showing tracked changes (and a clean version) to the notified provisions.

30. Following the receipt of the Right of Reply and Minute 57, the following information was received as follows:

- (a) Ms Christina Sheard, Memorandum of Counsel, on behalf of Bathurst Resources Limited and BT Mining Limited, (dated 14 February 2025);
- (b) Ms Sharon Langridge and Mr Ross Wildbore, for themselves, (undated);
- (c) Ms Marie Elder, for herself, (dated 12 February 2025);
- (d) Ms Deborah Langridge, for herself, (undated);
- (e) Ms Suzanne Hills, for herself (undated);
- (f) Ms Lucy Smith, on behalf of Terra Firma Mining Limited, (undated);
- (g) Mayor and Chairs of the Buller, Grey and Westland District Councils, West Coast Regional Council and Development Agencies, (dated 24 June 2020); and
- (h) Mitchell Daysh, on behalf of Tasman Mining Limited, (undated).

31. Mr Badham provided a review of the further information received in response to Minute 57 on 21 May 2025.

1.7. Procedural Steps and Issues

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32. No procedural issues arose from this hearing.

1.8. Site Visits

33. The Panel undertook extensive site visits as part of the wider hearing process, including:

- Stockton Mine
- Denniston Plateau
- Karamea Lime Quarry
- Koiterangi Lime Quarry
- Camelback Quarry
- WCRC rock quarry sites
- Barrytown Flats
- Ross
- Kumara

PART B - STATUTORY REQUIREMENTS AND DOCUMENTS

34. The Section 32 Report outlined the relevant statutory considerations applicable to mineral extraction; and the relationships between the sections of the RMA and higher order documents.

35. The section 42A Report highlighted the relevant section 6, 7 and 8 of the RMA, NZCPS, NPS-HPL, NPSFM, NPSIB, NES-CS, NES-F, iwi management plans and the RPS.

36. The s42A Report noted the purpose of Strategic Direction Chapter, in combination with objectives within the relevant topic sections and chapters, is to ensure that they provide a coherent overarching strategic direction and state the outcomes intended for the West Coast districts. With these strategic directions and objectives in place, the articulation of location-specific and activity-specific objectives and policies are enabled in other chapters of the pTTPP which are consistent with the strategic objectives.

37. Clause 10 of the First Schedule states that it is not necessary to provide decisions on individual submissions. Recommendations of the Panel are made within the scope of requested relief, either individual submissions or groups of submissions making similar requests, as specified in reasons for recommendation.

38. The National Planning Standards mandatory direction 31 require the earthworks chapter must include cross-references to any relevant earthwork provisions for mining, quarries and or gravel extraction in a Special purpose zone or zone chapter or section. The Plan specifically provides for mining, quarries and or gravel extraction in the BCZ, MINZ, GRUZ, RLZ, SETZ, FUZ and OSZ, which are zones cross-referenced in the Earthworks Chapter in accordance with the National Planning Standards.

PART C – SUBMISSIONS, EVIDENCE, EVALUATION AND RECOMMENDATIONS

2. WHOLE PLAN

Submissions and Further Submissions

39. Eighteen submission points and 21 further submission points relating to the mining topic across the whole Plan were summarised in a Table on pages 25-28 of the s42A Report. Two submissions sought to retain the Plan as notified. Sixteen submissions sought various amendments. Of the further submissions, eight opposed the submissions they responded to and 13 supported the submissions they responded to.
40. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

41. In response to the submission points made by John Caygill (S290.009) and Katherine Gilbert (S473.010) that sought a requirement for an ecological assessment in accordance with the West Coast Regional Policy Statement (**RPS**) significance criteria for all new mineral extraction activities, Mr Badham did not support the relief sought. He did not support a blanket approach for all mineral extraction activities. As such, Mr Badham supported the further submission point made by Grey District Council (**GDC**) that opposed the submission point made by John Caygill. These submission points are further discussed in the Ecosystems and Indigenous Biodiversity (**ECO**) Chapter s42A Report and Recommendation Report.
42. Mr Badham supported the submission point made by Development West Coast (S484.001) (and the further submission point made by West Coast Federated Farmers ('Federated Farmers')) that the pTTPP gives effect to RPS Chapter 5 Policy 2. He acknowledged that the RPS as a whole must be given effect to, and while Policy 2 is particularly relevant, he noted he had applied a comprehensive and balanced approach to the analysis.
43. Mr Badham acknowledged the three submission points made by the Aggregate and Quarry Association (**AQA**) and the further submissions in support from Neil Mouat. He noted the submissions sought the following, but that there was no specific relief sought by the submissions to enable him to comment further:
 - (a) That the pTTPP does not unnecessarily curtail the expansion of existing quarries (S521.011);
 - (b) That the pTTPP must allow for the anticipated aggregate demand by identifying potential sources of aggregate close to markets and ensuring that planning is streamlined, and quarry resources are protected (S521.012); and
 - (c) That quarry resources are protected so they can supply vital construction materials (S521.013).
44. In response to the submission point made by the AQA (S521.014) (and the further submission point made by Neil Mouat) that sought for quarry land to be returned as an asset to the community once extraction is complete, Mr Badham did not support the relief sought. He

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noted that many quarries were in private ownership and to draft a workable district plan requiring third party land to be transferred to public ownership had significant complications.

45. Mr Badham did not support the submission point made by the AQA (S521.019) (and the further submission points made by Neil Mouat and Federated Farmers) that sought to amend inconsistencies with rules and activity statuses for overlays. He noted the overlay provisions would be applicable and would need to be assessed on a case-by-case basis. He did not recommend any changes.
46. Mr Badham acknowledged the submission point made by Catherine Smart-Simpson (S564.002) supporting the importance of farming, quarrying and mining to the West Coast but noted no specific relief was sought.
47. Mr Badham did not support the submission point made by Forest and Bird (S560.019) (supported by three further submissions³ and opposed by seven further submissions⁴) that sought an addition in all rules related to mining activities to require a full assessment of effects and a significance assessment against the ecological significant criteria in the RPS. He considered that an assessment of effects would only be required when the requirement for a resource consent was triggered. He also considered there was scope for permitted mining activities, and that is addressed in subsequent sections of the s42A Report. These submission points are further discussed in the ECO Chapter s42A Report and Recommendation Report.
48. Mr Badham did not support Minerals West Coast's (S569.005) (**MWC**) request to amend the whole Plan with respect to mining and quarrying in relation to managing impacts on significant indigenous vegetation and habitats and to ensure there was no net loss in biodiversity values. He considered the language of the amendments sought were inconsistent with the NPSIB; and noted the NPSIB specifically did not apply to any mineral extraction that is coal mining. Mr Badham acknowledged the submission points made by MWC (S569.037 and S569.044) (and the supporting further submission from GDC) that sought amendments to provide for mineral extraction activities to avoid adverse effects via the effects management hierarchy. However, he noted no specific relief was sought to enable further comment. He also acknowledged their request include provisions for past, present and future mineral extraction in the West Coast region (S569.045) but again noted that no specific relief was sought. These MWC submission points are further discussed in the ECO Chapter s42A Report and Recommendation Report.
49. Mr Badham acknowledged Inger Perkins' (S462.025) request to develop a provision for an accreditation scheme for mineral extraction operators achieving high environmental standards within the mineral extraction rule framework. However, he did not recommend any changes because there was insufficient detail in the relief sought.
50. Mr Badham acknowledged the submission points made by Bathurst Resources Limited and BT Mining ('Bathurst') that sought consequential amendments to enable the continuation of their existing operations (S491.001); and to ensure that the rights intended to be granted to the MINZ and BCZ are able to be fully implemented (at least for the life of the Plan) (S491.003). He noted that no specific relief was sought.

³ Frida Inta (FS223.006), Buller Conservation Group (FS224.006) and Annabel Gosset (FS120.5)

⁴ TiGa Minerals and Metals Limited (FS104.001), Birchfields Ross Ltd (FS150.001), Phoenix Minerals Limited (FS215.001), West Coast Federated Farmers of New Zealand (FS103.012), WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.001) and Birchfield Coal Mines Ltd (FS232.001)

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51. Mr Badham noted Bathurst’s request to ensure that the Plan provides for continuity of coal supply (S491.055) and the Director General of Conservation’s (‘Director General’) further submission opposing this.
52. Mr Badham did not make any recommendation to amend the provisions in response to any submission points relating to the whole Plan.

Hearing and Submitter Evidence/Statements

53. The general thrust of evidence received from Forest & Bird and Bathurst supported their overarching submission points.
54. Pauline Hadfield provided written evidence in support of the submission of Alistair Cameron (S452.001), dated 27 May 2024, emphasising the need to enable appropriate land use after mining (paragraph 16), and relying on the application of policy in the MINZ chapter to achieve this. However, Ms Hadfield acknowledged under questioning from the Panel that provisions in GRUZ or OSZ that provide pathways for mining could also provide certainty regarding options for future land use, including in relation to Mr Cameron’s land currently under mining. Mr Cameron supported this in his presentation to the Panel who indicated that either land should be taken out of MINZ or an easier pathway created for use after mining within the MINZ.

Reporting Officer Reply Evidence

55. No specific commentary was set out in the Right of Reply relating to these general matters.

Hearing Panel’s Evaluation

56. The Panel accepts Mr Badham’s analysis of submission points and further submission points relating to the whole of the Plan. The Panel generally addresses these submission points where they are relevant to specific provisions for mineral extraction within the BCZ, MINZ, RURZ, OSZ and FUZ zones, within recommendations on the ECO Chapter, and as they correspond with related submission points from the same submitters.
57. The Panel notes that there are other submissions on the whole of the Plan relevant to the topic. David Morris (S83.001) indicated concern that the focus on mining in the plan affects amenity for communities and tourism. The Panel have considered a range of effects from mining activities, in accordance with s5(2)(c) of the RMA, when developing recommendations. This consideration occurs alongside the emphasis from other submitters, such as Phil and Helen Cook (S600.001) and Paula Jones (S590.001), on the importance of the role of mining in the economy of the region.
58. Alistair Cameron (S452.001) expressed concern that no consideration had been given to appropriate land uses after mining. This matter, and the evidence of Mr Cameron and Ms Hadfield, was of significant interest to the Panel and is discussed further concerning the purpose and provisions of each of the relevant zones, and in particular the MINZ zone.
59. The Panel note three additional submission points from AQA regarding: the importance of aggregate as an essential resource for construction, housing, transport and climate change adaptation (S521.015); the need to ensure potential aggregate resources are not inadvertently shut off by competing land uses (S521.016); and ensuring objectives and policies

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are weighed in a manner consistent with the Strategic Direction in the Plan (S521.018). The Panel acknowledge the role of aggregates in development within the region and considers the security of access to aggregate resources in discussion on the purpose and provisions of the zones. The Panel has also focused on the integration of provisions across the Plan in making our recommendations.

60. The Panel agree with Mr Badham that the matter of protection of areas of significant indigenous vegetation and significant habitats of indigenous fauna is to be managed by the ECO Chapter, under the National Planning Standards, Section 7 District-wide Matters Standard, and particularly the direction in Standard 19. The submission point of Forest & Bird (S560.333) is therefore supported in part. In that respect, provisions for mineral extraction in the special purpose zones BCZ and MINZ are not 'stand-alone', particularly in relation to district-wide matters and matters of national importance under s6 of the RMA.
61. The Panel acknowledge the submission of Straterra (S536.005) expressing concern that the overlays affect activity status for mining activities and create tension between mining and environmental protection; and the submission of Rocky Mining Limited (S474.045) seeking that overlays not apply in the special purpose zones for mineral extraction. This Report addresses the relief sought by Straterra when discussing rules and the role of the effects management hierarchy, particularly in the context of giving effect to the NPSIB. The Panel also note that amendment to the NPSIB removed specific requirements related to coal mining that were referenced in the evidence of Mr Badham⁵. The Panel consider that the Planning Standards determine the role of overlays and related chapter provisions in relation to the MINZ and BCZ.
62. The Panel consider that the overarching points raised by Bathurst are best addressed in discussion specific to the BCZ and notified provisions in that chapter.

Hearing Panel's Recommendation

63. No particular changes to the provisions are recommended in relation to the general matters raised in submissions and further submissions relating to the mineral extraction provisions across the whole plan. However, these submissions are contextually relevant to changes made in response to related submission points on specific provisions within the notified BCZ, MINZ, RURZ, OSZ and FUZ chapters. The ECO Chapter Recommendation Report addresses matters specific to indigenous biodiversity, including where relevant to mining, quarrying and aggregate activities.

3. ZONE RULES

Submissions and Further Submissions

64. Two submission points and two further submission points relating to the rules across the relevant zones were summarised in a Table on page 31 of the s42A Report. Straterra supported a consenting pathway for mineral extraction across the zones (S536.015), and Forest & Bird sought amendment so that all mining activities require a discretionary consent (S560.020). The further submissions opposed this amendment.

⁵ The Resource Management (Freshwater and Other Matters) Amendment Act 2024 amended clause 3.11 of the NPSIB so that coal mining is treated the same as other types of mining in terms of adverse effects on a significant natural area (SNA)

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65. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

66. In response to the submission point from Forest and Bird (opposed by WMS Group Limited and WMS Land Co. Limited and Birchfield Coal Mines Limited), Mr Badham did not support the relief sought. He considered there was scope for a permitted activity status for some mining activities, in certain circumstances.
67. Mr Badham acknowledged the submission point made by Straterra that sought the retention of a widespread consenting pathway for mineral extraction activities across the zones. He considered his recommendations made throughout the s42A Report provided a consenting pathway.
68. Mr Badham did not make any recommendation to amend the provisions in response to these submission points. However, he noted his recommendations on subsequent sections would also respond to these submissions.

Hearing and Submitter Evidence/Statements

69. Ms Natasha Sitarz provided evidence to the Panel on behalf of Forest & Bird in relation to its submission points. She expressed a preference for discretionary activity status for new mining activities, over restricted discretionary, to ensure that no relevant matters were missed in consideration of the effects of the activity. She considered the threshold for permitted activities in the context of the GRUZ, and the need for a resource consent process upon expiry of existing consents and licences as part of rules in zones. She pointed to the direction in the NPSIB that guides outcomes for indigenous biodiversity and noted that the ECO Chapter provisions were the appropriate location to manage effects on indigenous biodiversity, incorporating the effects management hierarchy as provided for in the NPSIB.

Reporting Officer Reply Evidence

70. No specific commentary was set out in the Right of Reply relating to these general matters.

Hearing Panel's Evaluation

71. The Panel acknowledge the related submission points of: Forest & Bird (S560.0542, S560.0544, S560.380) and John Caygill (S290.009) that are concerned that rules are too permissive and don't appropriately address adverse effects of mining; and Murray Stuart, Karen Jury and Rob Lawrence (S455.003) and Greenstone Retreat (S459.003) wanting effects on communities to be avoided, remedied or mitigated through a resource consent process. The Panel have also considered related mining company submissions⁶ seeking restricted discretionary status in overlay chapters, expressing concerns about the ability to pass the "gateway test", and wanting recognition of the functional and operational needs of mining.
72. Some submitters sought an additional rule framework. Trevor Hayes (S377.010), Deb Langridge (S252.008) and Dean Mason (S356.004) wanted the Plan to specifically address the effects of sand mining (e.g. as distinct from small-scale gold mining), predominantly

⁶ Papahaua Resources Limited S500.029, Rocky Mining Limited S474.005, S474.032, S474.039, S474.035

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concerning the effects of increased heavy transport. While Davis Ogilvie & Partners Limited emphasised the need for additional rules in MINZ, particularly to provide for long-term land uses after mining is completed, and to ensure existing permits and licences are appropriately covered by the provisions of that zone.

73. The Panel consider the activity status of mining activities in discussion on particular zone provisions in this Report. Overall, Panel recommendations focus on parameters and thresholds for permitted activity status, including in relation to what constitutes an existing lawfully established activity, and the classification of activities that require resource consent, as well as application of the effects management hierarchy in the context of effects on indigenous biodiversity, which is further addressed in the ECO Chapter Recommendation Report.
74. The Panel recognises, as raised by the submitters, that there are a wide variety of mineral extraction activities, including those that may be relatively short-term in nature (e.g. sand mining) and those that have been occurring in the same location for decades (e.g. lime quarrying). The Panel consider that the matter of future use of land, once mining is completed, will be particularly important during the life of the Plan in relation to mining activities that are relatively short-term in nature. The matter of reverse sensitivity effects, as raised by AQA, is recognised by the Panel as a primary concern for discrete, long term mining activities in particular. The Panel has also considered the potential for land use decisions to limit access to mineral resources before they are able to be recovered, and is therefore mindful of the sequencing of activities that provides the greatest potential benefit to the region, which is a matter particularly pertinent to mining activities that are relatively short-term in nature. The Panel has borne these distinctions and considerations in mind when analysing the purpose of zones and zone chapter provisions.

Hearing Panel's Recommendation

75. No particular changes to the provisions are recommended in response to submission points and further submission points relating to the mineral extraction rules across the whole Plan. However, these submissions are contextually relevant to changes made in response to related submission points on specific provisions within the notified BCZ, MINZ, RURZ, FUZ and OSZ chapters, and in the ECO Chapter, as discussed in the corresponding Recommendation Report.

4. HOW THE PLAN WORKS – SPECIAL PURPOSE ZONE DESCRIPTIONS

Submissions and Further Submissions

76. Two submission points and four further submission points relating to the Special Purpose Zone (SPZ) descriptions were summarised in a Table on page 32 of the s42A Report. Both submission points from Forest & Bird (S560.050, S560.333) sought amendments. One further submission supported the amendments sought and three further submissions opposed the amendments.
77. The Panel has considered the relevant submissions and further submissions received and adopts the summaries in the s42A Report.

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78. Mr Badham did not support Forest and Bird’s request (supported by Annabel Gosset and opposed by GDC and WMS Group Limited and WMS Land Co. Limited) to delete the SPZ Zones and consequentially delete the BCZ and the MINZ. He considered there was justification for these SPZ in the s32 Report and highlighted they were in accordance with the Planning Standards.
79. Mr Badham revisited this matter in his opening statement at the hearing on 27 May 2024, acknowledging that there was a disconnect between the spatial extent of the proposed MINZ and BCZ, and the criteria used to identify the zones in the Plan development process. He noted that areas of land had been included within the proposed zones with no evidence of current authorisations. He considered further analysis was required to determine the basis of the identified MINZ and BCZ before making recommendations to either retain, delete or amend these zones.
80. In response to questions, Mr Badham considered that the wording of the zoning criteria used was very important and that it needed to be consistently applied. However, he did not make any recommendation on what the alternative zone should be if the criteria were not met. He also indicated more consideration was needed regarding land use after mineral extraction activity had ceased, to understand the long-term implications of using SPZ for temporary activities. He highlighted the need to validate the information included in Schedule Nine. He recommended deleting it if further information could not be obtained from the Councils to complete this important process.
81. Following the first hearing stream, the Panel directed caucusing between the planning experts on a range of matters (including SPZ). This was carried out before the second hearing stream and a JWS (**JWS #1**) was provided at the second hearing stream. The JWS #1 records that the planners agreed that the MINZ and BCZ met the criteria set out in the Planning Standards to be SPZ. However, they considered that a more detailed s32AA evaluation of the alternative options would be helpful to demonstrate that this is the most efficient and effective option.
82. The Panel subsequently directed (Minute 32 dated 1 July 2024) further expert caucusing between the planners to address a range of topics. This took place between July – September 2024 and a second JWS (**JWS #2**) was issued on 20 September 2024.
83. JWS #2 revisited the SPZ criteria, and the planners continued to agree that the MINZ and BCZ met the criteria set out in the Planning Standards. They also agreed (on a principled basis) that there should be two zones and that a bespoke approach for the Stockton Mine via the BCZ was appropriate.
84. In response to questions from the Panel, the planners agreed (recorded in the JWS #2) that should the Panel be minded to remove the MINZ and/or BCZ, the most appropriate alternative zoning would be GRUZ, NOSZ or OSZ. They considered this would require a case-by-case assessment of each spatial area to determine what alternative zone should apply. It recorded that this assessment had not been carried out.
85. The JWS #2 also records the planners agreed (on a principled basis) that different minerals should not be treated differently. It was their view that the type of mineral extracted was not particularly relevant, and that it was the activities undertaken, their location and spatial extent that was important.

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86. In response to the submission point made by Forest and Bird that sought amendments to require resource consent and an ecological assessment for all mining activities, Mr Badham did not support the relief sought. He considered that there was scope for a permitted activity status for some mining activities in certain circumstances. He considered it was not necessary that every application should be required to provide an ecological assessment if the overlays 'do their job'.
87. Mr Badham did not make any recommendations to amend the provisions in response to submission points relating to the zones. However, he noted that recommendations in subsequent sections would also respond to these submissions.

Hearing and Submitter Evidence/Statements

88. Ms Sitarz, on behalf of Forest and Bird, reiterated their opposition to using SPZ for mining activity and sought deletion of the MINZ and BCZ. She noted that some of the identified MINZ and BCZ included public conservation land and/or did not align with the definition for 'lawfully established'. She referred to the National Planning Standards that provided for SPZ where all of the criteria outlined were met and considered mining activities could be managed through other zones and spatial layers.
89. Ms Kate McKenzie's evidence for WMS Group confirmed her agreement with the s42A Report that there was basis for creating a SPZ, being MINZ.
90. Mr Michael McEnaney's evidence for GDC confirmed he agreed with the s42A Report to create SPZ for mining activities.
91. Ms Claire Hunter's evidence for Bathurst confirmed her support for the use of SPZ for mining activities. She highlighted evidence provided at the Introduction and General Provisions hearing that suggested wording in the introductory section of the Plan (How the Plan Works – General Approach) to clarify which rules of the Plan apply, as follows:

*The Infrastructure, Energy, Transport, **Special Purpose (Mineral Extraction and Buller Coalfields Zones)**, Subdivision, and Temporary Activities Chapters operate slightly differently to the rest of the Plan. If you are undertaking any activities relating to infrastructure, energy, **mineral extraction**, transport, or are wanting to undertake temporary activities or subdivide your property, you should start by looking at those chapters first. These chapters will then refer to other chapters, as required. **If there is any conflict or inconsistency arising between any rules within different chapters of the Plan, the rules within the specific chapter (i.e. the Infrastructure, Energy, Transport, Special Purpose (Mineral Extraction and Buller Coalfield Zones), Subdivision and Temporary Activities chapters) take precedence.***

92. The JWS relating specifically to the BCZ addressed this component of Ms Hunter's evidence, and Mr Badham agreed that there should be clarity and consistency around what provisions take precedence. However, he disagreed that the BCZ provisions should take precedence in every instance. For example, he considered the overlay chapters and District-Wide provisions should also apply.

Reporting Officer Reply Evidence

93. Mr Badham revisited the mandatory direction of the Planning Standards in terms of establishing a SPZ in his Right of Reply. He reiterated that the planners had agreed (on a

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principled basis) that the BCZ and MINZ met the Planning Standard criteria (clauses (a) to (c). He confirmed that he continued to agree with that position.

Hearing Panel's Evaluation

94. In addition to the submission points addressed by Mr Badham, the Panel acknowledge other submitters that raised the matter of consent pathways for mineral extraction in GRUZ, OSZ and FUZ, and the role of the SPZ specific to mining activities.
95. In relation to GRUZ provision for mineral extraction activities, this was generally supported by a number of submitters⁷. Submitters that opposed in whole or part⁸, did so on the basis of concerns that mineral extraction could be prioritised over other land uses, including residential activity, and that mining activity emphasis on reverse sensitivity effects could restrict diversification in the rural sector.
96. In relation to FUZ provision for mineral extraction activities, the Panel note the relationship with GRUZ due to notified Objective FUZ-O3 and Policy FUZ-P1. Forest & Bird (S560.393) acknowledged that the FUZ is a “holding zone” where a range of rural activities can continue to take place until a structure plan is prepared for the zoned land.
97. In relation to OSZ provision for mineral extraction activities, this was generally supported by a number of submitters from the mining sector⁹ and opposed by the Director General due to concerns about incompatibility with the purpose of the zone.¹⁰
98. In relation to the BCZ, submitters seeking its removal from the Plan included John Caygill (S290.005), Heather Muir (S385.002), Suzanne Hills (S443.053) and Katherine Gilbert (S473.006) on the basis that there is already existing lawfully established activity, other zones can manage any new activities, and a desire to protect areas of significant indigenous vegetation on the Stockton and Denniston plateaux that have not yet been disturbed by mining (whilst also recognising the importance of coking coal for making steel). In contrast, Straterra (S536.010) sought the retention of the BCZ due to the significant contribution of mining in that location for the local and regional economy.
99. In relation to the MINZ, submitters in opposition or seeking its removal from the Plan included John Caygill (S290.004), Heather Muir (S385.001), Christine Robertson (S99.003), Jane Neale (S262.002), Katherine Gilbert (S473.007), and Lynley Hargreaves (S481.004), on the basis that: there is already existing lawfully established activity; other zones can manage any new activities; mining should not be prioritised over other land uses and values in those zones. Richard Arlidge (S419.002) opposed special purpose zoning and expressed a preference that mining could occur across the region, provided it supports a low carbon future, including through carbon neutral mining methods.
100. Submitters seeking retention of MINZ included Newcoast Resources Limited (S191.001), Avery Brothers (S609.096), Alistair Cameron (S452.009), Trevor Thorpe (S528.001), Rocky Mining

⁷ Alvin & Kay Godfrey S580.005, Anna & Jeremy Hart S582.002, Steve & Anne Staples S584.002, Tim Burden S585.002, Tane & Rachel Little S586.002, Linda Elcock S587.002, Marty & Nicky Von Ah S588.002, Charmaine Mitchell S589.002, Paula Jones S590.002, Phil & Helen Cook S600.002), Newcoast Resources Limited S191.002, Papahaua Resources Limited S500.010

⁸ Richard Arlidge S419.005, Celine Stokowski & Anthony Thrupp S522.007

⁹ Avery Brothers S609.098, Straterra S536.015, Phoenix Minerals Limited S606.054, Newcoast Resources Limited S191.003, Papahaua Resources Limited S500.008, Birchfield Ross Mining Limited S604.068, Whyte Gold Limited S607.052, WMS Group (HQ) Limited and WMS Land Co. Limited S599.099

¹⁰ Director General of Conservation S602.181

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Limited (S474.011, S474.013), Straterra (S536.011), Birchfield Ross Mining Limited (S604.091) and Stevenson Mining Limited (S502.002) on the basis of: the importance of mining to the economy of the region; supporting government direction for green minerals development; ensuring highest and best value use of land outside public conservation estate; the appropriateness of the zone to support discrete, long term mineral extraction activities; and enabling restrictions on establishment of incompatible activities, including residential activity.

101. The Panel accept the conclusion reached by the expert planners that the National Planning Standards criteria for SPZ have been met. However, we note the s32A Report only considered the significance of the mineral resource (National Planning Standards 8.3 clause (a)) and did not address whether it was impractical to manage the mineral resource through another zone (National Planning Standards 8.3 clause (b)) or through a combination of spatial layers (National Planning Standards 8.3 clause (c)). We agree with Mr Badham that this would require a comparative approach.
102. It is difficult to accept that it is impracticable to manage mineral extraction through other zones given this is what has been occurring across the districts since 1991 and is still provided for through the provisions outside identified MINZ and BCZ. However, we note the JWS#2 records the planners *'consider that there is no other suitable zone within the pTTPP that would manage mineral extraction within these zones'* (pg.3).
103. The Panel consider that mineral extraction activities that are relatively short-term in nature are not well suited to the MINZ because of the restraining impact on future land use and flexibility of land use. The Panel did not receive evidence from any party that satisfactorily addressed this concern in relation to the purpose and provisions of the MINZ interfering with a range of potential land uses once mining is complete, and land uses that may be better managed by provisions in a relevant zone (e.g. GRUZ for activities in the rural environment). When the Panel questioned Mr Badham on this matter there was discussion of the option of a mining precinct with underlying zoning, but this option was not further developed by any party in the hearing. The Panel consider that this option could be further explored to inform a future plan change process.
104. The Panel consider that there is value in including discrete, long term mineral extraction activities within the MINZ in order to appropriately manage reverse sensitivity effects over the life of the Plan. The Panel consider "long term" as measured in decades, such that these activities are anticipated to continue well beyond the life of the Plan, while relatively short-term mineral extraction activities are likely to be concluded within the life of the Plan. The management of reverse sensitivity effects is considered by the Panel to be a core argument for utilisation of an SPZ, as opposed to reliance on an underlying zone, because it is clear to Plan users the nature of particular effects arising in that zone. However, the Panel are of the view that the MINZ should only be applied in relation to discrete, long term mineral extraction activities, in circumstances where those undertaking these activities support inclusion of their areas of activity within the MINZ. This ensures future flexibility of land use where relatively short-term mineral extraction activities are occurring. The Panel consider that the provisions of other relevant zones, such as GRUZ and OSZ, should apply to relatively short-term mineral extraction activities.
105. The Panel have considered the matter of ensuring a sequencing of land use that enables mineral resources to be recovered before other land uses take place that may prevent recovery of the resource. The Panel recognise that this as a central issue in the management

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of relatively short-term mineral extraction activities where competition for land use is present, such as new subdivision activity. However, as previously noted, the MINZ restricts future land use and flexibility of land use, which is a concern for the Panel, and a concern that remained unresolved once all evidence had been received through the hearing process. Advice to the Panel from various parties in the hearing is that areas included in the MINZ are based on existing lawfully established activities, with consents or permits in place. The zone does not, therefore, anticipate where competition for land use may occur over the life of the Plan, in circumstances where an existing permit or consent is not yet in place. The Panel consider that a strategic analysis is needed to inform the sequencing of land use, in order to allow for the extraction of mineral resources that might otherwise be prevented, including in areas where permits are not yet in place; however, such an analysis was not available to the Panel in this process.

106. The Panel do not consider it sufficient to rely on the extent of existing New Zealand Petroleum and Minerals (**NZPAM**) permits because these are only one part of the equation and are likely to cover areas where other land uses exist or are desirable over the life of the Plan. The Panel consider that a precinct approach, with an underlying zone, would be better suited to relatively short-term mineral extraction activities, particularly if there were associated provisions guiding the desired sequencing of land use, in order to prevent some land use occurring before resource recovery, and to allow for subsequent land use after resource recovery. The Panel do not have sufficient scope or depth in the evidence provided to institute such an approach. We, therefore, focus on managing relatively short-term mineral extraction activities through provisions in the RURZ, FUZ and OSZ, as provided through the notified Plan and the scope of submissions and evidence.
107. In light of determining that only discrete, long term mineral extraction activities should be included in the MINZ, the Panel has considered relationship between the MINZ and Strategic Direction as recommended in the Strategic Direction Recommendation Report. The Panel find this preferred approach is to align with MIN-O1, MIN-P1, MIN-P3 and MIN-P5, given that there are also pathways for mineral extraction activities of a relatively short-term nature within the RURZ, FUZ and OSZ. This approach is also consistent with LBPP-O1 and LBPP-O2, TRM-O1 and TRM-P1, UFD-O1 and UFD-P3, allowing for a variety of land uses in the RURZ, FUZ and OSZ.
108. In considering the Climate Change and Resilience objectives and policies, the Panel find that it would be inconsistent with CCR-O2 and CCR-P5 to include undeveloped thermal coal resources in the MINZ, given the anticipated longevity of activities in the zone. The Panel consider that the MINZ should be limited to coking coal or high quality coal suited to purposes other than thermal uses, in order to both align with Strategic Direction in the Plan and support the phase out of thermal coal use signalled in the first and second national emissions reduction plans, which Panel has had regard to in accordance with section 74(2)(d) of the RMA. The Panel therefore agree with submitters that differentiate thermal coal and coking coal resources within the MINZ.
109. The Panel considers that areas are appropriate for inclusion in the MINZ where they are expected to be discrete, long term mineral extraction activities. The Panel view is that this consideration need not be dependent on all consents or permits having yet been obtained, provided there is sufficient evidence of the value of inclusion in the MINZ in order to manage potential for reverse sensitivity effects over the life of the Plan, and to clearly signal to Plan users the anticipated effects of activities in the zone.

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110. The Panel agrees that the economic and social significance of the Stockton Mine, and its size, longevity and scale, justify a bespoke approach via the BCZ. These factors distinguish it from other discrete, long term mining activities that the Panel considers are suited to management through provisions in the MINZ. The Panel therefore agree with submitters that sought to retain the zone.
111. The Panel agrees with Forest and Bird that all mining activities undertaken where significant natural areas have not yet been identified, and where substantial indigenous vegetation clearance is proposed, should require resource consent to enable the provision of an ecological assessment and any relevant consideration of the effects management hierarchy. This finding of the Panel is reflected in recommendations on activity status and other relevant zone chapter provisions, and the ECO Chapter provisions, as outlined in the ECO Chapter Recommendation Report.

Hearing Panel’s Recommendation

112. The Panel recommends that the BCZ and MINZ are retained in the Plan. However, the Panel recommends that only discrete, long term mineral extraction activities should be included in the MINZ, where inclusion is supported by those undertaking the activities, and that otherwise provisions in the RURZ, FUZ and OSZ should apply to mineral extraction activities, including those that are relatively short-term in nature.
113. The Panel recommend that areas are considered for inclusion in the MINZ where they are expected to be discrete, long term mineral extraction activities.
114. The Panel also recommends that the MINZ exclude mineral extraction activities that seek to extract thermal coal resources, other than those currently being mined under a licence or resource consent.

5. INTERPRETATION

Submissions and Further Submissions

115. Thirty-eight submission points and 16 further submission points relating to the Interpretation Chapter were summarised in a Table on pages 33-38 of the s42A Report. Thirty-seven submission points sought amendments. One submission point sought a deletion. Eleven further submissions opposed various submissions, and five further submissions supported submissions.
116. The Panel has considered the submissions and further submissions received and adopts the summaries in the s42A Report.

Section 42A Report

Lawfully Established

117. Mr Badham initially dismissed the two submission points made by Bathurst (S491.004) and Forest and Bird (S560.067) that both sought different amendments to the definition for ‘*lawfully established*’ in the Introduction and General Provisions hearing, and therefore made no recommendation in the s42A Report. However, he revisited this matter in his opening statement and advised that it was necessary to address the matter in relation to mineral extraction.

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118. Mr Badham noted that the recommended wording from the s42A Report for the Introduction and General Provisions hearing was as follows:

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

1. **permitted through a rule in a 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 in Section 10 of the RMA); or**
6. *In the case of mineral extraction it also includes an activity permitted through a Coal Mining License issued under the Coal Mines Act (1979); and*

does not include where the resource consent or license has expired and not been renewed.

119. Mr Badham advised he had sought legal advice from the Council's legal counsel (Wynn Williams) in response to the legal submissions and evidence on behalf of Bathurst. He noted the advice was generally in agreement with Bathurst's legal submissions regarding how the transitional provisions in the Crown Minerals Act 1991 (CMA) relate to Coal Mining Licence (CML) and Ancillary Coal Mining Licences (ACML). He noted agreement that activities authorised by CML are preserved as 'existing privileges', and that CML do not authorise mining activities as 'permitted activities' nor are they deemed to be resource consents. He also noted agreement that CML are a comprehensive set of rights, including the land use activities.

120. Wynn Williams' advice relating to the expiry date of the CML, differed from Bathurst's submissions. Wynn Williams advised that unlike land use consents, CML have an expiry date that upon expiry are required to be assessed for a mining permit under the CMA. Given the RMA does not apply to mining permits, Wynn Williams noted that upon expiry of a CML, one of the following needs to happen:

- (a) Existing use rights under s10 of the RMA need to be demonstrated; or
- (b) The activities need to fall within the permitted activity rules of the TTPP; or
- (c) Resource consents need to be obtained.

121. Ms Hunter and Mr Badham considered the definition of 'lawfully established' in expert caucusing¹¹. JWS#1 records they agreed that a reference to Schedule Nine could provide a solution, but acknowledged this would require a clear and consistent process to ensure the validation of the information. They also agreed that ACML should be included in the definition.

122. The JWS BCZ records the outcomes of Mr Badham and Ms Hunter's expert caucusing relating to the BCZ. Ms Hunter considered 'including after its expiry' to the definition of 'lawfully established' was appropriate given these were existing activities and the need for ongoing rehabilitation. Mr Badham disagreed given it was always intended these authorisations would expire, requiring them to be re-consented under the relevant resource management legislation at the time.

¹¹ Mr Lile, Ms McKenzie and Mr McEnaney confirmed that they did not have evidence on this definition, and therefore did not record their position.

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123. The JWS BCZ records agreement regarding the following recommended amendments, with *'including after its expiry'* (shown in yellow highlight below) as not agreed to by Mr Badham:

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

1. *permitted through a rule in a 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 in 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*

~~*does not include where the resource consent or license has expired and not been renewed.*~~

Mineral Exploration

124. Mr Badham did not support the seven submission points¹² (and one further submission in support) seeking to remove reference to the CMA; Straterra's request (S536.041) to include *'ancillary activities – access, overburden, storage, disposal, water management and support infrastructure'*; and mining company requests to include *'and any ancillary activities'*¹³. He considered there was no justification to include a definition in the pTTPP that differed to any definition in the existing legislation.
125. Mr Badham recommended no change to the notified definition of *'mineral exploration'* in the s42A Report because it is consistent with the CMA.

Mineral Extraction

126. Mr Badham did not support the relief sought by the seven submission points¹⁴ (and one further submission from Marie Elder) that sought to add *'indigenous vegetation clearance/vegetation clearance'* to the list of ancillary activities in the mineral extraction definition. He did not consider vegetation clearance to be an ancillary activity as it is managed by other parts of the plan; and in the case of indigenous vegetation is also subject to the higher order direction of the NPSIB. He accepted the four further submissions¹⁵ opposing the requested additions.
127. Mr Badham accepted the three submission points¹⁶ that sought to add the words *'to, from and between'* after *'access within'*; and partially supported the request by NZ Coal and Carbon

¹² WMS Group (HQ) Limited and WMS Land Co. Limited (S599.011), TiGa Minerals and Metals Limited (S493.009), Birchfield Coal Mines Ltd (S601.008), BRM Developments Limited (S603.008), Birchfield Ross Mining Limited (S604.008), Phoenix Minerals Limited (S606.008) and Whyte Gold Limited (S607.008)

¹³ TiGa Minerals and Metals Limited S493.009, WMS Group (HQ) Limited and WMS Land Co. Limited 599.011, Birchfield Coal Mines Ltd S601.008, BRM Developments Limited S603.008, Birchfield Ross Mining Limited S604.008, Phoenix Minerals Limited S606.008, Whyte Gold Limited S607.008

¹⁴ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.012), TiGa Minerals and Metals Limited (S493.010), Birchfield Coal Mines Ltd (S601.009), BRM Developments Limited (S603.009), Birchfield Ross Mining Limited (S604.009), Phoenix Minerals Limited (S606.009) and Whyte Gold Limited (S607.009)

¹⁵ Katherine Crick (FS68.001), Chanelle van Rooyen (FS214.001), Mike Spruce (FS218.003) and Sandra Dymond (FS69.1)

¹⁶ Aggregate and Quarry Association (S521.004), Straterra (S536.040), Bathurst Resources Limited and BT Mining Limited (S491.006)

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Limited (S472.005) to add *'to and between'* after the words *'access within'* because it improved clarity of the meaning of *'access within'*.

128. Mr Badham did not support the relief sought by Straterra (S536.041) to add additional words to the list of ancillary activities because this was unnecessary given that the list of activities in the definition was not exhaustive.
129. Mr Badham acknowledged Forest and Bird's submission point (S560.427) seeking amendments to all mining activity rules, including prospecting, exploration, extraction, processing, and ancillary activities. However, no amendments were recommended given no specific changes were sought. He also did not support Forest and Bird's request to delete *'ancillary activities'* because he considered the definition intentionally captured the activities necessary to undertake the mining activity. He noted it was common in other district plans to include ancillary activities within equivalent definitions.

Mineral Extraction Plan

130. In response to the submission point from Forest and Bird (S560.071) (opposed in a further submission by Buller District Council) that sought to delete this definition in its entirety, Mr Badham did not support the relief sought. Although he acknowledged the definition was only used in relation to the BCZ, he considered retaining the definition was appropriate given his recommendation to retain the BCZ.

Mineral Prospecting

131. Mr Badham did not support the seven submission points¹⁷ requesting deletion of reference to the CMA and adding a new item relating to ancillary activities to the definition of *'Mineral Prospecting'*. He noted the notified definition was adopted from the CMA and considered there was no justification to include a definition in the pTTPP that differs from existing legislation.
132. In response to the submissions from Rocky Mining Limited (S474.026), Papahaua Resources Limited (S500.016) and Straterra (S536.043), that all sought various additions relating to ancillary activities, Mr Badham did not support the relief sought, for the same reasons as set out in the previous paragraph.

Hearing and Submitter Evidence/Statements

Lawfully Established

133. Ms Sheard's legal submissions, on behalf of Bathurst, clarified that the definition of *'lawfully established'* was not considered in a previous hearing stream and submitted that consideration was necessary in relation to mineral extraction. Ms Sheard's view was that the definition purports to revoke rights established under CML and ACML that are protected by the transitional provisions in the CMA, which was *ultra vires*. She highlighted the 2013 amendments to the CMA had removed the right to renew CML, and that upon expiry of a CML a new permit is necessary to continue the right to mine. She considered the land use aspects of the CML were not intended to expire but would roll over as part of the CML renewal

¹⁷ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.013), TiGa Minerals and Metals Limited (S493.011), Birchfield Coal Mines Ltd (S601.010), BRM Developments Limited (S603.010), Birchfield Ross Mining Limited (S604.010), Phoenix Minerals Limited (S606.010) and Whyte Gold Limited (S607.010)

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process. She submitted that if the land use rights did expire when a CML expired, a situation would arise whereby completed and partly completed mineral extraction activities (including rehabilitation activities and existing structures) would become unauthorised. She noted other Councils had addressed this by ‘grandfathering’ the activities into their district plans and that the same outcome can be achieved by amending the ‘*lawfully established*’ definition as set out in Ms Hunter’s evidence.

134. Ms Hunter, on behalf of Bathurst, considered the definition of ‘*lawfully established*’ (in relation to mining activities) should allow for those activities established under the provisions of a CML or ACML, including after expiry. She noted CML were granted under the Coal Mines Act 1979, and the introduction of the RMA and CMA had changed the regulatory regime. She highlighted the transitional provisions of the CMA allow CML to continue until they expire (existing privileges); and noted the Stockton Coal Mine operation relied on a CML issued in 1987, which includes all associated land use components, including rehabilitation. She noted that if the land use components were deemed to not be ‘*lawfully established*’ at the cessation of the licence period, then existing structures, partially completed mining, and partially completed mining activities would immediately become unauthorised. She considered this was unworkable from a practical perspective and had been addressed in other districts (Hauraki and Waitaki) by including plan provisions that have grandfathered the expired licences within their plans.

135. Ms Hunter requested the following wording for the 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 this Plan was notified** through a Coal Mining Licence **or an Ancillary Coal Mining Licence** issued under the Coal Mines Act (1979) **including after its expiry; and***

~~*does not include where the resource consent or licence has expired and not been renewed.*~~

136. Ms Sitarz, for Forest and Bird, noted agreement with the legal advice provided by Wynn Williams and considered it was appropriate for expired CML and ACML to be considered under the RMA framework through a consent process.

137. Mr McEnaney, on behalf of GDC, confirmed support for the inclusion of ACML in the definition of ‘*lawfully established*’

Mineral Exploration

138. No evidence was presented at the hearing by submitters relating to the definition of ‘*mineral exploration*’.

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Mineral Extraction

139. Mr McEnaney, on behalf of GDC, noted support for the recommended amendment to the definition of *'mineral extraction'*.

Mineral Extraction Management Plan

140. No evidence was presented at the hearing by submitters relating to the definition of *'Mineral Extraction Management Plan'*.

Mineral Prospecting

141. No evidence was presented at the hearing by submitters relating to the definition of *'Mineral Prospecting'*.

Reporting Officer Reply Evidence

142. No specific commentary was set out in the Right of Reply relating to the definitions.

Hearing Panel's Evaluation

Lawfully Established

143. The Panel considers the definition of *'lawfully established'* recommended in the s42A Report for the Introduction and General Provisions hearing is appropriate, with further amendments to clause (6) in relation to mineral extraction. We agree that adding *'at the date this Plan was notified'* improves clarity and provides certainty as to the point in time at which the mineral activity must have been permitted. We accept adding *'or an Ancillary Coal Mining Licence'* is also appropriate.
144. The Panel agrees with Mr Badham that CML and ACML should not be included in the definition after expiry. We consider it would be inappropriate to grandparent these old authorisations issued under the long ago replaced Coal Mining Act 1979 past their intended expiry date. Furthermore, we note Bathurst's submission did not specifically seek this addition. We acknowledge Appendix 1 of the Right of Reply included this change but consider this must have been an error given Mr Badham's view it was inappropriate.
145. The Panel also agrees with Mr Badham that including reference to Schedule Nine is unnecessary. We also note that no submission sought this change.
146. The Panel agrees with the recommendation to add *'does not include where the resource consent or licence has expired'* but considers that adding *'and not been renewed'* is superfluous.

Mineral Exploration

147. The Panel agrees with Mr Badham that the definition of *'Mineral Exploration'* should be retained as notified given it is consistent with the definition under the CMA.

Mineral Extraction

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148. The Panel agrees with Mr Badham that the definition of ‘*Mineral Extraction*’ should be amended to include ‘*to, from and between*’ as requested by submitters to improve clarity. We agree that the submissions requesting the inclusion of other activities, such indigenous vegetation clearance/vegetation clearance, should be rejected. We also agree deleting ‘*ancillary activities*’ is inappropriate given these are intended to be included.

Mineral Extraction Management Plan

149. The Panel agrees with Mr Badham that the definition of ‘*Mineral Extraction Management Plan*’ should be retained as notified.

Mineral Prospecting

150. The Panel agrees with Mr Badham that the definition of ‘*Mineral Prospecting*’ should be retained as notified given it is consistent with the definition under the CMA.

Hearing Panel’s Recommendation

151. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends accepting or accepting in part the submission points footnoted below, and recommend the changes to the **Definitions** as follows:

<u>Term</u>	<u>Definition</u>
Lawfully Established	<p>means <u>buildings, structures and</u>¹⁸ activities <u>provided for by one of the following:</u></p> <ol style="list-style-type: none"> 1. permitted through a rule in a plan, <u>or</u> 2. a resource consent, <u>or</u> 3. a national environmental standard; <u>or</u> 4. <u>a designation; or</u>¹⁹ 5. by an existing use right (as provided for in Section 10 of the RMA); <u>or</u> 6. In the case of mineral extraction it also includes an activity permitted <u>at the date that this Plan was notified</u>²⁰ through a Coal Mining Licence <u>or an Ancillary Coal Mining Licence</u>²¹ issued under the Coal Mines Act (1979); <u>and</u> <p><u>does not include where the resource consent or license has either expired or lapsed.</u>²²</p>

¹⁸ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.067

¹⁹ Radio New Zealand S476.005 and S476.006

²⁰ Royal Forest and Bird Protection Society of New Zealand Incorporated S560.067

²¹ Bathurst Resources Limited and BT Mining Limited S491.004

²² Royal Forest and Bird Protection Society of New Zealand Incorporated S560.067

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Mineral Exploration	<p>has the same meaning as in the Crown Minerals Act 1991 (as set out below)</p> <p>means any activity undertaken for the purpose of identifying mineral deposits or occurrences and the feasibility of mining particular deposits or occurrences of 1 or more minerals and includes any drilling, dredging or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit.</p>
Mineral Extraction	<p>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 between²³ the mineral extraction sites and ancillary sites.</p>
Mineral Extraction Plan	<p>means a management plan for a mineral extraction site which includes the information set out in Appendix Seven.</p>
Mineral Prospecting	<p>is the same as the definition in the Crown Minerals Act 1991 (and is outlined below) means:</p> <p>a. any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and</p> <p>b. includes the following activities:</p> <ul style="list-style-type: none"> i. geological, geochemical, and geophysical surveying; ii. aerial surveying; iii. taking samples by hand or hand held methods; and iv. taking small samples offshore by low-impact mechanical methods.

6. MINERAL EXTRACTION ZONE

6.1. Whole Chapter

Submissions and Further Submissions

152. Fifty-seven submission points and 95 further submission points relating to the Mineral Extraction Zone Chapter were summarised in a Table on pages 41-51 of the s42A Report. Thirty-two submission points supported the MINZ provisions. Eighteen submission points opposed the zone provisions and seven submission points sought amendments. Forty-five

²³ Bathurst Resources Limited and BT Mining Limited S491.006, Aggregate Quarry Association S521.004, Straterra S536.040 and New Zealand Coal & Carbon Limited SS472.005

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further submissions supported various submissions, 47 further submissions opposed various submissions, and three further submissions had a neutral position on submissions.

Section 42A Report

153. Mr Badham acknowledged the 25 submission points²⁴ that sought to retain the MINZ. He noted that these submission points were supported by two further submissions (GDC and Bathurst) and opposed by 14 further submissions²⁵.
154. Mr Badham acknowledged the submission point made by Westland District Council (**WDC**) (S181.054) that sought to retain the objectives, policies and rules of the MINZ; and the two further submissions opposed to the submission point.
155. Mr Badham acknowledged the submission point made by Newcastle Resources Limited (S191.001) that sought to retain the proposed MINZ, including at Barrytown; and the two further submissions from Brian Anderson and Forest and Bird that opposed the submission point, and the neutral further submission from GDC. He also acknowledged the submission from Birchfield Coal Mines (S601.101) that sought to retain the MINZ with various amendments, as well as the corresponding further submissions from GDC (support) and Brian Anderson (oppose).
156. Mr Badham did not support the relief sought by the nine submission points²⁶ (and associated 14 further submission points²⁷ in support) that sought to delete the MINZ from the pTTPP because he considered there was basis under the Planning Standards for use of SPZ. He also acknowledged the 10 further submissions²⁸ that opposed the submission points.
157. In response to the submission point made by Nicholas Johnston (S14.004) (opposed by a further submission point from GDC) that sought to reinstate the land and forest destroyed at Kiwi Quarry, Mr Badham considered it was unfeasible to achieve the relief sought through the pTTPP provisions.
158. In response to the submission point made by Christine Robertson (S99.002) that did not support areas being zoned as MINZ, particularly in Barrytown, Mr Badham did not support the relief sought. He acknowledged that the submission was supported by three further submissions.
159. Mr Badham acknowledged the submission point made by Jane Neale (2623.002) that sought to ensure mineral extraction was not prioritised over other uses, but noted no specific relief

²⁴ Laura Coll McLaughlin (S574.682), Avery Brothers (S609.096), Phil and Helen Cook (S600.004), Paula Jones (S590.004), Alvin & Kay Godfrey (S580.007), Anna & Jeremy Hart (S582.004), Steve and Anne Staples (S584.004), Tim Burden (S585.004), Tane & Rachel Little (S586.004), Linda Elcock (S587.004), Marty & Nicky, Von Ah (S588.004), Charmaine Michell (S589.004), Anne Chapman (S425.007), Whyte Gold Limited (S607.076), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.162), Alistair Cameron (S452.007 and S452.009), Peter Haddock (S417.007), Catherine Smart-Simpson (S564.003), Trevor Thorpe (S528.001), John Thorpe (S529.004), New Zealand Coal & Carbon Limited (S472.037), Rocky Mining Limited (S474.011), Papahaua Resources Limited (S500.007) and Straterra (S536.011)

²⁵ Marie Elder (FS77.30 and FS77.10), Katherine Crick (FS68.17), and Brian Anderson (FS237.069, FS237.092, FS237.088, FS237.072, FS237.073, FS237.068, FS237.083, FS237.077, FS237.079, FS237.082 and FS237.085)

²⁶ John Caygill (S290.004), Heather Muir (S385.001), Brian Anderson (S576.019 and S576.021), Clare Backes (S444.015), Katherine Gilbert (S473.007), Lynley Hargreaves (S481.004), Karen Lippiatt (S439.039), Sophia Allan (S82.003)

²⁷ Lynley Hargreaves (FS65.005, FS65.002, FS65.001), Inger Perkins (FS33.30, FS33.36) and Brian Anderson (FS237.064, FS237.067, FS237.071, FS237.078, FS237.081, FS237.055, FS237.052), Katherine Crick (FS68.027, FS68.026)

²⁸ Grey District Council (FS1.098, FS1.202, FS1.203, FS1.130, FS1.153, FS1.159, FS1.294), Birchfields Ross Limited (FS150.043, FS150.044, FS150.038)

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was sought. He noted the submission was supported by two further submissions and opposed by one further submission.

160. In response to the submission point from Colin Robertson (S293.001) that did not support mining being a permitted activity on the Barrytown flats, Mr Badham addressed the application of permitted activities (and particularly in Barrytown) in subsequent sections of the s42A Report. He acknowledged one further submission in support and one neutral further submission.
161. Mr Badham acknowledged Te Whatu Ora’s submission (S190.1153) that sought to retain the MINZ, but highlighted the tension between mining, and the health and wellbeing of the environment and communities. He noted one further submission in support of this submission.
162. Mr Badham acknowledged the submission point made by Deb Langridge (S252.008) that sought a number of specific matters of relief, and the further submissions in support and two further submission points that supported the submission in part. He noted the matters raised in the submission were addressed in the subsequent sections of the s42A Report relating to the specific rules.
163. Mr Badham acknowledged the submission point made by Dean Mason (S356.004) (supported by one further submission) that sought additional rules incorporating new activities but noted no specific relief was sought.
164. Mr Badham acknowledged the submission point made by Greenstone Retreat (S459.003) that sought the provisions relating to mineral extraction be rewritten to ensure that activities do not harm neighbours and communities. He noted the submission was supported in part by a further submission and opposed by two further submissions.
165. In response to the submission point made by Karen Lippiatt (S439.039) (opposed by one further submission and supported by one further submission) that sought to either delete the MINZ or make all mineral extraction activities within the zone require resource consent, Mr Badham did not support the deletion of the zone. He considered that there was scope for some permitted activities and noted this is addressed in subsequent sections of the s42A Report.
166. Mr Badham did not support Forest and Bird’s request (S560.398) (supported by four further submissions and opposed by two further submissions) to delete the MINZ and capture areas of lawfully established mineral extraction activities within the GRUZ or NOSZ.
167. In response to Minerals West Coast’s request (S569.048) (opposed by a further submission) to classify mineral extraction in zones as permitted, controlled, restricted discretionary or discretionary, Mr Badham noted there was scope to use various activity statuses for mineral extraction throughout the pTTPP.
168. In response Murray Stuart, Karen Jury and Rob Lawrence’s request (S455.003) to require resource consent for all mineral extraction activities, Mr Badham considered that there was scope for a permitted activity status for some mineral extraction activities.

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169. Mr Badham acknowledged the submission point made by Davis Ogilvie & Partners (S465.009) that sought to make amendments to the provision of the MINZ. He noted that these matters would be addressed in relation to the specific rules.
170. Mr Badham acknowledged the submission point made by Rocky Mining Limited (S474.013) that sought to retain the provisions as notified. However, he noted he recommended changes to the MINZ, as set out in subsequent sections of his s42A Report.
171. Mr Badham did not support the Director General’s request (S602.220) to delete the MINZ, rename the BCZ as MINZ and to integrate some policies and rules into one chapter. He reiterated that the Planning Standards provided for SPZ.
172. In response to Forest and Bird’s request (S560.022) to amend the mapping of the MINZ and BCZ to exclude any areas that do not have current authorisation for mining activity, along with re-zoning the land, Mr Badham noted the submission did not identify specific areas and he therefore could not recommend amendments to the mapping.
173. Mr Badham did not support Richard Arlidge’s request (S419.002) to apply the MINZ to the whole West Coast, and enable mineral extraction in a manual manner, because the relief sought would have significant negative implications with no obvious benefit.
174. Mr Badham acknowledged the submission point made by Alvin and Kay Godfrey (S580.001) that sought to retain the provisions as notified given quarrying provided local employment. However, he noted he had recommended changes to the MINZ as set out in subsequent sections of the s42A Report.
175. Mr Badham acknowledged the submission point made by Trevor Hayes (S377.010) (supported by three further submissions) that sought a number of specific matters of relief. He noted that these matters would be addressed in subsequent sections of the s42A Report relating to the specific rules.
176. Mr Badham did not support Suzanne Hills’ request (S443.052) to remove the MINZ from the pTTPP, for the reasons already set out.
177. Mr Badham did not make any recommendation to amend the provisions in response to these submission points. However, he noted that recommendations in subsequent sections will also respond to these submissions.
178. In response to Panel questions, Mr Badham noted the similarities between the MINZ and BCZ provisions, with two policies specific to the BCZ. He acknowledged a recommendation for one MINZ versus the two zones was ‘finely balanced’ and noted the links between the s32 Report and the two zones was unclear except for the difference in the BCZ due to its special character and size. He noted the relevance of the strategic direction provisions. He acknowledged that land use following mineral extraction activity under the MINZ or BCZ was probably a disadvantage.

Hearing and Submitter Evidence/Statements

179. Ms Karen Lippiatt spoke to her submission at the hearing, reiterating her submission that the MINZ should be deleted and that all mineral extraction activities should require resource consent.

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180. Ms Pauline Hadfield, on behalf of Davis Ogilvie & Partners and Alister Cameron, reiterated general support for the MINZ and noted that this was consistent with central government direction. However, under questioning from the Panel both Ms Hadfield and Mr Cameron considered that utilising GRUZ zone provisions could be a better alternative for mining operations like that of Mr Cameron.
181. Mr Brian Anderson spoke to his submission at the hearing, reiterating his submission that the MINZ should be deleted on the basis that it does not meet the criteria for SPZ in the Planning Standards. He raised concern for land use following mining activity. He questioned the need for MINZ when mining was provided for in other zones and considered a non-complying activity status for other activities was too onerous. He highlighted the direction to phase out coal mining.
182. Ms Lynley Hargreaves spoke to her submission at the hearing, reiterating her submission that the MINZ should be deleted on the basis that a SPZ, such as the MINZ, should only be created when all the criteria in the Planning Standards were met. She considered it was not impractical to manage the land use activity through another zone, and that in the case of alluvial gold mining, it was already provided for in many other zones, including the GRUZ, OSZ and the Settlement Zone. She considered it made no sense to define a MINZ by resource consent area when the activity was temporary and would move on. However, she could see the sense in MINZ for 'long term, discrete' activities such as quarries and lime works.
183. Ms Hargreaves urged the Panel to read the Parliamentary Commissioner for the Environment's 2009 Report *'Stockton revisited: The mine and the regulatory minefield'* to understand the implications of grandfathering CML that disregard the RMA. She noted that a review of the old CML conditions showed these were out of date and inadequate to manage adverse environmental effects. Ms Hargreaves highlighted that the highly technical operations at Cypress and North Mt William mines were managed through resource consents to ensure compliance with conditions, and offsets were achieved. She noted there was very little monitoring of mining activity unless this was required through resource consent conditions.
184. Ms Suzanne Hills spoke to her submission at the hearing, reiterating her submission that the MINZ should be deleted on the basis that a SPZ, such as the MINZ, should only be created when all the criteria in the Planning Standards were met. She observed the pTTPP included provisions in the RURZ and OSZ for managing mining activities, which showed it was clearly not impractical to manage these activities in another zone. She considered this supported the view that the MINZ was not necessary.
185. Ms Sharon Langridge questioned the need for MINZ for sand mining given the short timeframes to complete the operation. She noted the MINZ would be in place long after the activity had ceased and would therefore devalue properties and create a lot of uncertainty.
186. Ms McKenzie, for WMS Group, considered it was appropriate to create the MINZ as a SPZ and concluded it met the criteria set out in the Planning Standards. While she acknowledged 'an argument can be made' to manage mining activities through zones, she considered the MINZ specifically recognised the existing lawfully established activities. She concluded that applying the GRUZ framework to existing activities would be a cumbersome process for amendments to existing operations, and ultimately was impractical.

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187. Ms Katherine Crick outlined concerns that MINZ zoning would mean bypassing consultation with the community and reduced scrutiny of conditions of activity.
188. Mr Lile’s evidence on behalf of Westreef Services Limited queried whether the McPaddens Pit site should be included in MINZ. However, in response to Panel questions at the hearing, Mr Lile described issues associated with the rigidity of MINZ zoning and considered the consenting pathway in GRUZ provided more flexible approach to land use and future plans for the McPaddens Pit site. Having considered these matters further in discussions at the hearing, he concluded a GRUZ is more appropriate for the site.

Reporting Officer Reply Evidence

189. Mr Badham revisited the mandatory direction of the National Planning Standards in terms of establishing a SPZ in his Right of Reply. He reiterated that the expert planners agreed (on a principled basis) that the MINZ met clauses (a) to (c) of the National Policy Statement for a SPZ. He confirmed that he continued to agree with that position.
190. However, Mr Badham undertook to complete a more detailed s32AA evaluation regarding the inclusion of the MINZ (and BCZ) in the pTTPP, as part of the Right of Reply. He noted this evaluation concluded that Option 4, being the notified proposal of mineral extraction objectives, policies and rules within multiple special purpose zones (MINZ and BCZ) and the rural and open space zones, was the most appropriate. However, he acknowledged his determination was finely balanced; and that a different conclusion could be reached depending on what weight was given to the various costs and benefits. He highlighted that one of the main benefits of the notified approach was the ability to manage reverse sensitivity effects, although he believes that this is stymied by the lack of provisions in other zones regarding setbacks for sensitive activities from the MINZ and BCZ.
191. In response to questions from the Panel, Mr Badham revisited statements in the s42A Report in relation to the Forest and Bird submission that sought to amend the mapping of the MINZ (and BCZ) to exclude areas without existing authorisations or consents. He considered the submission provided scope to revisit all the MINZ and BCZ boundaries. He noted he would make specific recommendations from the results of his comprehensive review of the zone boundaries in relation to existing authorisations in the relevant mapping section.

Hearing Panel’s Evaluation

192. The Panel accepts Mr Badham’s analysis of submissions and further submissions relating to the whole MINZ Chapter. We consider there is scope within the submissions to consider the boundaries of proposed MINZ. We address this in relation to each proposed MINZ later in this Report.
193. As previously noted, the Panel agree with Ms Hargreaves that the MINZ is best suited to discrete, long-term activities, in large part due to the ability to manage reverse sensitivity effects. The Panel, therefore, also agree in part with Minerals West Coast querying the value of the zone approach to managing mineral extraction activities. The Panel consider it satisfactory to rely on provisions in the GRUZ, OSZ and FUZ for relatively short-term mineral extraction activities, which in part accepts the position of Forest & Bird and other submitters.
194. The Panel have considered the matter raised by the Director General regarding limited differences between the BCZ and MINZ provisions. From an efficiency perspective, we agree

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the two zones could be combined, however, the Panel are not exercised to do so because opportunity is lost to consider significant differences between activity within the BCZ and activities captured in the MINZ, as previously noted.

195. The Panel consider that this overall recommendation does not require a s32AA analysis because the Plan was notified with the phrase “*discrete, long term*” in the Overview to the chapter when describing what is intended to be captured in the zone. The matter of a s32AA analysis is considered in relation to some chapter changes, although the Panel overall consider that changes to the various rule frameworks are not significantly different, whilst improving Plan integration and effectiveness. In relation to areas zoned MINZ at notification that are recommended to be GRUZ, as outlined at the end of this report, the costs of resource consent are expected to be similar for restricted discretionary and discretionary activities. In both zones there are objectives and policies supporting mineral extraction and processing activities, with the primary benefit of GRUZ zoning being improved flexibility of land use where activities are relatively short term in nature.

Hearing Panel’s Recommendation

196. As previously noted, the Panel recommend changes to the MINZ in response to submissions so that it only captures discrete, long-term mineral extraction activities, and recommend retaining the BCZ.

6.2. Mineral Extraction Zone Overview

Submissions and Further Submissions

197. Seventeen submission points and six further submission points relating to the Mineral Extraction Zone Overview were summarised in a Table on pages 56-58 of the s42A Report. Seven submission points supported the MINZ Overview and 10 submission points sought amendments. Four further submissions opposed requested amendments and two further submissions supported submissions in part.

Section 42A Report

198. Mr Badham acknowledged the submission from Michael Hill (S70.006) that set out support for identifying the criteria used for land parcels included in the MINZ in the Overview. However, he noted it was uncommon for the criteria used to create a zone to be outlined in the overview of the chapter and considered it would be more appropriate for the criteria to be in a policy. He noted he addressed this matter in subsequent sections of the s42A Report.
199. In response to the six submission points²⁹ that sought to add a fourth criterion (being existing use rights) to what constitutes the MINZ, Mr Badham did not support the relief sought. He considered existing use rights were already confirmed by RMA s10 and did not need to be included in the criteria that confirm the MINZ, which focussed on authorisations and resource consents.
200. In response to the submission point made by Davis Ogilvie & Partners (S465.004) that sought to amend the Overview to more accurately describe how the zone is defined and to include the CMA as another criterion for defining the MINZ, Mr Badham did not support the relief

²⁹ Peter Langford (S615.211), Koiterangi Lime Co LTD (S577.123), Catherine Smart-Simpson (S564.156), William McLaughlin (S567.694), Geoff Volckman (S563.147) and Laura Coll McLaughlin (S574.664)

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sought. While he supported the need for clarity as to the criterion, he recommended it be located within a policy.

201. Mr Badham did not support the submission point made by Rocky Mining Limited (S474.045) (opposed by a further submission) that sought to not apply the overlays to the MINZ because the overlays apply to matters of national importance and sensitive environments that need to be applied district-wide irrespective of the zone.
202. In response to similar submission points made by Terra Firma Mining Limited (S537.024) and Straterra (S536.069) that sought to include a criterion related to the CMA for defining the MINZ, Mr Badham did not support the relief sought. He did not support referencing mining permits issued under the CMA because they do not constitute an approval under the RMA and therefore should not be used as a basis for determining the zone.
203. Mr Badham acknowledged the submission point made by Straterra (S536.014) (opposed by a further submission) that sought to retain the statement and approach of enablement for mineral extraction.
204. In response to the two submission points made by Straterra (S536.068) and NZ Coal and Carbon Limited (S472.038) that sought to amend the second sentence in the third paragraph by replacing *'is from three different mechanisms and includes'* with *'includes the mechanisms of'*, Mr Badham did not support the relief sought. He noted he recommended moving the criteria to a policy and simplifying the wording, but not in the same manner as sought in the submissions.
205. In response to the submission point made by Stevenson Mining Limited (S502.002) (opposed by a further submission) that sought to retain the Overview as notified, Mr Badham acknowledged the submission and noted his recommendation to make amendments.
206. In response to the submission point made by Ross Wildbore (S389.002) (supported by a further submission and supported in part by a further submission) that sought to only apply the MINZ where it meets the criteria set out in the Overview, Mr Badham acknowledged the submission point and reiterated his recommendation to relocate the criteria to a policy.
207. The s42A Report recommended that the MINZ Overview text be amended as follows:

...

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)**~~

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

...

208. Mr Badham noted consequential amendments were also recommended to MINZ-P1.

Hearing and Submitter Evidence

209. No evidence was presented at the hearing by submitters relating to the MINZ Overview.

Reporting Officer Reply Evidence

210. The recommended provisions attached to the Right of Reply included the further recommended amendment shown in Attachment 1 of the JWS#2 to delete the reference to *'NOISE and LIGHT in particular'* and replace this with *'District-Wide Matters'*. However, there was no further discussion recorded in the JSW#2 or the Reply.

Hearing Panel's Evaluation

211. The Panel considers that amendment is required to the Overview of the MINZ Chapter in order to reflect the recommendation that this zone only apply to discrete, long term mineral extraction activities.

212. The Panel do not find scope for the change proposed by Mr Badham to create a policy from the notified wording of the Overview. The Panel also do not consider it necessary that only activities with a current authorisation are shown in the zone. Zoning land for discrete, long term mineral extraction activities may be appropriate based on submissions and evidence provided to the Panel in particular cases. The Panel consider that the purpose of the zone is to signal existing or intended use of the land, provide for that use, and allow for management of potential reverse sensitivity effects over the long term. Existing use and associated authorisations provide a basis to map a zoned area. Where authorisations have not been obtained, but there is sufficient evidence to support delineation of a zoned area, this is an available option. The Panel determine that the zone should not incorporate areas of thermal coal that are not currently being mined under a licence or resource consent, to correspond with Strategic Direction in the Plan. These matters are further considered by the Panel in relation to the provisions of the chapter, activity classifications and specific zoned areas.

213. The Panel accepts Ross Wildbore's (S389.002) request to only zone areas as MINZ where they fit with the approach outlined in the Overview. This is addressed by the Panel on a site-by-site basis below.

214. The Panel agrees with Mr Badham that it is not appropriate to include mining permits issued under the CMA; and that is unnecessary to include existing use rights, which are provided for under RMA s10.

215. The Panel agrees with Mr Badham that it is not appropriate to delete references to the overlay chapters as this would not give effect to RMA s6 matters, NZCPS, NPSIB and the WCRPS.

216. The Panel accepts Mr Badham's recommendation to delete the reference to *'NOISE and LIGHT in particular'* and replace this with *'District-Wide Matters'* to clarify all relevant district-wide

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provisions apply. We note there was no submission point requesting this but acknowledge all expert planners agreed this was appropriate and consider this clarifies the intention of the Plan, as drafted. However, the Panel also note that rules in the Earthworks Chapter do not apply in the MINZ, in accordance with direction 31 of the National Planning Standards.

217. The Panel recommends deleting the reference to ‘widespread’ mineral extraction in the fifth paragraph as a correction, as it is the mineral resources that is widespread. It is anticipated that mineral extraction will continue to occur outside of the MINZ.
218. The Panel also amend the Overview in accordance with recommendations in the Introduction and General Provisions Recommendation Report.

Hearing Panel’s Recommendation

219. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommend changes to the **MINZ Overview** as follows:

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 Aotearoa / New Zealand/~~Aotearoa me Te Waipounamu~~.³⁰ Minerals found on the **Te Tai o Poutini / West Coast/Te Tai o Poutini**³¹ 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 **Te Tai o Poutini / West Coast/Te Tai o Poutini**³².*

The MINZ - Mineral Extraction Zone covers areas where there are discrete, long term mineral extraction activities, which enables management of associated effects, including reverse sensitivity effects. ~~that are currently authorised. This authorisation is from three different mechanisms and includes:~~³³ Areas in the zone include minerals that support climate change adaptation and transition to a low emissions economy.³⁴

- 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).~~*

³⁰ Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio S620.005

³¹ Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio S620.005

³² Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio S620.005

³³ New Zealand Coal & Carbon Limited S472.038

³⁴ Aggregate and Quarry Association S521.015, Lynley Hargreaves S481.003, Richard Arlidge S419.002

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*Because of its size and significance, and particular operational requirements, the BCZ - Buller Coalfield Zone is a separate Special **Purpose**³⁵ 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 **Purpose**³⁶ Zones, mineral extraction will be managed within the relevant zone rules. It is anticipated that there will continue to be ~~widespread~~³⁷ 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 ~~NOISE and LIGHT in particular~~ **District-Wide Matters**³⁸ may be relevant to activities undertaken in the MINZ - Mineral Extraction Zone, **with the exception of provisions in the Earthworks Chapter.**³⁹*

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.

6.3. Mineral Extraction Zone Objectives

Submissions and Further Submissions

220. Ten submission points and two further submission points relating to the MINZ Objectives (as a whole) were summarised in a Table on page 60 of the s42A Report. All 10 submission points sought to retain the objectives as notified. One of the further submissions supported the submission points and the one further submission opposed them.
221. Twelve submission points and 11 further submission points relating to **MINZ-O1** were summarised in a Table on pages 61-62 of the s42A Report. Eleven submissions supported the retention of the objective as notified and one sought amendment. Ten further submissions

³⁵ RMA First Schedule Clause 16(2)

³⁶ RMA First Schedule Clause 16(2)

³⁷ RMA First Schedule Clause 16(2)

³⁸ RMA First Schedule Clause 16(2)

³⁹ RMA First Schedule Clause 16(2)

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opposed the submissions in support of the objective and one further submission supported the submission in opposition.

222. Fourteen submission points and 15 further submission points relating to **MINZ-O2** were summarised in a Table on pages 63-66 of the s42A Report. Eleven submissions supported the retention of the objective as notified and one sought amendment. Ten further submissions opposed the submissions in support of the objective and one supported the submission in opposition.

Section 42A Report

Objectives (General)

223. In relation to the objectives (as a group), Mr Badham acknowledged the support from the submitters⁴⁰ that sought to retain the objectives as notified. He also acknowledged the further submissions. However, he noted he recommended amendments to the objectives in response to other submission points.

224. The s42A Report made no recommendations related to the objectives generally.

MINZ-O1

225. Mr Badham acknowledged the support from the submitters⁴¹ that sought to retain Objective MINZ-O1 as notified. He also acknowledged further submissions opposing the submissions in general support. Mr Badham supported the relief sought by these submitters to retain the objective. However, he recommended minor grammatical amendments.

226. In response to the submission point made by Karen Lippiatt (S439.040) (supported by a further submission) that sought to remove the reference to ‘*social wellbeing*’ from the Objective, Mr Badham did not support the relief sought. He considered mineral extraction contributed to the social wellbeing of the West Coast and that its inclusion in the objective gives effect to the direction of the RPS.

227. The s42A Report recommended MINZ-O1 be amended as follows:

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

228. Mr Badham acknowledged the support from submitters⁴² seeking to retain the Objective MINZ-O2 as notified. He also acknowledged further submissions either opposing or

⁴⁰ Koiterangi Lime Co LTD (S577.125), Catherine Smart-Simpson (S564.159), William McLaughlin (S567.698), Geoff Volckman (S563.150), New Zealand Coal & Carbon Limited (S472.039), Stevenson Mining Limited (S502.003), Chris & Jan Coll (S558.668), Chris J Coll Surveying Limited (S566.668), Laura Coll McLaughlin (S574.668) and Buller District Council (S538.607)

⁴¹ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.125) and TiGa Minerals and Metals Limited (S493.110) Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1154), Birchfield Coal Mines Ltd (S601.102), BRM Developments Limited (S603.053), Birchfield Ross Mining Limited (S604.092), Phoenix Minerals Limited (S606.077), Whyte Gold Limited (S607.077), Peter Langford (S615.214), Karamea Lime Company (S614.214) and Terra Firma Mining Limited (S537.025)

⁴² Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620.261), Peter Langford (S615.215), Karamea Lime Company (S614.215), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1155), Waka Kotahi NZ Transport Agency (S450.295)

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supporting the general support. However, he noted he recommended amendments in response to other submissions and to correct minor grammatical errors.

229. In response to the various submission points⁴³ that sought to replace ‘*minimises*’ with ‘*manage*’ Mr Badham supported the relief sought. He noted notified wording was unclear in its interpretation and considered that the term ‘*manage*’ enabled use of the full effects management hierarchy.
230. Mr Badham did not support the submission from Terra Firma Mining (S537.026) to amend MINZ-O2 to refer to the effects hierarchy of avoid, remedy, mitigate, offset or compensate because he considered this was encompassed by the term ‘*manage*’.
231. In response to the submission point made by Lindy Mason (S355.006) that sought to include the management of heavy mineral concentrate in the Objective, Mr Badham did not support the relief sought. He considered the wording of the Objective covered the exploration, extraction and processing of minerals within the MINZ, and concluded the specificity sought by the submission point was not necessary.
232. The s42A Report recommended MINZ-O2 be amended as follows:

*To ensure **that the** exploration, extraction and processing of minerals within the MINZ – Mineral Extraction Zone ~~minimises~~ **manage** 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.*

Hearing and Submitter Evidence/Statements

233. The legal submissions made by Bathurst provided commentary regarding the objectives and policies for the MINZ (and the BCZ). The submissions set out that the objectives (as notified) support the strategic direction of the RPS. It reiterated that Bathurst supported the objectives as notified and was concerned that the amendments recommended in the s42A Report shift the focus.
234. Ms Lucy Smith, for Terra Firma Mining Limited, confirmed that the recommendations in the s42A Report relating to MINZ-O1 and MINZ-O2 were accepted by the submitter.
235. Mr Brian Anderson spoke to his submission at the hearing, reiterating his submission and recording his opposition to changing ‘*minimises*’ to ‘*manage*’ in MINZ-O2. He disagreed that it improved clarity and interpretation.
236. Mr McEnaney, for GDC, confirmed support for the amendments recommended in the s42A Report for both MINZ-O1 and MINZ-O2. The Panel note this support, but highlight that GDC did not make any submission regarding the objectives in the MINZ.

Reporting Officer Reply Evidence

237. Mr Badham made no specific additional comments in the Right of Reply about the objectives.

⁴³ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.126), TiGa Minerals and Metals Limited (S493.111), Birchfield Coal Mines Ltd (S601.103), BRM Developments Limited (S603.054), Birchfield Ross Mining Limited (S604.093), Phoenix Minerals Limited (S606.078) and Whyte Gold Limited (S607.078)

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Hearing Panel’s Evaluation

238. The Panel accepts Mr Badham’s recommended amendments for the reasons given in his s42A Report. We consider ‘*minimises*’ does not recognise that in some circumstances adverse effects on RMA s6 matters must be avoided to give effect to the higher order statutory instruments. We agree with Mr Badham that ‘*manage*’ encompasses ‘*avoid, remedy or mitigate*’ and that its use at the objective level is appropriate.

Hearing Panel’s Recommendation

239. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommend changes to the **Mineral Extraction Zone Objectives** as follows:

MINZ – O1	Mineral extraction activities in the MINZ - Mineral Extraction Zone are enabled recognising their ⁴⁴ scale and operational characteristics, ⁴⁵ and the contribution that these activities make to the economic and social wellbeing of the region and districts.
MINZ – O2	To ensure that the ⁴⁶ exploration, extraction and processing of minerals within the MINZ - Mineral Extraction Zone minimises manages ⁴⁷ 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.

6.4. Mineral Extraction Zone Policies

Submissions and Further Submissions

240. Thirteen submission points and two further submission points relating to the MINZ Policies (as a whole) were summarised in a Table on pages 67-68 of the s42A Report. Twelve submission points sought to retain the policies as notified, and one sought amendment. One of the further submissions supported the submission points seeking to retain the policies and the second partially supported the submission seeking amendment.

241. Eight submission points and eight further submission points relating to **MINZ-P1** were summarised in a Table on pages 68-69 of the s42A Report. All eight submissions supported the retention of the policy as notified. The eight further submissions all opposed various submissions that supported the policy.

242. Nine submission points and eight further submission points relating to **MINZ-P2** were summarised in a Table on pages 70-71 of the s42A Report. All nine submissions supported

⁴⁴ RMA First Schedule Clause 16(2)

⁴⁵ RMA First Schedule Clause 16(2)

⁴⁶ RMA First Schedule Clause 16(2)

⁴⁷ WMS Group (HQ) Limited and WMS Land Co. Limited S599.126, TiGa Minerals and Metals Limited S493.111, Birchfield Coal Mines Ltd S601.103, BRM Developments Limited S603.054, Birchfield Ross Mining Limited S604.093, Phoenix Minerals Limited S606.078 and Whyte Gold Limited S607.078

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the retention of the policy as notified. The eight further submissions all opposed various submissions that supported the policy.

243. Eleven submission points and 10 further submission points relating to **MINZ-P3** were summarised in a Table on pages 72-73 of the s42A Report. One submission supported the retention of the policy as notified and 10 sought amendments. Eight further submissions opposed the amendments sought by the submissions and two further submissions supported amendments.
244. Thirteen submission points and 13 further submission points relating to **MINZ-P4** were summarised in a Table on pages 78-80 of the s42A Report. Three submissions supported the retention of the policy as notified and 10 sought amendments. Eight further submissions opposed submissions, and five further submissions supported various amendments sought in submissions.
245. Thirteen submission points and 13 further submission points relating to **MINZ-P5** were summarised in a Table on pages 74-76 of the s42A Report. Nine submissions supported the retention of the policy as notified, two sought amendments and two opposed it. Eight further submissions opposed submissions, and five further submissions supported various amendments sought in submissions.
246. Nine submission points relating to **MINZ-P6** were summarised in a Table on page 81 of the s42A Report. Eight submissions supported the retention of the policy as notified and one sought amendment.
247. Nine submission points and twelve further submission points relating to **MINZ-P7** were summarised in a Table on pages 82-88 of the s42A Report. One submission supported the retention of the policy as notified and eight sought amendments. The twelve further submissions all opposed submissions. The Panel notes that four of the submission points⁴⁸ recorded in Appendix 2 of the s42A Report relate to MINZ-P4, and in reviewing the submissions it is unclear if any relief was sought for MINZ-P7.
248. Eight submission points and seven further submission points relating to **MINZ-P8** were summarised in a Table on page 89 of the s42A Report. All eight submissions supported the retention of the policy as notified and the seven further submissions all opposed these submissions.

Section 42A Report

Policies (General)

249. In relation to the objectives (as a group), Mr Badham acknowledged the support from the submitters⁴⁹ that sought to retain the policies as notified. He also acknowledged the further submission that supported the submissions.

⁴⁸ BRM Developments Limited (S603.061), Birchfield Ross Mining Limited (S604.100), Phoenix Minerals Limited (S606.085) and Whyte Gold Limited (S607.085)

⁴⁹ Peter Langford (S615.216), Karamea Lime Company (S614.216), Koiterangi Lime Co LTD (S577.126), Catherine Smart-Simpson (S564.160), William McLaughlin (S567.699), Geoff Volckman (S563.151), New Zealand Coal & Carbon Limited (S472.040), Stevenson Mining Limited (S502.004), Chris & Jan Coll (S558.669), Chris J Coll Surveying Limited (S566.669), Laura Coll McLaughlin (S574.669) and Buller District Council (S538.608)

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250. In response to the submission point made by Deb Langridge (S252.002) that sought for mining applications to include offsetting, Mr Badham acknowledged the submission but did not consider it was appropriate to require offsetting in every instance.
251. The s42A Report made no recommendations related to the policies generally.

MINZ-P1

252. Mr Badham acknowledged the support from the submitters⁵⁰ that sought to retain Policy MINZ-P1 as notified. He also acknowledged the further submissions⁵¹ opposing the general support. Notwithstanding this, and as indicated in the s42A analysis of the Overview section, Mr Badham recommended amendments to the Policy to move the criteria used for identifying the MINZ from the Overview to MINZ-P1. However, he did identify that there may not be scope for this amendment.
253. Mr Badham considered including reference to the CMA as part of this amendment due to submissions that sought such an addition to the criteria in reference to the Overview section. He did not support the inclusion of this legislation because it related to property rights that cannot be exercised unless the RMA authorises activities.
254. Mr Badham supported referencing the Coal Mines Act 1979, as licences granted under this legislation are deemed ‘an existing privilege’ under the CMA and do not require authorisation under the RMA.
255. Mr Badham recommended including clarification in the reference to resource consents to ensure all areas that may not have historic coal mining licences, but have been authorised by resource consent under the RMA, are included in the MINZ.
256. The s42A Report recommended MINZ-P1 be 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).**

257. The JWS#1 records four of the five planners⁵² agreed the following, with respect to the zone criteria:

⁵⁰ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.127), TiGa Minerals and Metals Limited (S493.112), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1156), Birchfield Coal Mines Ltd (S601.104), BRM Developments Limited (S603.055), Birchfield Ross Mining Limited (S604.094), Phoenix Minerals Limited (S606.079) and Whyte Gold Limited (S607.079)

⁵¹ Brian Anderson (FS237.0121, FS237.0120, FS237.0122, FS237.0123, FS237.0124, FS237.0125 and FS237.0126), John Caygill (FS44.10)

⁵² Mr Lile, Mr Badham, Ms McKenzie and Mr McEnaney

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- (a) That there should be consistent zoning criteria for the spatial application of the MINZ; and
- (b) The zoning criteria for the MINZ is best placed within a policy, specifically MINZ-P1.
258. The JWS#1 records Ms Hunter did not necessarily agree that the zoning criteria needed to be set out in the policy. She considered that the process for establishing the SPZ and identifying that mineral resources and extraction activities are a significant issue for the region was reflected in the Strategic Directions objectives for the pTTPP.
259. Notwithstanding Ms Hunter’s position, the planners revisited the wording of MINZ-P1 in the JWS#2 and agreed on some amendments to the s42A Report recommendation for MINZ-P1 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 lawfully established by three different mechanisms:*
- i. Existing use rights as provided for 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).*

MINZ-P2

260. Mr Badham acknowledged the support from the submitters⁵³ that sought to retain Policy MINZ-P2 as notified. He also acknowledged the further submissions opposing the general support.
261. The s42A Report recommends no amendments to MINZ-P2.

MINZ-P3

262. Mr Badham acknowledged the support from Te Mana Ora (S190.1158) that sought to retain the policy as notified. However, he acknowledged his recommended amendments in response to other submissions.

⁵³ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.128), TiGa Minerals and Metals Limited (S493.113), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1157), Birchfield Coal Mines Ltd (S601.105), BRM Developments Limited (S603.056), Birchfield Ross Mining Limited (S604.095), Phoenix Minerals Limited (S606.080), Whyte Gold Limited (S607.080) and Terra Firma Mining Limited (S537.027)

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263. In response to the various submission⁵⁴ points that sought to amend the policy to replace ‘*best practice environmental standards*’ with ‘*best practicable environmental standard*’ or ‘*best practicable option*’ Mr Badham supported the relief in part. He considered that within the context of the policy ‘*best practice*’ or ‘*best practicable*’ was unclear, and that any reference to an environmental standard was best removed in its entirety. He noted that the focus of the policy was on the remediation.
264. In response to the submission point made by Terra Firma Mining Limited (S537.028) that sought to amend the policy to allow for remediation to occur both during and after mining activities, Mr Badham did not consider that the notified policy restricted remediation being undertaken prior to the completion of mineral extraction. His interpretation was that the policy requires it to be done when mineral extraction was completed and he therefore recommended adding ‘*is complete*’ to the policy to clarify this.
265. In response to the submission point made by Alistair Cameron that sought an amendment to give effect to the policy and to provide for future use and activities through the Plan, Mr Badham acknowledged the submission. However, as the submitter offered no specific wording, he did not recommend any changes.
266. The s42A Report recommended MINZ-P3 be 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.*

MINZ-P4

267. Mr Badham acknowledged the support from Terra Firma Mining (S537.029), Waka Kotahi NZTA (S450.296) and GDC (S608.797) that sought to retain the policy as notified. However, he noted he recommended amendments in response to other submissions.
268. In response to the submission points made by Buller Conservation Group (S552.193) and Frida Inta (S553.193) that sought to include air pollution in MINZ-P4(b), Mr Badham did not support the relief sought. He noted that air pollution is managed by the West Coast Regional Council in the Regional Plan.
269. In response to the seven submission points⁵⁵ that sought to replace ‘*impacts*’ with ‘*adverse effects*’ MINZ-P4(d), Mr Badham did not support the relief sought because he recommended deleting clause (d) in its entirety. For the same reasons, he also did not support the Buller Conservation Group and Frida Inta’s request to add ‘*natural character*’ to clause (d).
270. Mr Badham recommended deleting clause (d) because he considered these matters were better addressed in the ECO Chapter, which specifically addressed identified significant natural areas (SNA). Furthermore, he noted that gazettal of the NPSIB (following the notification of the pTTPP) had implications for how these matters are addressed in the Plan, which would need to be addressed in the ECO Chapter hearing. He highlighted that there were

⁵⁴ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.129), TiGa Minerals and Metals Limited (S493.114), Birchfield Coal Mines Ltd (S601.106), BRM Developments Limited (S603.057), Birchfield Ross Mining Limited (S604.096), Phoenix Minerals Limited (S606.081), Whyte Gold Limited (S607.081), Straterra (S536.070)

⁵⁵ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.130), TiGa Minerals and Metals Limited (S493.115), Birchfield Coal Mines Ltd (S601.107), BRM Developments Limited (S603.058), Birchfield Ross Mining Limited (S604.097), Phoenix Minerals Limited (S606.082) and Whyte Gold Limited (S607.082)

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no rules in the MINZ Chapter (as notified) that related to indigenous vegetation clearance, which made clause (d) of the policy irrelevant in the MINZ Chapter.

271. Mr Badham did not support the relief sought by Te Mana Ora’s submission point (S190.1159) to make additions in relation to Poutini Ngāi Tahu cultural values and Drinking Water Source Protection Zones. He considered MINZ-P6 already provided specific direction to take account Poutini Ngāi Tahu cultural values; and noted that insufficient information, technical evidence or s32 evaluation had been provided to support the addition of reference to Drinking Water Source Protection Zones.

272. The s42A Report recommended MINZ-P4 be amended as follows:

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:

- 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;*~~
- 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

273. Mr Badham acknowledged the support from the nine submission points⁵⁶ that sought to retain the policy as notified, and the further submissions that opposed the submissions. However, he noted that he recommended deleting the policy.

274. In response to the submission point made by Craig Schwitzer (supported by a further submission) that sought for there to be no mineral extraction in areas of significant indigenous vegetation or significant fauna habitat, Mr Badham did not consider that this was a matter to be considered in relation to the MINZ Chapter and that it would be more appropriately addressed as part of the ECO Chapter.

275. Mr Badham supported the relief sought by Karen Lippiatt (S439.041) to delete the policy for the reasons outlined in relation to MINZ-P4(d).

⁵⁶ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.131), TiGa Minerals and Metals Limited (S493.116), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1160), Birchfield Coal Mines Ltd (S601.108), BRM Developments Limited (S603.059), Birchfield Ross Mining Limited (S604.098), Phoenix Minerals Limited (S606.083), Terra Firma Mining Limited (S537.030) and Whyte Gold Limited (S607.083)

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276. In response to the submission points made by Buller Conservation Group (S552.194) and Frida Inta (S553.194) that sought to replace ‘*be mitigated, remedied, offset or compensated*’ with ‘*use the adverse effects hierarchy*’ and to add ‘*and preferably a net gain*’, Mr Badham reiterated his recommendation to delete the policy.
277. The s42A Report recommended MINZ-P5 be deleted and that the submission points be reallocated to the ECO Chapter hearing so that they can be considered in terms of the policy direction regarding indigenous vegetation removal associated with mineral extraction activities.

MINZ-P6

278. Mr Badham acknowledged the support from the eight submission points⁵⁷ that sought to retain Policy MINZ-P6 as notified. However, he noted that he recommended changes to the policy in response to other submission points.
279. In response to Poutini Ngāi Tahu’s request (S620.262) to replace ‘*cultural resources*’ with ‘*values*’ in clause (b) and to replace ‘*Poutini Ngāi Tahu*’ with ‘*Te Rūnanga o Ngāi Tahu*’ in clause (c), Mr Badham supported the relief sought and agreed it clarified the policy.
280. The s42A Report recommended MINZ-P6 be 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 to any resource consenting processes;*
- b. Requiring ongoing liaison and communication where Poutini Ngāi Tahu ~~cultural resources~~ **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.*

MINZ-P7

281. Mr Badham acknowledged the support from Te Mana Ora (S190.1161) that sought to retain the Policy as notified. However, he noted that he recommended changes to the policy in response to other submission points.
282. In response to the three submission points⁵⁸ that sought to replace ‘*minimise impacts*’ with ‘*manage adverse effects*’ in clause (a) of the policy and the submission point by Terra Firma Mining (S537.031) that sought to amend clause (a) to read ‘*Performance standards to maintain amenity, character and natural values of adjacent areas are met*’, Mr Badham supported the relief sought by Terra Firma. He preferred the term ‘*maintain*’ over ‘*minimise*’

⁵⁷ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.132), TiGa Minerals and Metals Limited (S493.117), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1161), Birchfield Coal Mines Ltd (S601.109), BRM Developments Limited (S603.060), Birchfield Ross Mining Limited (S604.099), Phoenix Minerals Limited (S606.084) and Whyte Gold Limited (S607.084)

⁵⁸ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.133), TiGa Minerals and Metals Limited (S493.118), Birchfield Coal Mines Ltd (S601.110)

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and ‘manage’ because it was more consistent with the higher order direction. Mr Badham acknowledged the further submissions⁵⁹ that opposed any of these amendments.

283. The s42A Report recommended MINZ-P7 be amended as follows:

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

- a. *Performance standards to ~~minimise impacts on the~~ **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

284. Mr Badham acknowledged the support from the eight submission points⁶⁰ that sought to retain the policy as notified and the further submissions opposing these submissions. He agreed the policy should be retained but recommended a minor amendment for clarification, adding ‘resource’ before ‘consents’ to differentiate from other types of consents.

285. The s42A Report recommended MINZ-P8 be amended as follows:

*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.*

Hearing and Submitter Evidence/Statements

286. Ms Hadfield, for Alistair Cameron and Davis Ogilvie & Partners Limited, confirmed support for the s42A Report recommendation to include the criteria for determining the extent of the MINZ in MINZ-P1 instead of the Overview. However, she reiterated Davis Ogilvie’s submission point (S465.004) that the criteria should take into account permits issued under the CMA. She acknowledged Mr Badham’s comments that the CMA relates to property rights; however, she considered the spatial extent of the zone had been defined using permit boundaries issued under this Act and noted that existing resource consents do not always cover the whole minerals permit area. She recommended ensuring the criteria accurately reflected the spatial areas of the MINZ and considered the criteria should reference minerals permits issued under the Crown Mineral Act 1991. She confirmed her agreement with the s42A recommendation for MINZ-P3.

287. Mr McEnaney, for GDC, noted support for the recommended amendments to MINZ-P1, MINZ-P2, MINZ-P4, MINZ-P6 and to delete MINZ-P5; but did not support the recommended amendments to MINZ-P3 and MINZ-P7. However, the Panel noted GDC did not make submissions on any MINZ policies, except a further submission in support of Alistair Cameron’s submission on MINZ-P3 to provide for future use and activity throughout the Plan.

⁵⁹ Brian Anderson (FS237.0168, FS237.0166, FS237.0169, FS237.0167), Katherine Crick (FS68.22), Annie Inwood (FS147.017), Suzanne Hill (FS72.017), Melissa McLuskie (FS144.017)

⁶⁰ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.134), TiGa Minerals and Metals Limited (S493.119), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1163), Birchfield Coal Mines Ltd (S601.111), BRM Developments Limited (S603.062), Birchfield Ross Mining Limited (S604.101), Phoenix Minerals Limited (S606.086) and Whyte Gold Limited (S607.086)

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288. Ms Smith, for Terra Firma Mining Limited, confirmed that the recommendations in the s42A Report relating to MINZ-P2, MINZ-P3, MINZ-P4, MINZ-P5, MINZ-P6 and MINZ-P7 were accepted by the submitter.

Reporting Officer Reply Evidence

289. In response to questions from the Panel (Minute 32), Mr Badham revisited the matter of scope with respect to relocating the zoning criteria from the Overview to MINZ-P1. Upon taking advice from Wynn Williams, Mr Badham confirmed that there was scope to make the proposed changes to MINZ-P1. This is on the understanding that despite there not being any submission that sought to relocate the criteria, it is in the vein of the submissions that supported the criteria when approached holistically and could be seen as consequential relief.
290. In response to questions from the Panel regarding the recommendation to delete ‘best practice standards’ from MINZ-P3, Mr Badham revisited the matter in his Right of Reply. In the absence of a definitive set of best practice standards relating to rehabilitation, Mr Badham considered that any reference would create uncertainty as to what is required. Additionally, he considered that any reference to a document would need to follow the ‘document by reference’ provisions set out in the RMA, which requires identifying a dated version that can only be updated through a plan change. For these reasons, he continued to recommend deleting reference to ‘best practice environmental standards’ in MINZ-P3.
291. Mr Badham also revisited his recommendation to add ‘is complete’ to MINZ-P3 and made a minor amendment to change this to ‘ceases’. He also recommends clarifying that uses relate to ‘land uses’. The recommended wording of the policy, as set out in the Right of Reply, was 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.*

292. In response to questions from the Panel regarding the recommendation to delete provisions within the MINZ relating to the management of mineral extraction activities in areas of indigenous biodiversity, Mr Badham revisited the matter in the Right of Reply. He reiterated his view that the consideration of this matter had been complicated by signalled changes to the NPSIB by Government, which may be in effect by the time decisions on the pTTPP were released. He also noted that SNA were only proposed in the pTTPP for the Grey District based on criteria from the Regional Policy Statement and not the criteria in the NPSIB.
293. Notwithstanding that Mr Badham was not the reporting officer on the ECO Chapter, he considered it was appropriate for SNA to be mapped within the pTTPP given a key purpose of the ECO Chapter is to manage SNA and areas of significant indigenous vegetation and fauna. For these reasons, he considered it would be more efficient and effective for district-wide provisions (e.g., objectives, policies and rules) relating to SNA and indigenous biodiversity to be located in the ECO Chapter. He therefore maintained his recommendation to delete MINZ-P4(d) and MINZ-P5 from the MINZ Chapter.
294. Mr Badham corrected a typo in MINZ-P6(a) that was identified by the Panel during the hearing.

Hearing Panel’s Evaluation

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In relation to **MINZ-P1**, the Panel notes the eight submission points received all sought to retain the policy as notified. The Panel are satisfied that only minor changes are required to this policy, based on recommendations for the MINZ Chapter as a whole. The Panel have recommended some changes to the Overview that provide insight in to why areas have been included in the MINZ. The Panel consider that future decisions to incorporate additional areas of land in the MINZ will be similarly guided by Strategic Direction in the Plan, and the purpose and provisions of the MINZ, as compared to the purpose and provisions of other zones that provide for mineral extraction activities. The Panel therefore disagree with the recommendations of Mr Badham on this policy and generally accept the position of submitters to the policy. The Panel recommended deleting “*identify and*” from the start of the policy because identification is mentioned again later in the policy, as a minor amendment. The Panel also recommend deleting the text in brackets and replacing it with the phrase “*discrete long term*” ahead of the phrase “*mineral extraction activities*” to reflect the text in the Overview and recommendations on the chapter as a whole.

295. In relation to **MINZ-P2**, the Panel accepts Mr Badham’s recommendation to retain the policy as notified. The Panel note that excluding short term mineral extraction activities from MINZ zoning changes the impact of this policy, providing for more flexible land use in the GRUZ, OSZ and FUZ in particular. The Panel can see that there may have been some value in applying this policy to short term mineral extraction activities in order to ensure that identified strategic mineral resources are not inadvertently constrained by new residential development, for example. However, this would require a comprehensive identification of the location of mineral resources and consideration of localised pressure for competing land uses, in order to inform MINZ zoning in a more strategic manner. The Panel has not been provided with this basis for MINZ zoning in evidence received.
296. In relation to **MINZ-P3**, the Panel accepts Mr Badham’s recommended amendments to clarify that rehabilitation must be undertaken once mining activity ‘ceases’. We agree that this does not prevent progressive rehabilitation, but directs that this must occur after mining ceases. We consider this responds to Terra Firma’s request to allow rehabilitation to occur both during and after mining. We agree that referring to best practice is not appropriate given the intention is to rehabilitate the land to enable future land uses and activities post mineral extraction. The Panel acknowledge the evidence of Forest & Bird concerned with rehabilitation of indigenous biodiversity and consider that this is a matter relevant to ECO Chapter provisions and application of the effects management hierarchy.
297. In relation to **MINZ-P4**, the Panel considers clause (d) should not be deleted, as recommended by Mr Badham, given the policy seeks to maintain the quality of the environment in surrounding areas that could be impacted by activities in the MINZ. We acknowledge that mineral extraction activities within the MINZ may not trigger the need for a resource consent under the ECO Chapter rules, but may have the potential to adversely impact significant ecological values in the surrounding area. Furthermore, we do not consider there is a submission point requesting clause (d) be deleted. The submission point referenced in relation to the recommendation to delete clause (d) in the Right of Reply relates to MINZ-P5. The Panel note that other matters referenced in the policy are also dealt with in other chapters of the Plan (e.g. noise), which means the policy will be read in conjunction with the objectives and policies of relevant district-wide and overlay chapters.
298. The Panel accepts the Buller Conservation Group and Frida Inta’s submission points that clause (d) should include managing adverse effects on ‘*natural character*’ of the surrounding

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area to give effect to RMA s6. We also accept WMS Group, Whyte Gold and TiGa Minerals and Metals Limited’s submission points that ‘*impacts*’ should be replaced with ‘*adverse effects*’.

299. In relation to **MINZ-P5**, the Panel accepts Mr Badham’s recommendation to delete this policy given rules relating to indigenous vegetation and significant habitats are appropriately addressed in the ECO Chapter, in accordance with direction 19 in the National Planning Standards.
300. In relation to **MINZ-P6**, the Panel accepts Mr Badham’s recommendation to amend the policy in response to Poutini Ngāi Tahu’s submission point.
301. In relation to **MINZ-P7**, the Panel accepts Mr Badham’s recommended amendments for the reasons outlined in the s42A Report. We note Mr Badham did not specifically address the submission point to delete ‘*rural*’. We consider this is appropriate given the character of the adjacent area may not be rural and should be maintained regardless of the zoning. We note that the comments of the Panel in relation to MINZ-P2 are equally relevant to this policy when considering short term mineral extraction activities.
302. In relation to **MINZ-P8**, the Panel accepts Mr Badham’s recommendation to retain the policy as notified with a minor amendment to clarify the reference is to ‘*resource consents*’.

Hearing Panel’s Recommendation

303. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **Mineral Extraction Zone Policies**:

MINZ – P1	To identify and ⁶¹ provide for significant mineral resources (where these are found in a discrete location) by identifying MINZ - Mineral Extraction Zones and applying provisions to facilitate discrete, long term ⁶² mineral extraction 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.
MINZ – P3	To ensure that after mineral extraction ceases , ⁶³ all mine sites in the MINZ - Mineral Extraction Zone are rehabilitated to best practice environmental standards and to provide for enable ⁶⁴ future land uses ⁶⁵ 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;

⁶¹ RMA First Schedule, Clause 16

⁶² Consequential to recommendations on the MINZ Chapter as a whole and amendments to the Overview

⁶³ Terra Firma Mining Limited S537.028

⁶⁴ Alistair Cameron S452.001

⁶⁵ Alistair Cameron S452.001

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- c. Managing traffic generation, load type and vehicle characteristics on the operation and maintenance of the transport network;
- d. Managing adverse effects⁶⁶ on natural character and⁶⁷ significant indigenous vegetation and significant habitats of indigenous fauna;
- 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.~~⁶⁸

MINZ-P65 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 into⁶⁹ any resource consenting processes;
- b. Requiring ongoing liaison and communication where Poutini Ngāi Tahu ~~cultural resources~~values⁷⁰ 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,⁷¹ and
- d. Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.

MINZ-P76 Manage conflicts between mineral extraction activities and other land uses by ensuring that:

- a. Performance standards to ~~minimise impacts on the~~ maintain⁷² amenity, rural⁷³ 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-P87 Co-ordinate the approach to mineral extraction activity resource⁷⁴ consents with the West Coast/Te Tai o Poutini Regional Council, particularly where water resources and soil conservation are affected.

⁶⁶ TiGa Minerals and Metals Limited S493.115, WMS Group (HQ) Limited WMS Land Co. Limited S599.130 and Whyte Gold Limited S607.082

⁶⁷ Buller Conservation Group S552.193 and Frida Inta S553.193

⁶⁸ Karen Lippiatt S439.041

⁶⁹ RMA First Schedule Clause 16(2)

⁷⁰ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.262

⁷¹ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.262

⁷² Terra Firma Mining Limited S537.031

⁷³ Terra Firma Mining Limited S537.031

⁷⁴ RMA First Schedule Clause 16(2)

6.5. Mineral Extraction Zone Rules

Submissions and Further Submissions

304. Twelve submission points and nine further submission points relating to the MINZ rules (as a whole) were summarised in a Table on pages 90-96 of the s42A Report. Ten submission points sought amendment to the rules and two opposed them. Seven of the further submissions supported various submission points, one had a neutral position, and one opposed a submission.
305. Seven submission points and three further submission points relating generally to the permitted MINZ rules were summarised in a Table on pages 100-101 of the s42A Report. One submission point supported the rules as notified, three sought amendments to the rules and three opposed them. Of the further submissions, two supported submissions seeking amendment and one opposed a submission in opposition.
306. Eighteen submission points and one further submission point relating to Rule **MINZ-R1** were summarised in a Table on pages 101-103 of the s42A Report. Seventeen submission points sought amendment to the rule, and one opposed it. The further submission opposed the opposing submission.
307. Thirty-two submission points and 78 further submission point relating to Rule **MINZ-R2** were summarised in a Table on pages 109-115 of the s42A Report. Nine submissions sought to retain the rule as notified, 22 submission points sought amendment to the rule, and one opposed it. Seventy-five of the further submission supported submissions to amend the rule to include an additional advice note, an additional two further submissions opposed a submission seeking amendment, and one further submission opposed a submission to delete the rule.
308. Thirty-five submission points and three further submission points relating to Rule **MINZ-R3** were summarised in a Table on pages 121-124 of the s42A Report. Seven submission points sought to retain the rule as notified, 28 submission points sought amendment to the rule. Two further submissions supported submissions seeking amendments, and one opposed a submission seeking amendment.
309. Five submission points relating to Rule **MINZ-R4** were summarised in a Table on page 127 of the s42A Report. All the submission points sought to retain the rule as notified.
310. Sixteen submission points relating to Rule **MINZ-R5** were summarised in a Table on pages 128-129 of the s42A Report. Fourteen of the submission points sought to retain the rule as notified and two submission points sought amendments.
311. Twenty-three submission points relating to Rule **MINZ-R6** were summarised in a Table on pages 130-131 of the s42A Report. Nineteen of the submission points sought to retain the rule as notified and four submission points sought amendments.
312. Twenty-three submission points relating to Rule **MINZ-R7** were summarised in a Table on pages 133-134 of the s42A Report. Twenty of the submission points sought to retain the rule as notified and three submission points sought amendments.

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313. Seven submission points relating to Rule **MINZ-R8** were summarised in a Table on pages 136 of the s42A Report. All the submission points sought to retain the rule as notified.
314. Eleven submission points relating to Rule **MINZ-R9** were summarised in a Table on pages 137-138 of the s42A Report. Nine of the submission points sought to retain the rule as notified and two submission points sought amendments.
315. Nine submission points relating to Rule **MINZ-R10** were summarised in a Table on pages 138-139 of the s42A Report. Six of the submission points sought to retain the rule as notified and three submission points sought to delete the rule.

Section 42A Report

Rules (General)

316. Mr Badham considered the submission points made by Katherine Crick (S101.004) and Michael Hill (S70.007) concurrently given they sought similar relief with respect to adding a new discretionary activity rule relating to heavy mineral concentrate (HMC) mining. He noted that both submissions had a focus on traffic movements and effects associated with those. He did not support the relief sought because he did not consider it necessary to have a separate resource consenting regime for HMC and noted the term was undefined and no definition had been offered by the submitters.
317. Mr Badham also did not support the relief sought in a second submission point made by Katherine Crick (S101.025) that sought to ensure that all resource consent applications for large-scale mining on the Barrytown flats be publicly notified. He considered the standard notification tests should apply and be determined on a case-by-case basis because it was unclear what constitutes 'large-scale mining', and there was no reason to require this specifically for the Barrytown flats area.
318. Mr Badham did not support the relief sought by Laura Garber (S278.008) (supported by two further submissions) requesting additional rules to manage sand mining activities. He noted sand is defined as being a mineral in the Crowns Mineral Act and therefore any mining activity involving sand would be captured by the applicable rules in the MINZ. He did not consider it appropriate or necessary to develop specific rules for sand mining.
319. In response to the submission point made by Riarnne Klempel (S296.004) that sought to create greater regulation of large-scale industry, including mineral extraction, Mr Badham acknowledged the submission, but noted that no specific relief was sought.
320. Mr Badham considered the submission points made by Alistair Cameron (S452.003) and Davis Ogilvie & Partners (S465.005) (supported in full or in part by two further submissions) that sought similar relief with respect to adding new rules to regulate activities following mineral extraction. He did not support the addition of the new rules because he considered that these activities were not anticipated in the policy framework for the MINZ. While he accepted there was some merit in the relief sought, he considered the application of a zone, instead of an overlay, meant that the intended land use is to provide for mineral extraction activities and therefore other activities were not provided for and have a non-complying activity status.

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321. Mr Badham did not support Katherine Gilbert’s request (S473.005) (opposed by a further submission) to remove all the permitted activities from the zone and considered there was scope for permitted activities.
322. In response to the submission point made by Karen and Dana Vincent (S591.004) that sought to amend the rules to manage effects from dust, noise and traffic, Mr Badham acknowledged the submission, but noted that no specific relief was sought. Similarly, he acknowledged the submission point made by Straterra (S536.013) that sought to amend the provisions related to ancillary activities to make them more enabling, but noted that no specific relief was sought.
323. Mr Badham collectively addressed submission points⁷⁵ relating to advice notes on specific rules in the s42A Report and noted his recommendation to redraft some of the advice notes.
324. While no submission has been made in relation to the general note preceding the MINZ rules, Mr Badham considered the note was confusing and duplicated what was set out in the Overview of the chapter. He recommended deleting the note and relying on the direction set out in the Overview.
325. Mr Badham identified three advice notes that were repeated within the rules concerning the overlays (including the one relating to Pounamu) and wetlands. Similar to the general note, he considered the advice notes duplicated the Overview and were inconsistently applied to the MINZ rules. He recommended deleting the advice notes and relying on the direction set out in the Overview.
326. The s42A Report recommended deleting the following note from underneath the ‘Rules’ heading in the MINZ Chapter, and to delete the three duplicated advice notes from rules MINZ-R1, R2, R3, R5, R6 and R7.

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.

~~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.~~

Permitted Rules (General)

⁷⁵ Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620.263, S620.264), Stevenson Mining Limited (S502.008, S502.009, S502.010, S502.011, S502.012), New Zealand Coal & Carbon Limited (S472.043), Straterra (S536.073), Buller District Council (S538.612, S538.613)

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327. Mr Badham acknowledged the support from Te Mana Ora (S190.1170) that sought to retain the permitted rules as notified. However, he noted he recommended amendments in response to other submissions.
328. In response to the similar submission points made by TiGa Minerals and Metals Limited (S493.120), Alistair Cameron (S452.002) and Rocky Mining Limited (474.047) (supported by two further submissions), that all sought relief to enable rural activities as permitted activities in the MINZ, Mr Badham did not support the relief sought for the same reasons as set out previously.
329. Mr Badham did not support the submission point from Karen and Dana Vincent (S591.002) that sought to amend all the permitted activities to discretionary because he considered there was scope for having permitted activity rules in the MINZ.
330. Mr Badham acknowledged the submission point from Brian Anderson (S576.004) that sought to delete the permitted activity rules on the basis he considered mining in historically mined areas to be ideologically driven and unworkable. He also acknowledged his point that fossil fuel should be phased out by 2030.
331. The s42A Report did not recommend any changes be made to the permitted activity rules in general.

MINZ-R1 Mineral Prospecting and Exploration

332. In response to the submission points from Buller Conservation Group (S552.195) and Frida Inta (S553.195) that sought to add two new clauses to the rule relating to technical criteria for prospecting activities, Mr Badham did not support the relief sought. He noted that the criteria were in the current Buller District Plan, but that without any technical information he was unable to justify the application of the criteria into MINZ-R1. He also noted that '*mineral prospecting*' and '*mineral exploration*' were both proposed to be defined in the pTTPP by adopting the definitions from the CMA. He noted the heading for MINZ-R1 referred to '*exploration*' and recommended that for consistency with the defined terms the heading should refer to '*mineral exploration*'.
333. Mr Badham acknowledged Poutini Ngāi Tahu's request (S620.263) to retain Advice Note 2, however, he recommended deleting it because it duplicated the text in the Overview.
334. In response to Te Mana Ora's request (S190.1164) to add a new clause to not allow prospecting or exploration within a Drinking Water Source Protection Zone, Mr Badham did not support the relief sought. He noted that there was insufficient information, technical evidence or s32 evaluation provided to support the addition of reference to Drinking Water Source Protection Zones.
335. In response to the nine submission points⁷⁶ that sought to delete clause (2) of MINZ-R1 because it was 'too restrictive', Mr Badham did not support the relief sought. He considered there was insufficient information available to justify the relief sought. Notwithstanding this,

⁷⁶ Peter Langford (S615.217), Karamea Lime Company (S614.217), Koiterangi Lime Co LTD (S577.127), Catherine Smart-Simpson (S564.161), William McLaughlin (S567.700), Geoff Volckman (S563.152), Chris & Jan Coll (S558.671), Chris J Coll Surveying Limited (S566.671), Laura Coll McLaughlin (S574.671)

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he noted that he recommended deleting clause (2) and the inclusion of an alternative clause in response BDC's submission point.

336. Mr Badham did not support the submission points from NZ Coal and Carbon Limited (S472.041) and Straterra (S536.071) seeking to increase the timeframe set out in clause (2) of MINZ-R1 because he considered there was sufficient justification for the increase set out in the submissions.
337. In response to Lynley Hargreaves' request (S481.011) (opposed by a further submission point) to amend the provisions to have similar limits as the operative Westland District Plan, Mr Badham noted that no specific relief was sought and there was insufficient information available to inform what limits should be applied.
338. Mr Badham did not support the relief sought by Stevenson Mining Limited (S502.008) to replace the words '*compliance with*' with '*have regard to*' in Advice Note (1) because he considered application of the overlays was required. However, he noted he recommended deleting the advice note in its entirety to avoid duplicating the Overview.
339. In response BDC's request (S538.609) for various amendments to MINZ-R1, Mr Badham supported the relief in sought part, as follows:
- (a) Add a new clause to allow mineral prospecting or exploration where it is authorised by a permit from NZPAM - Mr Badham agreed that it would be useful to add a clause relating to authorisation issued by NZPAM and noted an equivalent provision already existed in a rule in the Open Space Zone.
 - (b) Amend MINZ-R1(1) to change the notification period from 5 days to 10 - Mr Badham noted that a 10 day notification period was required in the equivalent rule in the OSZ and recommended changing the MINZ rule to 10 days for consistency, as well as some further terms to clarify application of the rule.
 - (c) Delete MINZ-R1(2) and replace it with a 20m setback related to earthworks - Mr Badham supported the relief sought, with a modification to the replacement clause so that the setback does not apply if the adjoining site is also in the MINZ.
 - (d) Delete MINZ-R1(3) which relates to ensuring that stripped material does not enter any waterbody or cause destruction of habitat - Mr Badham supported the relief sought because was unreasonable to enforce or confirm compliance with it.
 - (e) Redraft MINZ-R1(4) which incorporates elements of the deleted MINZ-R1.2 and clarifies the requirements.
340. In addition to the changes sought in submissions, Mr Badham made further recommendations for MINZ-R1, including the addition of a new clause to restrict the volume of excavated material from a site in a calendar year (amended to be a 12-month period, as agreed in the JWS#2). He considered it was inappropriate to not set a limit and considered a 5,000m³ limit (as sought by BDC for a similar rule in the GRUZ) would ensure consistency across various zones.
341. Mr Badham also recommended the addition of a new clause that would not allow mineral prospecting or mineral exploration within identified Outstanding Natural Landscapes,

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Outstanding Natural Features, Historic Heritage sites, Sites or Areas of Significance to Māori, Significant Natural Areas or areas of High or Outstanding Coastal Natural Character, as a permitted activity because of the need to protect these significant environmental values.

342. Mr Badham recommended changing the activity status where compliance is not achieved from controlled to restricted discretionary. He considered that, given the scope and breadth of the matters to be considered, the Council needed to have an ability to decline a resource consent in relation to the matters of discretion recommended. As a consequence, he recommended a new restricted discretionary rule and the deletion of Rule MINZ-R6 which was the controlled rule for mineral prospecting and exploration. He also recommended that where the restricted discretionary activity rule could not be met, the default activity status should be discretionary.
343. The s42A Report recommended that MINZ-R1 be amended as follows:

*MINZ-R1 Mineral Prospecting and **Mineral** Exploration*

Activity Status Permitted

Where:

x. It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required

1. ~~Written Notice~~ **is provided to the relevant District Council at least 10 5-working days ahead of work any Mineral Prospecting or Mineral Exploration 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);**
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~~ **is progressively rehabilitated as far as practicable to its original condition, with rehabilitation being completed no more than three months after Mineral Prospecting or 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:**
 - a. **An Outstanding Natural Landscape;**
 - b. **An Outstanding Natural Feature;**
 - c. **A Historic Heritage site;**
 - d. **A Site or Area of Significance to Māori;**
 - e. **A Significant Natural Area; or**

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f. An area of High or Outstanding Coastal Natural Character.

Advice Note

- 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.~~*

*Activity status where compliance not achieved: ~~Controlled~~ **Restricted Discretionary***

MINZ-R2 Mineral Extracting and Processing

344. Mr Badham acknowledged the nine submission points⁷⁷ that sought to retain the rule as notified. However, he noted that he recommended amendments in response to other submissions.
345. In response to Lynley Hargreaves' request (S481.017) (opposed by a further submission point) to delete the rule in its entirety, Mr Badham did not support the relief sought.
346. Mr Badham did not support the relief sought in similar submission points made by WMS Group (S599.135), TiGa Minerals and Metals (S493.121), Birchfield Coal Mines (S601.112), BRM Developments (S603.063), Birchfield Ross Mining (S604.102), Phoenix Minerals (S606.087) and Whyte Gold (S607.087) and the multiple supporting further submissions⁷⁸ that sought to add an advice note referring to the RMA provisions to protect consented activities or those with existing use rights. He noted the pTTPP included a definition for 'lawfully established' (which is referred to in MINZ-R2(1)) and therefore considered the requested advice note was unnecessary.

⁷⁷ Peter Langford (S615.218), Karamea Lime Company (S614.218), Koiterangi Lime Co LTD (S577.128), Catherine Smart-Simpson (S564.162), William McLaughlin (S567.701), Geoff Volckman (S563.153), Chris & Jan Coll (S558.672), Chris J Coll Surveying Limited (S566.672) and Laura Coll McLaughlin (S574.672)

⁷⁸ Lynley Hargreaves (FS65.0010, FS65.011, FS65.012, FS65.013, FS65.014 and FS65.015), Karamea Community Incorporated (FS125.015), William McLaughlin (FS148.015), Catherine Jane Smart Simpson (FS155.014), Nathan Simpson (FS156.014), Geoff Volckman (FS157.014), Kathleen Beveridge (FS158.014), Maurice Beveridge (FS159.014), Frans Volckman (FS160.014), Tom Murton (FS161.014), Maryann Volckman (FS162.014), Kylie Volckman (FS163.014), Barbara Bjerring (FS164.014), Brian Patrick Jones (FS165.014), Bryan Rhodes (FS166.014), Frank Bjerring (FS167.014), Jane Garrett (FS168.014), Allwyn Gourley (FS169.014), Bevan Langford (FS170.014), Shaun Rhodes (FS171.014), Jack Simpson (FS172.014), Roger Gibson (FS173.014), Rachel Shearer (FS174.014), Gareth Gulebreten (FS175.014), Charlotte Aitken (FS176.014), Glen Kingan (FS177.014), Hayden Crossman (FS178.014), Susan Waide (FS179.014), Desirae Bradshaw (FS180.014), Andrew Bruning (FS181.014), Marty Syron (FS182.014), Kelvin Jeff Neighbours (FS183.014), J & M Syron Farms (FS184.014), Michelle Joy Stevenson (FS185.014), Marnie Stevenson (FS186.014), Sophie Fox (FS187.014), Ed Tinomana (FS188.014), Dave Webster (FS189.014), Aidan Corkill (FS190.014), Shanae Douglas (FS191.014), Danielle O'Toole (FS192.014), Aimee Milne (FS193.014), Michael O'Regan (FS194.014), Neal Gallagher (FS195.014), Arthur Neighbours (FS196.014), Mat Knudsen (FS197.014), Brendon Draper (FS198.014), Matthew Thomas (FS199.014), Philip O'Connor (FS200.014), Tracy Moss (FS201.014), James Dunlop Stevenson (FS202.014), Murray Aitken (FS203.014), Joel Hands (FS204.014), Peter Hands (FS205.014), Patrick John Hands (FS206.014), Jackie O'Connor (FS207.014), Maurice Douglas (FS208.014), Gary Donaldson (FS209.014), Joy Donaldson (FS210.014), Selwyn Lowe (FS211.014), Sheryl Marie Rhind (FS212.014), Stewart James Rhind (FS213.014), Oparara Valley Project Trust (FS124.014), Rosalie Sampson (FS123.014), John Milne (FS225.014), Jo-Anne Milne (FS226.014), Jessie Gallagher (FS227.014), Cheryl Gallagher (FS228.014), Margaret Jane Milne (FS229.014) and Chris Lowe (FS238.014)

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347. Mr Badham also did not support the relief sought by Straterra (S536.009) to amend the reference in clause (1) of the rule from the date the Plan becomes operative to the date the plan was proposed.
348. In response to the four submission points⁷⁹ that sought to either amend or retain the advice notes, Mr Badham referred to his previous recommendations in relation to his consideration of the rules generally, and reiterated his recommendation to delete the advice notes from MINZ-R2.
349. In response to Te Mana Ora’s request (S190.1165) to add a new clause to not allow mineral extraction within a Drinking Water Source Protection Zone, Mr Badham did not support the relief sought for the reasons outlined in relation to the policies.
350. Mr Badham did not support the remaining submission points⁸⁰ that sought various other amendments given the overall approach to mineral extraction activities within the MINZ.
351. Mr Badham raised concerns regarding the lawfulness of the notified version of MINZ-R2 because the requirements of a permitted activity must be clear and measurable, with no judgment afforded as to whether compliance is achieved or not. He noted clauses MINZ-R2(2)(a), MINZ-R2(2)(b), MINZ-R2(3), MINZ-R2(4) and MINZ-R2(6) were ambiguous and that it would be difficult to determine compliance without applying an element of discretion or judgement. He considered the clauses of the rule that required a judgement in terms of considering a Mineral Extraction Plan, an annual Environmental Monitoring Report and Annual Work Plan, or the registration of a bond, were unsuitable for a permitted rule.
352. In summary, within the context of the MINZ objectives and policies, Mr Badham recommended amending the Rule MINZ-R2 as follows:
- (a) Retain clause (1), with minor amendments to ensure the terminology is consistent with other rules in the pTTPP.
 - (b) Delete clauses (2), (3), (4) and (6) because they are unlawful and are not suitable for a permitted rule.
 - (c) Retain clause (5) because it is clear and measurable, and it sets reasonable standards in relation to blasting and vibration.
 - (d) Delete clauses (7) and (8) because they are duplications of other rules in the pTTPP.
 - (e) Delete the advice notes.
 - (f) Change the default activity status when compliance is not achieved from ‘*controlled*’ to ‘*restricted discretionary*’ to ensure the Council has the ability to decline a resource consent.

⁷⁹ Stevenson Mining Limited (S502.009), Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620.264), New Zealand Coal & Carbon Limited (S472.043) and Straterra (S536.073)

⁸⁰ Peter Langford (S615.220), Karamea Lime Company (S614.220), Aggregate and Quarry Association (S521.009), New Zealand Coal & Carbon Limited (S472.042), Straterra (S536.072 & S536.074), Terra Firma Mining Limited (S537.032), New Zealand Coal & Carbon Limited (S472.044), Buller District Council (S538.610)

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi

353. As a consequence of the recommended changes to MINZ-R2, Mr Badham also recommended a new restricted discretionary activity rule, with a default activity status of discretionary where compliance is not achieved.

354. The s42A Report recommended that MINZ-R2 be amended as follows:

*MINZ-R2 Mineral Extracting and **Mineral** Processing*

Activity Status Permitted

Where:

1. ~~The **m**Mineral **e**Extraction and **M**ineral **p**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:~~
 - 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;~~
 - ~~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;~~
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;~~
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 relevant district council;~~
7. ~~Noise meets the Permitted Activity Standards in Rule NOISE – R7; and~~
8. ~~Light and glare meet the Permitted Activity standards in Rule LIGHT – R4~~

Advice Note:

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

- ~~1. Only active mineral extraction sites, or those expected to be active within 12 months are required to prepare a Mineral Extraction Management Plan, Annual Work Plan or Environmental Monitoring Report.~~
- ~~2. Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM-R7.~~
- ~~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.~~
- ~~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.~~

Activity status where compliance not achieved: ~~Controlled~~ **Restricted Discretionary**

355. The s42A Report recommended the addition of a new restricted discretionary activity rule as a consequential amendment to MINZ-R2, as follows:

MINZ – RX - Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

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:**
 - a. **An Outstanding Natural Landscape;**
 - b. **An Outstanding Natural Feature;**
 - c. **A Historic Heritage site;**
 - d. **A Site or Area of Significance to Māori;**
 - e. **A Significant Natural Area; or**
 - f. **An area of High or Outstanding Coastal Natural Character.**

Discretion is restricted to:

- a. **The relevant matters within Appendix 7; and**
- b. **Suitable bond requirements;**

Activity status where compliance not achieved: Discretionary

356. The s42A Report also recommended the addition of a new discretionary activity rule as a consequential amendment to MINZ-R2 and the new restricted discretionary rule, as follows:

MINZ – RX - Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting the Restricted Discretionary Standards

Activity Status Discretionary

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Activity status where compliance not achieved: N/A

357. The JWS records the planners' consideration of the role of Mineral Extraction Management Plans within the context of the rules in the pTTPP. In both JWSs, four⁸¹ of the five planners agreed (on a principled basis) that permitted activity rules with a Mineral Extraction Management Plan requirement were inappropriate. Mr McEnaney did not agree and considered that there was an avenue for Mineral Extraction Management Plan requirements in the permitted activity rule.
358. Of the planners who agreed Mineral Extraction Management Plans were not appropriate to include as a requirement in a permitted activity rule, Ms McKenzie, Ms Hunter and Mr Lile agreed that this would be an appropriate requirement in a controlled activity rule. Mr Badham maintained his position (as set out in the s42A Report) that the consideration of Mineral Extraction Management Plans should be in a restricted discretionary activity rule. Mr Badham considered there could be merit in considering as a non-notification clause in the applicable rules and undertook to address this in his Right of Reply.

MINZ-R3 Activities ancillary to lawfully established mineral extraction and processing

359. Mr Badham acknowledged the seven submission points⁸² that sought to retain the rule as notified. However, he noted his recommendation to make amendments in response to other submissions.
360. In response to Te Mana Ora's request (S190.1166) to add a new clause to not allow mineral extraction within a Drinking Water Source Protection Zone, Mr Badham did not support the relief sought for the reasons outlined in relation to the policies.
361. Mr Badham did not support the relief sought by Stevenson Mining Limited (S502.010) to replace the words 'compliance with' with 'have regard to' in Advice Note (1) because he considered application of the overlays was required to give effect to RMA s6. However, he noted his previous recommendation to delete the advice note in its entirety to avoid duplication with the Overview wording.
362. In response to the remaining submission and further submission points⁸³ on this rule that all sought various amendments, Mr Badham did not support any of the relief sought by the submitters in full. Notwithstanding this, in his consideration of the submissions given the broad scope, he recommended amending the Rule MINZ-R3 as follows:
- (a) Retain clause (1), with minor amendments to clarify the wording and to ensure the terminology is consistent with other rules in the pTTPP.

⁸¹ Mr Badham, Ms McKenzie, Mr Lile and Ms Hunter

⁸² WMS Group (HQ) Limited and WMS Land Co. Limited (S599.136), TiGa Minerals and Metals Limited (S493.122), Birchfield Coal Mines Ltd (S601.113), BRM Developments Limited (S603.064), Birchfield Ross Mining Limited (S604.103), Phoenix Minerals Limited (S606.088) and Whyte Gold Limited (S607.088)

⁸³ Buller Conservation Group (S552.197), Frida Inta (S553.197), Peter Langford (S615.219), Karamea Lime Company (S614.219), Koiterangi Lime Co LTD (S577.129, S577.130), Catherine Smart-Simpson (S564.163, S564.164), William McLaughlin (S567.702, S567.703), Geoff Volckman (S563.154, S563.155), Chris & Jan Coll (S558.673, S558.674), Chris J Coll Surveying Limited (S566.673, S566.674), Laura Coll McLaughlin (S574.673, S574.674), Aggregate and Quarry Association (S521.010), Lynley Hargreaves (S481.018), Birchfields Ross Ltd (FS150.042), New Zealand Coal & Carbon Limited (S472.045), Straterra (S536.075, S536.076), Waka Kotahi NZTA (S450.297, FS62.016), Papahaua Resources Limited (S500.014), Buller District Council (S538.611, FS149.023)

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- (b) Delete clauses (2) and (3) and include them as standalone 'building rules' that apply to any buildings in the MINZ, not just those associated with 'Activities ancillary to lawfully established mineral extraction and processing'.
 - (c) Delete clause (4) because traffic movements are controlled by the Transport Chapter (see TRN-R12 and TRN-S14, which includes a 30 vehicle movement trigger relevant to activities in the MINZ).
 - (d) Delete clause (5) because it is not clear or measurable in terms of its application as a permitted activity rule.
 - (e) Delete clause (6) because having a bond requirement as a permitted activity standard is unlawful (*ultra vires*) and should be addressed in a restricted discretionary activity rule framework.
 - (f) Delete clauses (7) and (8) to avoid duplication of other rules in the pTTPP.
 - (g) Delete the advice note already set out.
 - (h) Change the default activity status when compliance is not achieved from 'controlled' to 'restricted discretionary' to ensure the Council has the ability to decline a resource consent.
363. Mr Badham recommended a new permitted activity rule for buildings in the MINZ, transferring MINZ-R3(2) and R3(3), with some minor rewording.
364. As a consequence of the recommended changes to MINZ-R3, Mr Badham also recommended a new restricted discretionary activity rule, with a default activity status of discretionary where compliance is not achieved the activity would be discretionary.
365. The s42A Report recommended that MINZ-R3 be amended as follows:

*MINZ-R3 Activities ancillary to lawfully established ~~m~~Mineral ~~e~~Extraction and Mineral
Processing*

Activity Status Permitted

Where:

- 1. ~~This~~ **The activities** includes **the** maintenance and operation of all roads, parking, buildings, water treatment facilities, storage facilities, railway loadout **areas** and structures existing at the date of notification of the Plan **that are lawfully established at the date the Plan becomes operative [insert date]***
- 2. ~~Maximum building height above ground level is 10m;~~*
- 3. ~~Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;~~*
- 4. ~~There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);~~*

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~~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;~~

~~6. A bond is in place with the relevant district council;~~

~~7. Noise meets the Permitted Activity Standards in Rule NOISE – R7; and~~

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

Advice Note:

~~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.~~

*Activity status where compliance not achieved: ~~Controlled~~ **Restricted Discretionary***

366. The s42A Report also recommends the addition of a new permitted activity rule as follows:

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 boundary outside of the Mineral Extraction Zone – MINZ.**

Activity status where compliance not achieved: Discretionary

367. The consequential recommended new Restricted Discretionary Activity and Discretionary Activity rules are set out above in relation to MINZ-R2.

368. As part of the expert caucusing directed by the Panel, the planners were asked to consider the rules relating to vehicle movements in the pTTPP. As set out above, Mr Badham’s view was that there should be consistency across the Plan and he considered the best way to achieve this was to rely on the District-Wide Transport Chapter.

369. JWS#2 records the planners considered there were complications associated with the approach to equivalent car movements (ECM), based on road classifications as recommended in the Right of Reply for the Transport Chapter, that would need to be separately resolved on a district-wide basis.

370. The JWS#2 records Ms McKenzie, Ms Hunter, Mr Lile, and Mr McEnaney prefer that the vehicle movement limits were retained within the relevant provisions in the GRUZ, BCZ and MINZ (i.e. 30 heavy vehicle movement threshold in the mining zones). Alternatively, they considered an option could be to retain the activity based approach in Table TRN-R6, as notified, but to remove the relevant limit in the MINZ; and only impose a specific ECM rule for state highways where Waka Kotahi NZTA have developed their own policies on ECM.

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371. Ms Hunter records in the JWS#2 that some existing mining activities may have specific limits in their resource consents, and as such any traffic movement limits should only apply to new activities.
372. Mr Badham made no changes to his recommendation for MINZ-R3, as a result of the expert caucusing.

MINZ-R4 Conservation, Recreation and Research Activities

373. Mr Badham acknowledged the five submission points⁸⁴ that sought to retain the rule as notified. However, he noted his recommendation was to delete the rule as a consequence of his earlier recommendations.
374. Mr Badham considered that the clauses in MINZ-R4 would be more suitable in a stand-alone 'Any Buildings' rule, which he had previously recommended.
375. Mr Badham also noted concern that the broad scope of the definitions for 'Conservation Activities', 'Recreation Activities' and 'Research Activities' increased the potential for reverse sensitivity effects if they were permitted in the MINZ. He considered that including a permitted activity rule for these activities would be contrary to the direction of MINZ-P2 and MINZ-P7. Additionally, he noted there was no policy direction to support the specific inclusion of these activities. He therefore recommended that these activities were more suitably considered as non-complying activities in accordance with Rule MINZ-R10.
376. Mr Badham considered that there was scope to make the proposed recommendations, despite all the submissions received on this rule seeking its retention, because generalised submissions were received to delete the MINZ Chapter in its entirety.
377. The s42A Report recommended deleting MINZ-R4.
378. JWS#2 records the planners agreed that that other activities such as conservation, research and recreation activities should be provided for within MINZ, but that any 'sensitive activities' should be a non-complying activity. They also agreed that plantation forestry should be permitted in the MINZ. They redrafted MINZ-R4 to provide for this.
379. Appendix 1 attached to the JWS#2 set out amendments to MINZ-R4 and two new MINZ rules, as follows:

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. Maximum building height above ground level is 10m; and**
2. ~~*Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries.*~~

⁸⁴ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1167) William McLaughlin (S567.704), Chris & Jan Coll (S558.675), Chris J Coll Surveying Limited (S566.675) and Laura Coll McLaughlin (S574.675)

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*Activity status where compliance not achieved: ~~Discretionary~~ **Non-complying***

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

MINZ-R5 Grazing of Animals

380. Mr Badham acknowledged the 14 submission points⁸⁵ that sought to retain the rule as notified. However, he noted his recommended changes in response to other submissions.
381. In response to BDC's request to delete the advice note, Mr Badham supported the relief sought for the reasons previously set out in the s42A Report.
382. The s42A Report recommended that MINZ-R5 be amended as follows

MINZ-R5 Grazing of Animals

Activity Status Permitted

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.*~~

Activity status where compliance not achieved: N/A

MINZ-R6 Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards

383. Mr Badham acknowledged the 19 submission points⁸⁶ that sought to retain the rule as notified and the four submission points⁸⁷ that sought amendments to the rule. However, he noted his earlier recommended amendments to MINZ-R1, MINZ-R2 and MINZ-R3 that changed the activity status from controlled to restricted discretionary when compliance is not achieved. As a consequence of those recommendations, he recommended deleting MINZ-R6 in its entirety.

MINZ-R7 Mineral Extraction and Ancillary Activities not meeting Controlled Activity Standards

⁸⁵ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1168), Peter Langford (S615.221), Karamea Lime Company (S614.221), Koiterangi Lime Co LTD (S577.131), Catherine Smart-Simpson (S564.165), William McLaughlin (S567.705), William McLaughlin (S567.706), Geoff Volckman (S563.156), Chris & Jan Coll (S558.676), Chris & Jan Coll (S558.677), Chris J Coll Surveying Limited (S566.676), Chris J Coll Surveying Limited (S566.677), Laura Coll McLaughlin (S574.676) and Laura Coll McLaughlin (S574.677)

⁸⁶ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.137), TiGa Minerals and Metals Limited (S493.123), Birchfield Coal Mines Ltd (S601.114), BRM Developments Limited (S603.065), Birchfield Ross Mining Limited (S604.104), Phoenix Minerals Limited (S606.089), Whyte Gold Limited (S607.089), Peter Langford (S615.222), Karamea Lime Company (S614.222), Koiterangi Lime Co LTD (S577.132), Catherine Smart-Simpson (S564.166), William McLaughlin (S567.707), Geoff Volckman (S563.157), New Zealand Coal & Carbon Limited (S472.046), Chris & Jan Coll (S558.678), Chris J Coll Surveying Limited (S566.678), Laura Coll McLaughlin (S574.678), Waka Kotahi NZ Transport Agency (S450.298) and Grey District Council (S608.798)

⁸⁷ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1169), Stevenson Mining Limited (S502.011), Buller District Council (S538.614), Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620.265)

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384. Mr Badham acknowledged the 20 submission points⁸⁸ that sought to retain the rule as notified and the three submission points⁸⁹ that sought amendments to the rule. However, he noted his earlier recommended amendments to MINZ-R1, MINZ-R2 and MINZ-R3 that changed the activity status from controlled to restricted discretionary when compliance is not achieved. As a consequence of those recommendations, he recommended deleting MINZ-R7 in its entirety.

MINZ-R8 Conservation, research and recreation activities not meeting Permitted Activity Standards

385. Mr Badham acknowledged the seven submission points⁹⁰ that sought to retain the rule as notified. However, as set out in relation to MINZ-R4, Mr Badham noted concern regarding potential reverse sensitivity effects of permitted activities in the zone. Consequential to the recommendation for MINZ-R4, Mr Badham recommended deleting MINZ-R8.

MINZ-R9 Residential Activities

386. Mr Badham acknowledged and supported the nine submission points⁹¹ that sought to retain the rule as notified.

387. Mr Badham did not support Alistair Cameron and Davis Ogilvie and Partners Limited's request to make a consequential amendment to the rule heading adding '*not meeting Permitted Activity Standard MINZ-RX*'.

388. The s42A Report recommended that MINZ-R9 be retained.

389. The JWS#2 records the planners agreed to delete MINZ-R9 (which was specific to residential activities) as a consequence, making sensitive activities a non-complying activity in MINZ-R10, which sets out that any activity not otherwise provided for is a non-complying activity.

MINZ-R10 Any activity not provided for in another rule in the zone

390. Mr Badham acknowledged and supported the six submissions⁹² that sought to retain the rule as notified.

391. Mr Badham did not support Geoff Volckman, Karamea Lime Company and Peter Langford's request to delete the rule because he considered it was relevant to include a catch all rule for all activities that were not anticipated or provided for.

⁸⁸ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.138), TiGa Minerals and Metals Limited (S493.124), Birchfield Coal Mines Ltd (S601.115), BRM Developments Limited (S603.066), Birchfield Ross Mining Limited (S604.105), Phoenix Minerals Limited (S606.090), Whyte Gold Limited (S607.090), Peter Langford (S615.223), Karamea Lime Company (S614.223), Koiterangi Lime Co LTD (S577.133), Catherine Smart-Simpson (S564.167), William McLaughlin (S567.708), Geoff Volckman (S563.158), New Zealand Coal & Carbon Limited (S472.047), Chris & Jan Coll (S558.679), Chris J Coll Surveying Limited (S566.679), Laura Coll McLaughlin (S574.679), Waka Kotahi NZ Transport Agency (S450.299), Buller District Council (S538.615) and Grey District Council (S608.799)

⁸⁹ Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio (S620.266), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1171), Stevenson Mining Limited (S502.012)

⁹⁰ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1172), William McLaughlin (S567.709), Stevenson Mining Limited (S502.005), Chris & Jan Coll (S558.680), Chris J Coll Surveying Limited (S566.680), Laura Coll McLaughlin (S574.680), and Buller District Council (S538.616).

⁹¹ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1173), Peter Langford (S615.224), Karamea Lime Company (S614.224), Koiterangi Lime Co LTD (S577.134), Catherine Smart-Simpson (S564.168), Geoff Volckman (S563.159), Stevenson Mining Limited (S502.006) and Buller District Council (S538.617), William McLaughlin (S567.710)

⁹² William McLaughlin (S567.710), Stevenson Mining Limited (S502.007), Buller District Council (S538.618), Catherine Smart-Simpson (S564.169), Koiterangi Lime Co LTD (S577.135) and Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1174)

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392. The s42A Report did not recommend any amendments to MINZ-R10.

Hearing and Submitter Evidence/Statements

MINZ Rules (General)

393. Ms Hadfield, for Alistair Cameron and Davis Ogilvie & Partners Limited, reiterated that rules should be included to provide for activities on land after mineral extraction activities have ceased. She did not agree with Mr Badham that there was no policy direction to justify the inclusion of rules providing for this, citing MINZ-P3 that requires sites to be '*rehabilitated to enable future use and activities*'. She reiterated the proposed wording for rules to provide for activities after mining works are completed.
394. Ms Snoyink and Ms Sitarz, for Forest and Bird, were concerned the rule framework was too permissive to give effect to RMA s6. They noted permitted activities were only appropriate where adverse effects were less than minor and effects on significant indigenous biodiversity values could be avoided. They questioned how this could be achieved when SNA had not been identified in Buller and Westland; and the RPS criteria had not been used in Grey. They considered a resource consent process for mineral extraction was necessary to ensure significant natural values were identified and protected on a case-by-case basis.

MINZ-R1 Mineral Prospecting and Exploration

395. Ms Philippa Lynch, for Poutini Ngāi Tahu, noted concern that the recommendation in the s42A Report to add a restriction preventing the mineral prospecting or mineral exploration in a SASM to Rule MINZ-R1. She considered there may be instances where Poutini Ngāi Tahu deem it to be culturally appropriate for prospecting or exploration for pounamu or aotea within a SASM, and the recommended rule would not enable that as a permitted activity. She noted Poutini Ngāi Tahu did not support the amendment recommended in the s42A Report.
396. Ms McKenzie, for WMS Group Limited and WMS Land Co. Limited, did not support the recommended changes to MINZ-R1, as set out in the s42A Report. She did not support the 5,000m³ limit on prospecting and exploration per calendar year or 20m boundary setback; and considered this did not appropriately recognise the enabling nature of the MINZ. However, the Panel notes WMS Group did not make a submission in relation to MINZ rules generally, or specifically in terms of MINZ-R1.
397. Mr Anderson noted his general opposition to any permitted activity rules for mineral extraction. However, as an alternative, he suggested the limitation on the volume of material to be excavated should be reduced to 1,000m³. He also suggested an amendment to the recommendation for MINZ-R1(2) to address vegetation clearance and considered a 250m setback should apply from a sensitive activity.
398. Mr McEnaney, for GDC, did not support the recommended amendments to MINZ-R1(2) and suggested the setback should be reduced to 5m. He also did not support the 5,000m³ restriction and suggested there did not need to be a limit. However, the Panel noted GDC did not make a submission in relation MINZ-R1, except for a further submission (FS1.206) opposing a submission to make all permitted activities discretionary (S591.002).
399. Ms Inta, for herself and Buller Conservation Group, highlighted that prospecting and exploration permits do not address environmental issues and that it was essential that the

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permitted activity standards take this into account. She suggested reference to the CMA should be inserted into the recommended addition to MINZ-R1 if the activity is authorised by a prospecting or exploration permit. She did not support the recommendation to delete clauses (2) and (3), and considered the essence of these clauses should remain. She suggested an addition to clause (2) to exclude earthworks from riparian zones; and combining clause (3) and (4), as follows:

Where areas are to be disturbed, topsoil shall be stripped and stockpiled and then 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. 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.

400. Ms Inta expressed concern with the recommended additional new clause in MINZ-R1 to restrict the volume of excavated material to 5,000m³ per site and noted uncertainty about the definition of 'site'. She considered 5,000m³ was overly permissive for exploration and prospecting and suggested a maximum volume of 1,000m³. She also requested an addition to the new clause recommended in the s42A Report, as follows:

No more than Xm3 of material is excavated in a calendar year per site, and

- a. All drilling limited to 150mm diameter and a density of one drill site per hectare;*
- b. Scout trenching or sampling by hand methods, or by mechanical means where there is existing access to the area to be trenched or sampled, or by the use of explosives where the aggregate length of the samples taken using explosives does not exceed 50 linear metres of sample per hectare;*
- c. Geophysical surveys shall not use explosives;*

401. Ms Inta noted the reference to 'Significant Natural Areas' needed to accommodate Buller's unidentified sites.

MINZ-R2 Mineral Extracting and Processing

402. Ms Smith, for Terra Firma Mining Limited, confirmed that the recommendations in the s42A Report relating to MINZ-R2 were accepted by the submitter.
403. Mr Anderson did not support the recommended changes to MINZ-R2 and reiterated his general submission that should there be no permitted activities.
404. Ms Hargreaves reiterated her submission, but noted that if the MINZ was retained, the permitted activity rule for mineral extraction and processing should be deleted.
405. Mr McEnaney noted GDC's support for the wording of MINZ-R2, as recommended in the s42A Report, but did not agree with the proposed activity status recommendation. However, the Panel noted that GDC did not submit on MINZ-R2.
406. Ms Inta agreed with recommendation to delete most of this rule but considered clause (7) and (8) should be retained. She also agreed that non-compliance with the rule should be a restricted discretionary activity, as recommended in the s42A Report. However, the Panel notes Ms Inta and the Buller Conservation Group did not submit on MINZ-R2.

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MINZ-R3 Activities ancillary to lawfully established mineral extraction and processing

407. Mr Anderson did not support the recommended changes to MINZ-R3 and reiterated that there be no permitted activities.
408. Mr McEnaney noted GDC's supports the wording of MINZ-R3, as recommended in the s42A Report, but did not agree with the proposed activity status recommendation. However, the Panel notes GDC did not submit on MINZ-R3.
409. Ms Inta reiterated the request to add 'odour or air pollution' clause (5) and did not accept Mr Badham's view that it should only be managed in the Regional Air Plan.
410. Ms Hadfield reiterated the request to add a new permitted activity rule allowing for the establishment of rural industries in the MINZ. She considered the recommended amendments to MINZ-R3 and the new 'MINZ-RX Any Building' rule would not provide the relief sought in the submissions. As such, she suggested additional amendments to MINZ-R3 that, in conjunction with the new rule, would allow for the establishment of new buildings and activities that are related to the mineral extraction industry in accordance with the policy framework for the zone, as follows:

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]; or*
2. **The activity is a new activity ancillary to mineral extraction or mineral processing, providing that**
 - a. **There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site); and**
 - b. **There shall be no offensive or objectionable dust nuisance at or beyond the property boundary as a result of the activity.**

411. Ms Hunter, for Bathurst, commented on the number of traffic movements provided for in the notified version of MINZ-R3, notwithstanding that the s42A Report recommended deleting the clause. She referred to Bathurst's submission which sought consistency across the zones, including the Transport Chapter.

MINZ-R4 Conservation, Recreation and Research Activities

412. Ms Inta noted she agreed with the s42A Report recommendation to delete the rule in its entirety. However, the Panel notes Ms Inta and the Buller Conservation Group did not make a submission on MINZ-R4.

MINZ-RX – New Building Rule

413. Ms Inta questioned the justification for the permitted building height of 10m, when it is recommended to be 15m in the BCZ.

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MINZ-R6 Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards

414. Ms McKenzie, for WMS Group, did not support the recommendation in the s42A Report to delete MINZ-R6. She noted that due to the criteria used to identify MINZ, any consents required in the zone would be related to an existing lawfully established activity. On that basis, she considered a controlled activity status was appropriate to provide the existing operation with sufficient operational certainty when changes to their operations were required. She also explained that the extensive list of matters for control would enable a thorough assessment of potential effects. She supported the WMS Group's submission to retain MINZ-R6.
415. Notwithstanding WMS Group's submission to retain the rule as notified, Ms McKenzie considered that the wording of MINZ-R6 could be improved, as follows:

MINZ - R6 Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. *A Mineral Extraction Management Plan is prepared and provided to Council in accordance with the relevant matters outlined in Appendix Seven; and*
2. *There is no more than 5,000m² of indigenous vegetation clearance, unless the vegetation clearance already authorised as part of a lawfully established activity;*
3. *This includes all earthworks associated with the mineral extraction activity; and*
4. *This includes ancillary activities, buildings, structures and infrastructure required to enable the mineral extraction activity.*

Matters of control are:

- a. *The form and content of the Mineral Extraction Management Plan;*
- 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 heritage and cultural heritage requirements;*
- g. *Extent and design of earthworks and indigenous vegetation clearance;*
- h. *Effects on ecological values including any threatened fauna or their habitats;*
- i. *Design and location of ancillary buildings, structures and infrastructure;*
- j. *Overburden management;*
- k. *Monitoring, reporting and community liaison requirements;*
- l. *Financial contributions and any requirement for bonds; and*
- m. *Site rehabilitation and mine closure requirements.*

Advice Note:

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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*

416. Mr McEnaney confirmed GDC did not support deleting MINZ-R6, as recommended in the s42A Report. He was comfortable that an activity can be suitably processed within the application of the matters in the notified version of the rule. However, the Panel noted GDC did not submit on MINZ-R6.

417. Ms Inta confirmed she agreed with the s42A Report recommendation to delete the rule in its entirety and introduce a restricted discretionary activity rule. However, the Panel notes Ms Inta and the Buller Conservation Group did not submit on MINZ-R6.

MINZ-R7 Mineral Extraction and Ancillary Activities not meeting Controlled Activity Standards

418. Ms McKenzie, for WMS Group, did not support the recommendation in the s42A Report to delete MINZ-R7. She reiterated her support for the rule and maintained her opinion that where the controlled activity standard cannot be complied with, then a restricted discretionary activity rule should apply.

419. Mr McEnaney confirmed GDC did not support deleting MINZ-R7, as recommended in the s42A Report, and sought retaining the rule as notified. However, the Panel noted GDC did not submit on MINZ-R7.

MINZ-R8 Conservation, research and recreation activities not meeting Permitted Activity Standards

420. Mr McEnaney confirmed GDC supported the s42A Report recommendation to delete MINZ-R8. However, the Panel noted GDC did not submit on MINZ-R8.

MINZ-R9 Residential Activities

421. Ms Hadfield, for Alistair Cameron and Davis Ogilvie & Partners Limited, reiterated that if the Panel accepted previous submissions from these submitters, amendment to MINZ-R9 would also be required.

Reporting Officer Reply Evidence

422. In response to questions from the Panel (Minute 32), Mr Badham revisited the use of advice notes in his Right of Reply. The Panel questioned the consistency of his recommendation given advice notes were a common feature throughout other chapters of the pTTPP. Mr Badham acknowledged this, but considered their use should be helpful and ultimately aid in the interpretation/application of a rule.

423. With that position in mind, Mr Badham noted that Advice Note 1 essentially repeated parts of the Overview, which would override the advice notes. He noted there were subtle differences in the wording of the advice notes, which created uncertainty and a lack of clarity regarding their application. He reiterated his view that Advice Note 1 (and the general note) should be deleted from the MINZ Chapter.

424. With respect to Advice Note 2, Mr Badham accepted that there was an overlap between the MINZ Chapter and Rule SASM-R7, and he acknowledged that by deleting the advice note in

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the MINZ Chapter there would be implications relating to more enabling provisions elsewhere in the pTTPP relating to the extraction of pounamu and aotea by Poutini Ngāi Tahu. This being the case, Mr Badham amended his recommendation and suggested a reworded advice note relating to this to be included in MINZ-R1 and the recommended new restricted discretionary rule, as follows:

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.

425. Mr Badham maintained his position that Advice Note 3 should be deleted. He considered it was unnecessary and unhelpful to advise that resource consents may also be required from the West Coast Regional Council (**WCRC**) given the provisions administered by the WCRC stand on their own. Additionally, he noted the reference to the restrictions on earthworks within 100m of a wetland didn't advise that there are also provisions under the NES-F.
426. During the hearing there was discussion regarding the application of the MINZ and the use of land for any other activity apart from mineral extraction. Mr Badham revisited this in his Reply and referred to section 11 of JWS#2 where the planners agreed that 'sensitive activities' should be non-complying; and that this could be achieved by deleting Rule MINZ-R9 (residential activities) and retaining Rule MINZ-R10 that makes all activities not otherwise provided for, non-complying.
427. The JWS#2 records the planners agreed position that agricultural, pastoral and horticultural activities and forestry activities should be permitted activities in the MINZ, which could be addressed by adding new rules to provides for these activities. The planners also agreed that provided 'conservation, research and recreation activities' did not include any 'sensitive activities', that they should also be provided for and proposed amending MINZ-R4 to achieve this.
428. The following amendments were recommended in the Right of Reply:

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

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. Maximum building height above ground level is 10m; and**
2. ~~*Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries.*~~

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429. In response to the evidence of Ms Lynch (for Poutini Ngāi Tahu) regarding MINZ-R1 and restricting mineral prospecting or mineral exploration in a SASM, Mr Badham advised that it was not his intention to override the more enabling provisions for the extraction of pounamu by Poutini Ngāi Tahu and he therefore recommended deleting '*a Site or Area of Significance to Māori*' from MINZ-R1.

Hearing Panel's Evaluation

MINZ Rules (General)

430. The Panel considers the general note at the beginning of the MINZ rules is consistent with other similar notes at the beginning of the rule section in other chapters of the Plan and should therefore remain for consistency with the Plan-wide approach. Similarly, we consider the advice note referencing compliance with rules in the relevant overlay chapters is consistent with the Plan-wide approach. We therefore recommend the general note and advice note referencing the overlay chapters and restrictions on earthworks within 100m of wetlands are retained as notified.
431. The Panel considers the rules in light of recommendation that the MINZ should only apply to discrete, long term mineral extraction activities. Matters of concern to submitters regarding flexibility of land use, including future land use, and the nature of permitted activities in the zone have been central to Panel recommendations on each rule.
432. The Panel agrees with Mr Badham that some of the permitted activities rules, as notified, were unlawful by including standards that require an element of discretion or judgement, as to whether they are complied with. We agree that permitted activity standards must be clear and certain. The Panel also consider that permitted activity standards should be limited to matters within RMA jurisdiction, recognising that permits issued under the CMA have a separate purpose.
433. The Panel considers the submissions seeking deletion of the MINZ Chapter and permitted activity rules provide broad scope to make changes to the rules.

MINZ-R1

434. The Panel agree with Mr Badham that it is appropriate to provide for mineral prospecting and exploration activities as a permitted activity in MINZ.
435. The Panel do not consider it necessary to reference permits issued under the CMA framework because these are superfluous to considerations under the RMA. Absence of a permit under the CMA is not a relevant factor as to whether the activity should be permitted, given that activity classification is specific to the scale and significance of effects of these activities on the environment.
436. The Panel acknowledge the concerns raised by Poutini Ngāi Tahu regarding Mr Badham's recommendations to reference "*a Site or Area of Significance to Māori*" and delete Advice Note (2). We consider that additions to the rule as recommended by Mr Badham are not necessary on the basis that the MINZ is not a "stand-alone" chapter and therefore where overlays interact with a particular MINZ, provisions in that chapter will apply. The Panel agree with Poutini Ngāi Tahu that Advice Note (2) should be retained as notified.

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437. The Panel have considered the recommendation of Mr Badham to incorporate an area limit for minerals prospecting and minerals exploration activities, and the concerns expressed by Ms Inta and Mr Anderson that 5,000m³ per year seems very permissive. The Panel has been unable to identify the origins of 5,000m³ as a figure, and do not necessarily agree with Mr Badham that there is a need for consistency with other chapters of the Plan. We consider it appropriate for these activities to be permitted within the MINZ given the purpose of the zone and basis for inclusion of areas within the zone. We consider that requirements for rehabilitation within the rule will manage potential adverse effects of what are expected to be localised, sporadic activities.
438. While we share submitter concerns that not all significant ecological values have been identified as SNA, we consider the Panel’s Recommendation Report for the ECO Chapter (and in particular indigenous vegetation clearance) address this concern. Similarly, we consider the other overlay chapters will apply where consent is triggered in relation to significant environmental values and do not consider a new clause detailing these is necessary in the context of this rule.
439. The Panel is satisfied that mineral prospecting and mineral exploration activities should be able to occur as a controlled activity in the MINZ where conditions of the permitted activity are not met and as such do not adopt the recommendation of Mr Badham to change the status to restricted discretionary for these activities. We consider that the activities are anticipated within the zone, likely to be localised and sporadic in nature, on particular parts of the site, as part of discrete, long term mining operations, such that it is sufficient to be able to control adverse effects rather than reserve the option to decline these activities.
440. The Panel accepts the recommended amendments to MINZ-R1, as shown in Appendix 1 of the Right of Reply, for the reasons outlined by Mr Badham, with the exceptions outlined above. We also recommend a consequential amendment to replace ‘*original condition*’ with ‘*condition prior to the activity occurring*’, which is discussed below in relation to BCZ-R1.

MINZ-R2

441. The Panel recommend deleting MINZ-R2 on the basis that an existing lawfully established activity is already authorised and effects of the activity will be managed by way of conditions on any relevant permits or licences. It is not appropriate for the Plan to provide for a permitted activity pathway for mineral extraction and processing without reference to the conditions placed on an existing activity, and neither is it appropriate to apply additional conditions as included in the notified version of the plan or as recommended by Mr Badham (e.g. hours of blasting or vibration) by way of a permitted activity rule, which may interfere with those that are part of existing permits and licences. At the point that changes are proposed to an activity or any permits or licences expire, then we consider a resource consent pathway to be appropriate. Applying for minerals extraction and processing in a zone where the activity has been occurring, is anticipated, and is supported by objectives and policies is considered by the Panel to be sufficiently enabling without the need for an uncertain and potentially unworkable permitted activity rule.

MINZ-R3

442. The Panel is in partial agreement with the recommendations of Mr Badham. We agree with minor amendments to the wording of clause (1) of the rule, and replacement of the term

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“existing” with “lawfully established” to reflect recommendations of the Panel in relation to existing use rights and lawfully established activities⁹³. We do not consider that the date of notification of the Plan is required given that we anticipate there will be lawfully established activities with resource consents granted during the life of the Plan.

443. The Panel consider clause (2) can be deleted in response to the AQA submission, however, we do not find a basis for deletion of clause (3) and consider it useful, as the clauses other than clause (1) will apply to new activities seeking to establish under the permitted activity rule. We agree that heavy vehicle movements are best managed in the Transport Chapter and that they should reflect the notified maximum but converted in to equivalent car movements. We agree that clauses (5) and (6) can be deleted on the basis of the BDC submission. While we consider clauses (6) and (7) are superfluous in light of the fact that district-wide chapter provisions will apply, there is no submission requesting the deletion of these and therefore we have corrected the cross reference to the applicable Noise rule. We agree that the Advice Note should be retained, but consider that a controlled activity status for ancillary activities that do not meet the permitted activity standards is appropriate when considering the purpose of the zone and the nature of the activities, so do not adopt the recommendation of Mr Badham to amend the status to restricted discretionary.

MINZ-R4

444. The Panel are sympathetic to the planning assessment that indicates incompatibility between MINZ policies and this rule. It is acknowledged that there are submissions seeking deletion of all permitted activity rules in the chapter (e.g. Katherine Gilbert, S473.005), while the only submissions specific to the rule seek its retention, although none of these are mining companies. The rule appears somewhat anomalous given recommendations regarding the purpose of the zone, which is to accommodate discrete, long term mineral extraction activities. The Panel note that application of the rule will require land owner permission, which means in practice it may be little used. The Panel do not consider it necessary to either delete or amend it on the basis of submissions and evidence received. The Panel therefore do not consider it necessary to introduce a new rule specific to buildings, as recommended by Mr Badham. Neither does the Panel adopt a non-complying activity status where the permitted activity conditions are not met. We recommend retaining the rule, including the default activity status as discretionary, as notified. As a consequence, new rules MINZ-R6, MINZ-R7, MINZ-R8 and MINZ-R9, as recommended by Mr Badham in Reply, are not needed and we therefore do not recommend these are included.

MINZ-R5

445. Similar to MINZ-R5, the Panel find that the rule is not necessarily compatible with the policies of the chapter or the purpose of the zone, to provide for discrete, long term mineral extraction activities. However, the rule is supported by Koiterangi Lime (S614.221) and Karamea Lime (S614.221), which both qualify for inclusion in the zone. There are no submitters seeking deletion of the rule or amendment of the rule, aside from the more generalised submissions on the chapter (e.g. Katherine Gilbert, S473.005). The Panel therefore favour retention of the rule, on the basis that the lime companies and other submitters see value in enabling this companion activity. The Panel agree that the Advice Note can be deleted in accordance with the BDC submission.

⁹³ Response to Federated Farmers of New Zealand S524.012 and Royal Forest and Bird Protection Society of New Zealand Inc.S560.067

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446. The Panel do not find compelling reasons to incorporate the new permitted activity rules recommended for agricultural, pastoral and horticultural activities or plantation forestry. The Panel has considered the Davis Ogilvie proposal for a permitted activity rule allowing rural production activities during and after mining (S465.006). We consider this most relevant to the matters raised by Davis Ogilvie around short term, migratory mining activities, but accept that there may be circumstances where discrete, long term mineral extraction activities proceed in concert with other rural activities. However, those circumstances are not clear based on submissions and evidence received, so the preference of the Panel is to provide for them as discretionary, rather than non-complying, activities.

MINZ-R6

447. The Panel has considered the submissions and evidence received that favoured a restricted discretionary activity, rather than controlled, for mineral prospecting, mineral exploration, mineral extraction and ancillary activities not meeting permitted activity standards. Principal concerns were around the effects on ecosystems and indigenous biodiversity and communities, ability to consider a full range of potential adverse effects, and ability to decline consent as necessary.
448. The Panel is of the view that mineral prospecting, mineral exploration and ancillary activities that do not meet permitted activity standards are suited to the controlled activity status in MINZ-R6 as notified. District-wide and overlay chapter provisions will be applicable in some cases and affect classification of activities, depending on the circumstances, because the MINZ is not a “stand-alone” chapter. The Panel have considered controlled activity status in relation to mineral extraction activities, but are concerned that aside from vegetation clearance there are no parameters that constrain the scale of potential effects. While it is true that the range of effects listed in the matters of control can be anticipated, the scale and nature of those effects in the circumstances of a particular activity may be wide ranging. The Panel therefore agree with the planning evidence that favours restricted discretionary activity status for mineral extraction activities. The Panel recommend removing reference to “*Mineral Extraction and Processing Activities*” from the heading of the rule and removing matters of control that relate specifically to mineral extraction and processing.
449. The Panel consider amendment is also necessary to clause (1) in order to include a second sub-clause requiring that the activity is not within an area of significant indigenous biodiversity. Without that addition there is a notable gap in the rule that would make it inconsistent with the need to protect such areas in accordance with s6 of the RMA and give effect to the NPSIB and the WCRPS. While the ECO Chapter provisions would come into play, we consider it worth providing greater internal consistency in the Plan.
450. The Panel considers these recommended amendments to Rule MINZ-R6 respond to submitters seeking that mineral extraction requires consent and for the ability to control adverse effects on a range of matters, including significant indigenous biodiversity.

MINZ-R7

451. Based on Panel recommendations for MINZ-R6, the heading of this rule needs to be amended to refer to the range of activities that do not meet controlled activity standards, as well as mineral extraction and processing activities. Otherwise, the Panel are satisfied that the matters of discretion are appropriate. We note that activity classification will be dependent

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on the application of any relevant district-wide and overlay chapter provisions, based on the consent “bundling” principle.

MINZ-R8

452. Based on Panel recommendations for MINZ-R4, no amendments are necessary to this rule.

MINZ-R9

453. The Panel disagrees with Mr Badham that this rule should be deleted. We note it had broad support from submitters, with only minor amendments requested by Davis Ogilvie and Alistair Cameron. We consider it appropriate to retain in light of the purpose of the zone to provide for discrete, long term mineral extraction activities. We recommend retaining this rule as notified.

MINZ-R10

454. The Panel recommend amending this ‘catch-all’ rule to be discretionary rather than non-complying in line with recommendations in other chapters. We consider there is scope for this amendment between those submitters seeking retention of the rule and those seeking its deletion, and it provides for internal consistency across the Plan. We have considered the submissions and evidence regarding the potential compatibility of agricultural, pastoral and horticultural activities and plantation forestry, as discussed in relation to recommendations on MINZ-R5. We consider it is appropriate that such activities can rely on a discretionary rule.

S32AA Analysis

455. The primary changes to the suit of rules are the removal of MINZ-R2 and the status of all other activities, apart from residential, from non-complying to discretionary. The Panel consider these will have minimal impact on the costs for mineral extraction and processing activities, which can continue to rely on existing resource consents and licences and the objectives and policies of the zone. The Panel also consider that the amendments provide some increased flexibility of land use within the scope of submissions. The Panel consider this improves the efficiency and effectiveness of the Plan, and will provide for land use that benefits the local and regional economy, while managing a range of effects.

Hearing Panel’s Recommendation

456. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommend changes to the **Mineral Extraction Zone Rules** as follows:

Mineral Extraction Zone 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.

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Permitted Activities

MINZ - R1 Mineral Prospecting and Mineral⁹⁴ Exploration

Activity Status Permitted

Where:

1. Written Notice is provided to the relevant District Council **5 10** working days ahead of ~~work~~ **any Mineral Prospecting or Mineral Exploration** being undertaken;⁹⁵
- ~~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;~~⁹⁶
- 2. 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);**⁹⁷
- ~~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~~⁹⁸
- 43. The site shall be is progressively rehabilitated as far as practicable to its original condition prior to the activity occurring,⁹⁹ with rehabilitation being completed no more than three months after Mineral Prospecting or Mineral Exploration ceases.**¹⁰⁰

Advice Notes:¹⁰¹

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.

Activity status where compliance not achieved: Controlled

MINZ R2 Mineral Extraction and Processing

Activity Status Permitted

⁹⁴ RMA First Schedule Clause 16(2)

⁹⁵ Buller District Council S538.609

⁹⁶ Peter Langford S615.217, Karamea Lime Company S614.217, Koiterangi Lime Co. Limited S577.127, Catherine Smart-Simpson S564.161, William McLaughlin S567.700, Geoff Volckman S563.152, Chris & Jan Coll S558.671, Chris J Coll Surveying Limited S566.671, Laura Coll McLaughlin S566.671

⁹⁷ Buller District Council S538.609

⁹⁸ Buller District Council S538.609

⁹⁹ Consequential amendment Minerals West Coast S569.004

¹⁰⁰ Buller District Council S538.609

¹⁰¹ RMA First Schedule Clause 16(2)

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi

Where:

1. ~~The mineral extraction and processing are lawfully established at the date the Plan becomes operative;~~
2. ~~Where the site is active, or intended to be active within the next 12 months:~~
 - 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:~~
 - 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;~~
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;~~
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 relevant district council;~~
7. ~~Noise meets the Permitted Activity Standards in Rule NOISE R7; and~~
8. ~~Light and glare meet the Permitted Activity standards in Rule LIGHT R4.~~

Advice Note:

1. ~~Only active mineral extraction sites, or those expected to be active within 12 months are required to prepare a Mineral Extraction Management Plan, Annual Work Plan or Environmental Monitoring Report.~~
2. ~~Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM R7.~~

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~~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.~~

~~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.~~

Activity status where compliance not achieved: Controlled¹⁰²

MINZ-R3 Activities ancillary to lawfully established¹⁰³ ~~m~~Mineral ~~e~~Extraction and Mineral pProcessing¹⁰⁴

Activity Status Permitted

Where:

1. ~~This The activities includes the maintenance and operation of all roads, parking, buildings, water treatment facilities, storage facilities, railway loadout areas and structures existing that are lawfully established¹⁰⁵ at the date of notification of the Plan [insert date];~~¹⁰⁶

~~2. Maximum building height above ground level is 10m;~~¹⁰⁷

~~3.2. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;~~

~~3. There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);~~¹⁰⁸

~~4. 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;~~¹⁰⁹

~~5. A bond is in place with the relevant district council;~~¹¹⁰

~~6. 3. Noise meets the Permitted Activity Standards in Rule NOISE - R75; and~~¹¹¹

~~7. 4. Light and glare meet the Permitted Activity standards in Rule LIGHT - R4.~~

Advice Note:

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.

¹⁰² Lynley Hargreaves S481.017

¹⁰³ Federated Farmers of New Zealand S524.012 and Royal Forest and Bird Protection Society of New Zealand Inc.S560.067

¹⁰⁴ RMA First Schedule Clause 16(2)

¹⁰⁵ Lynley Hargreaves S481.018

¹⁰⁶ Lynley Hargreaves S481.018

¹⁰⁷ Aggregate and Quarry Association S521.010

¹⁰⁸ Peter Langford S615.219, Karamea Lime Company S614.219, Koiterangi Lime Co. Limited S577.129, Catherine Smart-Simpson S564.163, William McLaughlin S567.702, Geoff Volckman S563.154, Chris & Jan Coll S558.673, Chris J Coll Surveying Limited S566.673, Laura Coll McLaughlin S566.673

¹⁰⁹ Buller District Council S538.611

¹¹⁰ Buller District Council S538.611

¹¹¹ RMA First Schedule Clause 16(2). Consequential amendment to cross reference applicable rule in Noise Chapter Recommendation Report

Activity status where compliance not achieved: Controlled

MINZ-R4 Conservation, Recreation and Research Activities

Activity Status Permitted

Where:

1. Maximum building height above ground level is 10m; and
2. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries.

Activity status where compliance not achieved: Discretionary

MINZ-R5 Grazing of Animals

Activity Status Permitted

Advice Note:

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.~~¹¹²

Activity status where compliance not achieved: N/A

Controlled Activities

MINZ-R6 Mineral Prospecting and Mineral Exploration, ~~Mineral Extraction and Processing Activities~~¹¹³ and Ancillary Activities not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This does not occur within:
 - i. An area of indigenous vegetation greater than 5000m² ~~in size that has not been assessed for its significance;~~ or
 - ii. **An area of significant indigenous biodiversity; and**¹¹⁴
2. This includes all earthworks associated with the ~~mineral extraction~~¹¹⁵ activity; and

¹¹² Buller District Council S538.612 and S538.613

¹¹³ Katherine Gilbert S473.005, John Caygill S290.004, Heather Muir S385.001, Karen Lippiatt S439.003, Royal Forest and Bird Protection Society Inc. S560.016 and S560.050, Brian Anderson S576.004, Clare Backes S4444.015, Murray Stuart, Karen Jury and Rob Lawrence S455.003, Katherine Gilbert S473.007, Lynley Hargraves S481.017, Director General of Conservation S602.220, Sophia Allan S82.003, Suzanne Hills S443.052, Karen and Dana Vincent S591.002

¹¹⁴ Buller District Council S538.601

¹¹⁵ Consequential amendment arising from recommendation on activity status of mineral extraction activity

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3. This includes ancillary activities, buildings, structures and infrastructure required to enable the¹¹⁶ mineral extraction activity.

Matters of control are:

- a. Management of access, parking, traffic generation and transport of minerals from the site,¹¹⁷
- b. Noise, glare, light, dust, blasting and vibration management;
- c. Hours of operation;
- d. Hazardous substances and waste management;
- e. Historic heritage 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.~~

Advice Note:

- ~~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 R7.¹¹⁸~~

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

¹¹⁶ RMA First Schedule, Clause 16

¹¹⁷ Consequential amendment arising from recommendation on activity status of mineral extraction activity

¹¹⁸ Katherine Gilbert S473.005, John Caygill S290.004, Heather Muir S385.001, Karen Lippiatt S439.003, Royal Forest and Bird Protection Society Inc. S560.016 and S560.050, Brian Anderson S576.004, Clare Backes S4444.015, Murray Stuart, Karen Jury and Rob Lawrence S455.003, Katherine Gilbert S473.007, Lynley Hargraves S481.017, Director General of Conservation S602.220, Sophia Allan S82.003, Suzanne Hills S443.052, Karen and Dana Vincent S591.002

MINZ-R7 Mineral Prospecting, Mineral Exploration ~~Extraction~~ and Ancillary Activities not meeting Permitted or Controlled Activity Standards, and Mineral Extraction and Mineral Processing Activities¹¹⁹

Activity Status Restricted Discretionary

Where:

1. This includes all earthworks associated with the ~~mineral extraction~~¹²⁰ activity; and
2. This includes ancillary activities, buildings, structures¹²¹ and infrastructure required to enable the mineral extraction activity.

Discretion is restricted to:

- 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.

Advice Note:

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.

¹¹⁹ Katherine Gilbert S473.005, John Caygill S290.004, Heather Muir S385.001, Karen Lippiatt S439.003, Royal Forest and Bird Protection Society Inc. S560.016, Brian Anderson S576.004, Clare Backes S4444.015, Murray Stuart, Karen Jury and Rob Lawrence S455.003, Katherine Gilbert S473.007, Lynley Hargraves S481.017, Director General of Conservation S602.220, Sophia Allan S82.003, Suzanne Hills S443.052, Karen and Dana Vincent S591.002

¹²⁰ RMA First Schedule, Clause 16

¹²¹ RMA First Schedule, Clause 16

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Activity status where compliance not achieved: N/A ¹²²	
Discretionary Activities	
MINZ - R8	Conservation, research and recreation activities not meeting Permitted Activity Standards
Activity Status Discretionary	
Activity status where compliance not achieved: N/A	
MINZ - R109	Any activity not provided for in another rule in the zone
Activity Status Non-complying Discretionary¹²³	
Activity status where compliance not achieved: N/A	
Non-complying Activities	
MINZ - R910	Residential Activities
Activity Status Non-complying	
Activity status where compliance not achieved: N/A	

7. BULLER COALFIELD ZONE

7.1. Whole Chapter

Submissions and Further Submissions

457. Fourteen submission points and 23 further submission points relating to the Buller Coalfield Zone (BCZ) Chapter were summarised in a Table on pages 139-143 of the s42A Report. Three submission points supported the BCZ provisions and 11 submission points opposed the zone and sought its deletion. Sixteen further submissions supported opposing submissions three further submissions opposed the opposing submissions, two further submissions supported the supporting submissions, and three further submissions opposed the supporting submissions.

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¹²² Katherine Gilbert S473.005, John Caygill S290.004, Heather Muir S385.001, Karen Lippiatt S439.003, Royal Forest and Bird Protection Society Inc. S560.016, Brian Anderson S576.004, Clare Backes S4444.015, Murray Stuart, Karen Jury and Rob Lawrence S455.003, Katherine Gilbert S473.007, Lynley Hargraves S481.017, Director General of Conservation S602.220, Sophia Allan S82.003, Suzanne Hills S443.052, Karen and Dana Vincent S591.002

¹²³ Peter Langford S615.225, Karamea Lime Company S614.225, Geoff Volckman S563.160

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458. Mr Badham acknowledged the 11 submission points¹²⁴ that sought to delete the BCZ in one way or another. These submission points were supported by 16 further submissions¹²⁵ and opposed by three further submissions¹²⁶. Mr Badham did not support the relief sought and reiterated his support for the establishment of the BCZ as a special purpose zone.
459. In response to the three submissions points¹²⁷ that sought to retain the BCZ, Mr Badham supported the relief sought. However, he recommended changes to the provisions in response to other submissions.
460. Mr Badham also made recommendations that did not respond to any specific submissions in regard to the Overview section. His recommendations were similar to those made for the MINZ Chapter, as follows:
- (a) Removing the criteria for what constitutes the BCZ from the Overview and relocating it to a policy; and
 - (b) The addition of a paragraph regarding regional consenting requirements.
461. The s42A Report recommended the BCZ Overview wording be amended as follows:

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).~~

....

Other relevant Te Tai o Poutini Plan provisions

...

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

462. The JWS BCZ considered the BCZ Overview wording, and Ms Hunter and Mr Badham (the only two parties to this JWS) agreed the above recommended amendments to the BCZ Overview.

Hearing and Submitter Evidence/Statements

463. Ms Hunter, for Bathurst, reiterated support for the retention of the BCZ, subject to some minor amendments to the provisions. She considered the zone was consistent with the approach taken in other district plans and that it is consistent with the West Coast RPS.

¹²⁴ John Caygill (S290.005), Heather Muir (S385.002), Suzanne Hills (S443.053), Clare Backes (S444.014), Katherine Gilbert (S473.006), Buller Conservation Group (S552.189), Frida Inta (S553.189), Karen Lippiatt (S439.002), Forest & Bird (S560.015, S560.392), Brian Anderson (S576.020)

¹²⁵ Mark Pitchfork (FS85.001, FS85.002, FS85.003), Brian Anderson (FS237.006, FS237.007, FS237.008, FS237.009, FS237.0010, FS237.011, FS237.014, FS237.015, FS237.016 and FS237.017), Frida Inta (FS223.004), Buller Conservation Group (FS224.004)

¹²⁶ Bathurst Resources Limited and BT Mining Limited (FS89.049, FS89.082), Buller District Council (FS149.074)

¹²⁷ Papahaua Resources Limited (S500.006), Straterra (S536.010), Minerals West Coast (S569.047)

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464. Ms Inta, on behalf of herself and Buller Conservation Group, reiterated the request to delete the BCZ in its entirety. She considered the zone to be superfluous, as it generally duplicated the MINZ. She suggested that if a special purpose zone was necessary both zones should be incorporated into one MINZ.

Reporting Officer Reply Evidence

465. Appendix 1 attached to the Right of Reply showed the amendments recommended as part of the JWS BCZ and included an amendment to generalise the other district-wide matters may be relevant for activities in the BCZ, rather than just noise and light. The JWS BCZ also identified a correction to change ‘energy’ to ‘mineral extraction’ in the Overview.

Hearing Panel’s Evaluation

466. The Panel notes there is no submission point requesting deletion of the paragraph in the Overview that explains the types of current authorisations recognised in creating the spatial boundaries of BCZ. The Panel therefore considers there is no scope to delete this paragraph and relocate it to BCZ-P1.

467. The Panel accepts Mr Badham’s other recommended changes are minor clarifications and are consistent with the wording recommended for the MINZ Overview.

468. The Panel accepts Mr Badham’s recommendation to delete the reference to Te Kuha, as a consequential change given no resource consents or CML/ACML relate to this site.

Hearing Panel’s Recommendation

469. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **Buller Coalfield Zone Overview**:

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).*

*The Zone includes as its core the Stockton Mine, which is the single largest mine in **Aotearoa** / ~~New Zealand~~ ~~Aotearoa me Te Waipounamu~~¹²⁸ as well as smaller consented or licensed areas on the Stockton Plateau, **and** ~~Denniston Plateau~~ ~~and at Te Kuha~~.¹²⁹*

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.

¹²⁸ Te Runanga o Ngai Tahu, Te Runanga o Ngāti Waewae, Te Runanga o Makaawhio S620.005

¹²⁹ Director General of Conservation S602.221

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-Wide¹³⁰ Matters chapters also contain provisions that may be relevant for energy **mineral extraction**¹³¹ 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**¹³² may be relevant to activities undertaken in the ~~MINZ - Mineral Extraction Zone~~ BCZ - **Buller Coalfield Zone, with the exception of earthworks.**¹³³*

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.¹³⁴

7.2. Buller Coalfield Zone Objectives and Policies

Submissions and Further Submissions

470. Two submission points and two further submission points relating generally to the BCZ objectives and policies were summarised in a Table on page 145 of the s42A Report. One submission point sought to retain the objectives and policies as notified, the other sought amendment. One of the further submissions supported the submission point seeking retention of the objectives and policies, the other opposed the same submission.
471. Two submission points and one further submission point relating to **BCZ-O1** were summarised in a Table on page 146 of the s42A Report. One submission point sought to retain the objective and one sought amendment. The further submission supported the submission seeking amendment.
472. Three submission points and three further submission points relating to **BCZ-O2** were summarised in a Table on page 147 of the s42A Report. One submission point sought to retain

¹³⁰ RMA First Schedule Clause 16

¹³¹ RMA First Schedule Clause 16

¹³² RMA First Schedule Clause 16

¹³³ RMA First Schedule Clause 16

¹³⁴ RMA First Schedule Clause 16

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the objective and two sought amendments. The further submissions supported each of the submissions.

473. Two submission points and three further submission points relating generally to the BCZ Policies were summarised in a Table on pages 148-149 of the s42A Report. One submission point sought to retain the policies as notified and one sought amendment. Two further submissions supported each of the submissions, and a third opposed the submission in support.
474. Two submission points and one further submission point relating to **BCZ-P1** were summarised in a Table on page 149 of the s42A Report. One submission point sought to retain the policy, and one sought to delete it. The further submission opposed the submission in support.
475. Two submission points and one further submission point relating to **BCZ-P2** were summarised in a Table on page 151 of the s42A Report. One submission point sought to retain the policy, and one opposed it. The further submission supported the submission in opposition.
476. Two submission points relating to **BCZ-P3** were summarised in a Table on page 152 of the s42A Report. One submission point sought to retain the policy, and one sought amendment.
477. Five submission points and four further submission points relating to **BCZ-P4** were summarised in a Table on pages 152-155 of the s42A Report. One submission point sought to retain the policy, and four sought amendments. Three further submissions supported various amendments, and one further submission opposed an amendment sought in a submission.
478. Four submission points and two further submission points relating to **BCZ-P5** were summarised in a Table on pages 156-157 of the s42A Report. One submission point sought to retain the policy, one sought to delete it and two sought amendments. One further submission supported the submission in opposition and one further submission supported a submission seeking amendment.

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Objectives and Policies (General)

479. Mr Badham acknowledged BDC's submission point (supported by a further submission from Bathurst) supporting retention of the objectives and policies in the BCZ as notified. However, he noted his recommended amendments in response to other submissions regarding specific objectives and policies.
480. In response to Karen Lippiatt's request to remove all references to social wellbeing brought about by mineral extraction, Mr Badham did not support the relief sought because the RPS states mineral extraction contributes to social wellbeing and the Plan must give effect to the RPS.
481. The s42A Report made no recommended changes related to the objectives and policies generally.

BCZ-01

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482. Mr Badham acknowledged Te Mana Ora supported the retention of BCZ-O1 as notified. He recommended retaining the objective as requested but with minor grammatical amendments.
483. In response to Karen Lippiatt's request (supported by a further submission from Brian Anderson) to remove the reference to 'national significance' from the objective, Mr Badham did not support the relief sought. He noted the s32 evaluation acknowledges the BCZ provides large quantities of coal for steel making in New Zealand and is of national significance.
484. The s42A Report recommended that BCZ-O1 be amended as follows:

*Mineral extraction activities in the BCZ - Buller Coalfield Zone are enabled ~~by inclusion of a special purpose zone that recognises~~ **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

485. Mr Badham acknowledged Te Mana Ora's support for the retention of BCZ-O1 as notified. However, he noted his recommendations to amend the objective in response to other submissions.
486. In response to the submission point made by Jacobus Wiskerke that sought to include time limits for coal mining exploration and excavation, as well as an opportunity to delay the dates if alternative steel production methodologies had not matured, Mr Badham did not support the relief sought. He considered these decisions sat with central government and it was not appropriate in the district plan context.
487. In response to Karen Lippiatt's request to strengthen the treatment of adverse effects in terms of the ineffectiveness of the word 'minimise', Mr Badham agreed that this term was too narrow and unclear in its interpretation. He recommended replacing 'minimise' with 'manages' which would allow application of the full effects hierarchy.
488. Mr Badham also recommended grammatical amendments to the objective.
489. The s42A Report recommended that BCZ-O2 be amended as follows:

*To ensure that **the** exploration, extraction and processing of minerals within the BCZ - Buller Coalfield Zone ~~minimises~~ **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.*

Policies (General)

490. Mr Badham acknowledged BDC's request (supported and opposed by further submissions) to retain the policies in the BCZ as notified. However, he noted his recommended amendments in response to other submissions regarding specific policies.
491. Mr Badham did not support Karen Lippiatt's request to add a new policy to the BCZ because he did not consider there was sufficient justification to support the inclusion of a policy specific to the bonsai forest and gullies.
492. The s42A Report did not recommend any changes in response to these submissions.

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BCZ-P1

493. Mr Badham acknowledged Te Mana Ora’s support for retention of BCZ-P1 as notified. However, he noted his recommendations to amend the policy.
494. In response to the submission point made by Karen Lippiatt that sought to delete the policy, Mr Badham did not support the relief sought. However, he noted his recommended amendments for consistency with his recommendation to include the criteria used to identify the BCZ in a policy rather than the Overview.
495. Mr Badham did not support including a reference to the CMA because this legislation relates to property rights and these cannot be exercised unless activities are authorised by the RMA.
496. Mr Badham supported referencing the Coal Mines Act 1979, as permits granted under this legislation are ‘an existing privilege’ under the CMA and override the provisions of the RMA.
497. Mr Badham recommended including clarification in the reference to resource consents to ensure all areas that may not have historic coal mining licences, but have been authorised by resource consent under the RMA, were included in the MINZ.
498. The s42A Report recommended that BCZ-P1 be amended as follows:

*To provide for the current lawfully established 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:***

*a. **This is currently authorised by:***

*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).***

499. The JWS BCZ records Mr Badham and Ms Hunter agreed that it would be helpful to have a policy outlining the criteria used to identify BCZ. They also agree that the s42A Report recommended wording for the policy was lengthy because it seeks to achieve the following two components:

(a) Clarifying where the BCZ is to be applied; and

(b) Enabling reasonable expansion, while managing adverse effects.

500. Given this, the planners agreed to separate the policy and proposed a new policy for each component, as follows:

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***

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~~Zone and the opportunities for reasonable growth and expansion to meet future demands, while managing adverse effects on the environment, where:~~

a. This is lawfully established by:

- 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

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.

BCZ-P2

501. Mr Badham acknowledged Te Mana Ora's support for retention of BCZ-P2 as notified and supported the relief sought.
502. In response to the submission point made by Jacobus Wiskerke that sought to amend the policy to define the location, duration and quality of access to the mineral deposits in order to allow other activities to occur, Mr Badham did not support the relief sought. He noted the policy addressed potential reverse sensitivity effects and considered locating other activities (sensitive activities) in the BCZ could compromise the ability to undertake mineral extraction activities.
503. The s42A Report did not recommend any amendments to BCZ-P2.

BCZ-P3

504. Mr Badham acknowledged Te Mana Ora's support for retention of BCZ-P3 as notified. However, he noted his recommendations to amend the policy in response to other submissions.
505. Mr Badham agreed with Minerals West Coast that it was unclear what was meant by 'best practice' and that the term was meaningless without context. He recommended amending the policy to remove the reference to 'environmental standards' entirely and focussing on rehabilitation, which was consistent with his recommendations in relation to the similar policy in the MINZ.
506. The s42A Report recommends that BCZ-P3 be amended as follows:

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

BCZ-P4

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507. Mr Badham acknowledged NZTA Waka Kotahi’s support for the retention of BCZ-P4 as notified. However, he noted his recommended amendments to the policy in response to other submissions.
508. In response to the submission point made by Poutini Ngāi Tahu that sought to remove ‘cultural’ from the wording of BCZ-P4 to ensure that all Poutini Ngāi Tahu values were taken into account, Mr Badham supported the relief in part. He considered a separate, specific policy should be included in the BCZ to better achieve BCZ-O2 and achieve consistency between the MINZ and BCZ. The recommendation included adding a new policy and changes to BCZ-P4 to remove references to Poutini Ngāi Tahu cultural values.
509. Mr Badham did not support Te Mana Ora’s request to exclude Drinking Water Source Protection Zones from the BCZ because he considered insufficient information, technical evidence or S32 evaluation had been provided to support the addition sought.
510. In response to Karen Lippiatt’s request to make the policy more stringent and protective, Mr Badham acknowledged the submission. However, without specific relief in terms of amendments sought, he noted that he could not comment further.
511. Mr Badham acknowledged the Director General’s request to amend clause (d) of the policy but noted his recommendation was to delete the clause, which was consistent with his recommendation regarding the same matter in the MINZ Chapter. As set out with respect to MINZ-P4, Mr Badham considered that the matters detailed in clause (d) were better addressed in the ECO Chapter, which specifically addresses SNA. He noted that there were no rules in the BCZ Chapter (as notified) that relate to indigenous vegetation clearance, making the policy irrelevant in this chapter.
512. The s42A Report recommended BCZ-P4 be amended as follows:

Maintain the quality of the environment, landscape, ecological values, ~~Poutini Ngāi Tahu cultural values~~, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by:

- 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;~~*
- e. ~~Managing and avoiding adverse effects on Poutini Ngāi Tahu cultural values;~~*
- f. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;*
- g. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;*
- h. Undertaking remedial measures during extraction operations; and*
- i. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose*

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513. The s42A Report also recommended a new policy as follows:

BCZ-PX

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:

- 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.**

BCZ-P5

514. Mr Badham acknowledged Te Mana Ora’s support for the retention of BCZ-P5 as notified. He also acknowledged Minerals West Coast’s for clarification on the meaning of ‘*original condition*’; and the Director General’s request to amend the policy so that adverse effects be addressed in accordance with the effects management hierarchy. However, he noted his recommendation to delete the policy.

515. Mr Badham supported the relief sought in the submission by Karen Lippiatt to delete the policy for the same reasons as he recommended deleting clause (d) of BCZ-P4.

516. The s42A Report recommended that BCZ-P5 be deleted.

Hearing and Submitter Evidence/Statements

517. Ms Hunter, for Bathurst, confirmed support for the amendments to the BCZ objectives, as set out in the s42A Report. The Panel noted the scope for Ms Hunter’s evidence relates to Bathurst’s further submission (FS89.012) made in support of BDC’s general submission in support of all the BCZ objectives and policies.

518. Ms Hunter raised concern regarding the recommended wording for BCZ-P1 in the s42A Report given other mining activities and authorisations within the BCZ in addition to the Stockton Mine. She considered the recommended wording narrowed the scope of the policy. She also considered the addition of criteria points (i) to (iii) contradicted the second part of the original policy, which was to recognise that there may be further development opportunities for growth and expansion of existing and new mines within the zone. Her evidence stated her preference was that the notified version of BCZ-P1 was retained.

519. Notwithstanding Ms Hunter’s evidence, the JWS BCZ records agreement for BCZ-P1 to be separated into two policies, as set out above.

520. The legal submissions for Bathurst noted the word ‘*currently*’ (in relation to the licences) raised concerns with respect to the relationship with ‘*lawfully established*’. The legal submissions considered BCZ-P1 should make provision for all mineral extraction activities within the BCZ (and likely the MINZ too), while managing effects on the environment. The

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submissions considered the recommended amendments (in the s42A Report) to the policy were convoluted and created uncertainty in terms of interpretation.

521. Bathurst’s legal submissions considered there was no scope to change BCZ-P1 (and MINZ-P1) and noted that the amendments would change the intent of the policy in a way that none of the submitters could have anticipated.
522. Ms Hunter commented on the recommendation to delete BCZ-P5 despite Bathurst not making a submission in relation to this policy. She considered it was appropriate for the BCZ policies to recognise potential conflict that may arise between accessing mineral resources and areas of significant indigenous biodiversity, and for the BCZ provisions to provide a pathway for resolving issues as they arise given the direction of the NPSIB. She supported the submission made by Director General to apply the effects management hierarchy in these circumstances.
523. The Bathurst legal submissions set out that the BCZ and MINZ policies (BCZ-P5 and MINZ-P5) should acknowledge the potential conflicts between accessing mineral resources and areas of significant indigenous biodiversity.

Reporting Officer Reply Evidence

524. In response to questions from the Panel (Minute 32), Mr Badham revisited the matter of scope with respect to relocating the zoning criteria from the Overview to BCZ-P1. Based on advice received from Wynn Williams, Mr Badham considered that there was scope to make the proposed changes to BCZ-P1. Although he acknowledged there was not any submission that sought to relocate the criteria, he considered it was in the vein of the submissions that supported the criteria and, when approached holistically, and could be seen as consequential relief.
525. Mr Badham also revisited his recommendation to delete provisions within the BCZ relating to the management of mineral extraction activities in areas of indigenous biodiversity in response to questions from the Panel. He reiterated his view that the consideration of this matter was complicated by the Central Government signalled changes to the NPSIB which may give effect by the time decisions on the pTTPP are released. He also comments that it is his understanding that SNAs were only proposed in the pTTPP for the Grey District based on criteria from the Regional Policy Statement and not the NPSIB.
526. Notwithstanding that Mr Badham did not report on the ECO Chapter, he considered it was appropriate for SNA to be mapped within the pTTPP. He noted that a key purpose of the ECO Chapter is to manage SNA and significant indigenous vegetation and fauna. For these reasons he considers it to be more efficient and effective for district wide provisions (e.g., objectives, policies and rules) relating to SNA and indigenous biodiversity to be located in the ECO Chapter. He therefore maintained his recommendation to delete BCZ-P4(d) and BCZ-P5 from the BCZ Chapter.

Hearing Panel’s Evaluation

527. In relation to **BCZ-O1**, the Panel considers that, while there may technically be scope as a consequence of submissions seeking the deletion of the entire BCZ Chapter, it is not necessary to delete *‘by inclusion of a special purpose zone that recognises’* and replace it with *‘in recognition of’*, or replace *‘the’* with *‘their’*. We recommend BCZ-O1 is retained as notified. In

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reaching this conclusion the Panel have considered the submission of Kair Lippiatt and are satisfied that it is appropriate to record the area as being of national significance.

528. In relation to **BCZ-O2**, the Panel accepts Mr Badham’s recommendation to replace ‘*minimises*’ with ‘*manages*’ and agree this strengthens the treatment of adverse effects by encompassing the RMA obligation to avoid, remedy or mitigate adverse environmental effects. We acknowledge that in relation to RMA s6 matters it may be necessary to avoid adverse effects and not just minimise adverse effects on matters of national importance.
529. In relation to **BCZ-P1**, the Panel disagrees with Mr Badham that there is scope within the submissions to move the criteria used to identify the BCZ from the Overview into BCZ-P1 or to split the policy into two policies. We do not consider the submission point requesting deleting this policy would accept the recommended amendments as providing alternative relief. We consider the intention of the Policy is to provide for existing lawfully established mineral extraction within the BCZ, not just at the Stockton Mine. We recommend the BCZ-P1 is retained as notified, except for replacing ‘*current*’ with ‘*existing*’ to improve clarity and for consistency with the terminology used Plan-wide.
530. In relation to **BCZ-P2**, the Panel accepts Mr Badham’s recommendation to retain the policy as notified for the reasons outlined in the s42A Report.
531. In relation to **BCZ-P3**, the Panel have considered Mr Badham’s recommendation to amend the wording to remove the reference to ‘*best practice environmental standards and to provide for*’ and add ‘*enable*’ to focus on rehabilitation for future land uses. The Panel consider that the areas of Stockton and Denniston plateaux are different than areas in the MINZ, where future use considerations may be at the fore. The Panel recognise the unique environments present in this area, as highlighted by submitters, and agree that rehabilitation will be primarily focussed on achieving natural environment outcomes. The Panel consider that the phrase “*best practice environmental standards*” will be understood in the context of the effects management hierarchy and the current state of knowledge of how best to achieve desired rehabilitation outcomes. The Panel therefore recommend retaining the policy as notified.
532. In relation to **BCZ-P4**, the Panel note that Poutini Ngāi Tahu requested to only delete ‘*cultural*’ and not ‘*Poutini Ngāi Tahu cultural values*’ as recommended in Appendix 1 of the s42A Report. The Panel accepts Poutini Ngāi Tahu’s submission point (S620.258) and recommends only deleting ‘*cultural*’ from the chapeau and clause (e). We disagree with Mr Badham that the Poutini Ngāi Tahu submission provides scope for his recommended new Policy BCZ-PX, despite his intention to provide consistency with MINZ-P6. No similar policy was proposed in the BCZ Chapter and a new policy was not requested in submissions on the BCZ Chapter. For these reasons, we do not recommend clause BCZ-P4(e) is deleted or a new policy is added.
533. The Panel considers clause (d) should be amended to be protective of significant ecological values to give effect to RMA s6 and the RPS, and accepts the submission point of Kair Lippiatt (S439.037). We consider using wording consistent with clause (e), which also gives effect to RMA s6, is appropriate to protect matters of national importance. We also consider it is appropriate to address significant adverse effects on other indigenous biodiversity values, which gives effect to the RMA, NPSIB and RPS.

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534. In relation to **BCZ-P5**, the Panel accepts Mr Badham’s recommendation to delete this policy and agree the removal of significant indigenous vegetation, or the significant habitat of indigenous fauna is primarily addressed in the ECO Chapter.
535. We note Mineral West Coast’s submission point (S569.004) relates to the BCZ permitted activity rules (not BCZ-P5 as summarised in the s42A Report) and consider use of the term ‘*original condition*’ below in relation to the relevant rules.
536. The Panel agree with Mr Badham that a new policy to prevent mine spoil covering the unique ancient bonsai forest in the unique gullies in the Buller Coalfield Zone is not appropriate and consider this is addressed in BCZ-P4(d).

Hearing Panel’s Recommendation

537. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **Buller Coalfield Zone Objectives and Policies**:

BCZ – O1	Mineral extraction activities in the BCZ – Buller Coalfield Zone are enabled by inclusion of a special purpose zone that recognises national and regional significance, the 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 ¹³⁵ exploration, extraction and processing of minerals within the BCZ - Buller Coalfield Zone minimises manages ¹³⁶ 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.
BCZ-P1	To provide for the current existing ¹³⁷ lawfully established mineral extraction and processing activities in the BCZ - Buller Coalfield Zone and the opportunities for reasonable growth and expansion to meet future demands, while managing adverse effects on the environment.
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 all mine sites in the BCZ - Buller Coalfield Zone are rehabilitated to best practice environmental standards and to provide for future use and activities appropriate to the area.

¹³⁵ RMA First Schedule Clause 16

¹³⁶ Karen Lippiatt S439.034

¹³⁷ RMA First Schedule Clause 16

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BCZ-P4	<p>Maintain the quality of the environment, landscape, ecological values, Poutini Ngāi Tahu cultural¹³⁸ values, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by:</p> <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 <u>and avoiding adverse effects</u> impacts on significant indigenous vegetation and significant indigenous fauna habitat and associated ecological values <u>and</u> avoiding <u>and</u> mitigating <u>significant</u> adverse effects <u>on indigenous biodiversity</u>;¹³⁹ e. Managing and avoiding adverse effects on Poutini Ngāi Tahu cultural¹⁴⁰ values; 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	<p>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.¹⁴¹</p>

7.3. Buller Coalfield Zone Rules

Submissions and Further Submissions

538. Two submission points and three further submission points relating to the BCZ rules (as a whole) were summarised in a Table on pages 158-159 of the s42A Report. One submission point supported the rules, and one opposed them. The three further submissions supported the opposing submission point.

539. Four submission points and four further submission points relating to **BCZ-R1** were summarised in a Table on pages 160-162 of the s42A Report. Two submission points sought amendment, and two opposed it. Two further submissions supported the opposing

¹³⁸ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.258

¹³⁹ Karen Lippiatt S439.037

¹⁴⁰ Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio and Te Rūnanga o Ngāi Tahu S620.258

¹⁴¹ Karen Lippiatt S439.038

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submission, and one further submission supported a submission seeking amendment, and one further submission opposed a submission seeking amendment.

540. Six submission points and six further submission points relating to **BCZ-R2** were summarised in a Table on pages 165-167 of the s42A Report. One submission point sought to retain the rule as notified, four submission points sought amendment and one submission point sought to delete the rule. One further submission supported the opposing submissions, one further submission opposed the supporting submission, two further submissions supported submissions seeking amendment, and two further submissions opposed submissions seeking amendment.
541. Five submission points and five further submission points relating to **BCZ-R3** were summarised in a Table on pages 171-173 of the s42A Report. One submission point opposed the rule as notified and four submission points sought amendment to the rule. Three further submissions opposed the submissions seeking amendment, one further submission supported a submission seeking amendment, and one further submission supported the submission in opposition.
542. Two submission points relating to **BCZ-R4** were summarised in a Table on page 176 of the s42A Report. Both submission points sought to retain the rule as notified.
543. Five submission points and five further submission points relating to **BCZ-R5** were summarised in a Table on pages 177-180 of the s42A Report. All the submission points sought amendment to the rule. Three further submissions opposed the submissions seeking amendment, and two further submissions supported submissions seeking amendment.
544. Four submission points and four further submission points relating to **BCZ-R6** were summarised in a Table on pages 181-184 of the s42A Report. One submission sought to retain the rule as notified and three submission points sought amendment to the rule. Two further submissions opposed the submissions seeking to retain the rule and an amendment, and two further submissions supported submissions seeking amendment.
545. Two submission points and one further submission point relating to **BCZ-R7** were summarised in a Table on pages 185-186 of the s42A Report. Both submissions sought to retain the rule as notified. The further submissions opposed one of the submissions seeking to retain the rule.

Section 42A Report

Rules (General)

546. Mr Badham acknowledged the submission point made by Patrick Cooper that sought to retain the general rules for mineral extraction. However, he noted his recommendations to amend the BCZ rules.
547. In response to the submission point made by Katherine Gilbert (supported by three further submissions¹⁴²) that sought to remove all the permitted activities from the zone, Mr Badham

¹⁴² Paul Elwell-Sutton (FS75.6 and FS81.4) and Brian Anderson (FS237.030)

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did not support the relief sought. He considered that there was scope for permitted activities in the BCZ.

548. While no submission was made in relation to the general note preceding the rules, Mr Badham considered the note to be confusing and duplicated what is set out in the Overview of the chapter. He recommended deleting the note and relying on the direction set out in the Overview.
549. Similar to his view in relation to the MINZ rules, Mr Badham considered the general note and advice notes duplicated the Overview and were inconsistently applied to the BCZ rules. He recommended deleting the advice notes and relying on the direction set out in the Overview.
550. The s42A Report recommended the following amendments to the notes from underneath the 'Rules' heading in the BCZ Chapter the advice notes from rules BCZ-R1, R2, R3 and R5:

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.

Advice notes:

BCZ-R1

- ~~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. 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.~~

BCZ-R2

- ~~2. Where an activity subject to this rule is located within an Overlay Chapter area, 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 which may affect waterbodies, taking and use of water and discharges to waterbodies.~~

BCZ-R3

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

BCZ-R5

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

BCZ-R1 Mineral Prospecting and Exploration

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551. Mr Badham did not make any specific comment in response the requested amendments to BCZ-R1(2) by Buller Conservation Group and Frida Inta that sought amendment. However, he did make recommendations regarding this clause in response to the submission point made by BDC.
552. Mr Badham did not support Te Mana Ora’s request to add a new clause to not allow prospecting or exploration within a Drinking Water Source Protection Zone because he considered insufficient information, technical evidence or S32 evaluation had been provided to support the addition sought.
553. Mr Badham supported the relief sought by BDC in part to BCZ-R1. A summary of the amendments and the recommendations were as follows:
- (a) Mr Badham agreed it was useful to add a new clause in relation to an authorisation by NZPAM and noted an equivalent provision already existed in a rule in the OSZ.
 - (b) Mr Badham noted he was unsure of the specific justification increasing the 5 day notification period to 10 days but noted this would be consistent with the equivalent rule in the OSZ. He also recommended some further terms to clarify its application.
 - (c) Mr Badham supported the request to delete BCZ-R1(2) and replace it with a 20m setback related to earthworks, with a modification to the replacement clause so that the setback does not apply if the adjoining site is also in the BCZ. (Note: the s42A Report referred to the adjoining sites being the MINZ, this error was identified in the JWS BCZ and corrected).
 - (d) Mr Badham supported the request to delete BCZ-R1(3) because he did not consider it was reasonable to enforce or confirm compliance.
 - (e) Mr Badham supported redrafting BCZ-R1(4) to incorporates elements of the deleted BCZ-R1(2) and to clarify the requirements.
554. In addition to the changes sought in submissions, Mr Badham made further recommendations, including adding a new clause to restrict the volume of excavated material (amended to be earthworks in the JWS BCZ) to 5,00m³ from a site in a calendar year (amended to be a 12-month period in the JWS#2). He considered this would ensure consistency across various zones and that it would be inappropriate to not set a limit.
555. Mr Badham also recommended the addition of a further clause that would not allow mineral prospecting or mineral exploration within Outstanding Natural Landscapes, Outstanding Natural Features; Historic Heritage sites; a Site or Area of Significance to Māori; a Significant Natural Area; or an area of High or Outstanding Coastal Natural Character, as a permitted activity. He did not consider it appropriate to have a permitted activity status for these activities in these environments.
556. Mr Badham recommended changing the activity status where compliance is not achieved from controlled to restricted discretionary. He considered that given the scope and breadth of the matters to be considered, the Council needed to have an ability to refuse a resource consent. As a consequential amendment, he recommended a new restricted discretionary rule and the deletion of BCZ-R5, which was the controlled rule for mineral prospecting and

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exploration. Mr Badham also recommended that where the new restricted discretionary activity rule could not be met, the activity status should become discretionary.

557. The s42A Report recommended that BCZ-R1 be amended as follows:

BCZ-R1 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

x. It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required;

1. ***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;
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);***
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~~ ***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 Extracting 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:***
 - a. ***An Outstanding Natural Landscape;***
 - b. ***An Outstanding Natural Feature;***
 - c. ***A Historic Heritage site;***
 - d. ***A Site or Area of Significance to Māori;***
 - e. ***A Significant Natural Area; or***
 - f. ***An area of High or Outstanding Coastal Natural Character.***

Advice Note

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.~~

Activity status where compliance not achieved: ~~Controlled~~ ***Restricted Discretionary***

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

558. The Panel notes that, while not specifically set out in this section of the s42A Report, necessary consequential amendments related to this recommended change in activity status will be addressed in appropriate sections of this report below.
559. The JWS BCZ records Mr Badham and Ms Hunter agreed that the rule should be redrafted to include the following:
- (a) The inclusion of clause x; and
 - (b) A 10 working day notice period;
 - (c) A 20m setback, (noting that there is error referring to the MINZ instead of the BCZ);
 - (d) 5,000m³ limit. The planners accepted that there was no particular justification for the limit. However, in the context of mineral exploration and prospecting, they agreed that a limit was appropriate. They also agreed that the language should be 'earthworks' and not 'excavation'.
 - (e) The deletion of the advice notes.
560. The planners did not agree on the activity status when compliance is not achieved. Ms Hunter recommended the controlled activity status should be retained and Mr Badham retained his recommendation to change the activity status to restricted discretionary.
561. The JWS BCZ recorded recommendation that BCZ-R1 be amended as follows:

BCZ-R1 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

x. It is authorised under a Mineral Prospecting or Mineral Exploration permit from New Zealand Petroleum and Minerals, where legally required;

1. ***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;***
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 BCZ- Buller Coalfield Zone);***
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 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 Exploration ceases;***
5. ***No more than 5,000m³ of earthworks is undertaken in a 12 month period per site; and***

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

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 Site or Area of Significance to Māori;**
 - e. **A Significant Natural Area; or**
 - f. **An area of High or Outstanding Coastal Natural Character.**

Advice Note

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.~~

*Activity status where compliance not achieved: ~~Controlled~~ **Restricted Discretionary (NB. Mr Badham's view)***

BCZ-R2 Mineral Extraction and Processing

562. Mr Badham acknowledged the submission point made by Bathurst that sought to retain the rule as notified. However, he noted his recommendations to amend the rule.
563. Mr Badham did not support Lynley Hargreaves' request to delete the rule, but recommended significant amendments.
564. In response to Minerals West Coast's request to delete Advice Note (3), Mr Badham supported the relief sought for the reasons previously set out in regard to the advice notes.
565. Mr Badham did not support Te Mana Ora's request to add a new clause to not allow prospecting or exploration within a Drinking Water Source Protection Zone for the same reasons given in relation to BCZ-R1.
566. In response to the remaining submission points¹⁴³, Mr Badham did not support any of the relief sought in full. However, considered the submission point made by Lynley Hargreaves that sought to delete the rule in full provided broad scope to amend the rule and the overall approach to mineral extraction and prospecting activities within the BCZ.
567. Similar to MINZ-R2, Mr Badham questioned whether the notified version of BCZ-R2 was 'vires' (lawful) because it was not clear and measurable and required judgment as to whether compliance is achieved or not. With respect to BCZ-R2(2)(a), BCZ-R2(2)(b), BCZ-R2(2)(c), BCZ-R2(3), BCZ-R2(4) and MINZ-R2(6), Mr Badham considered the clauses were ambiguous and that an element of discretion or judgement was required to determine compliance.
568. Mr Badham highlighted that the clauses of the rule that required judgement and were unsuitable for a permitted rule, including a Mineral Extraction Plan, an annual Environmental

¹⁴³ Lynley Hargreaves (S481.010), Buller District Council (S538.585), Brian Anderson (FS237.035, FS237.038)

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Monitoring Report and Annual Work Plan, a stakeholder liaison group and the registration of a bond. Based on this and in the context of the BCZ objectives and policies, he recommended amending the rule as follows:

- (a) Retain clause (1) with minor amendments to ensure the terminology is consistent with other rules in the Plan.
- (b) Delete clauses (2), (4) and (6) because they were *ultra vires* and not suitable for a permitted rule.
- (c) Retain clause (5) because it was clear and measurable, setting reasonable standards in relation to blasting and vibration.
- (d) Delete clauses (7) and (8) because they duplicated of other rules in the Plan.
- (e) Delete the advice notes.
- (f) Change the activity status when compliance is not achieved from controlled to restricted discretionary to enable an application to be refused.

569. As outlined above, Mr Badham also recommended a new restricted discretionary activity rule, with a discretionary activity status where compliance is not achieved.

570. The s42A Report recommended BCZ-R2 be amended as follows:

BCZ-R2 Mineral Extracting and Mineral Processing

Activity Status Permitted

Where:

1. ~~The Mineral Extraction and Mineral Processing is are lawfully established at the date of the Plan becoming operative [insert date]; and~~

~~2. Where the site is active, or intended to be active within the next 12 months:~~

~~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 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;~~

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

~~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 Mineral Extraction Management 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 Note:

~~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.~~

Activity status where compliance not achieved: ~~Controlled~~ **Restricted Discretionary**

571. The s42A Report recommended the consequential addition of a new restricted discretionary activity rule as follows:

BCZ – RX - Mineral Prospecting, Mineral Exploration, Mineral Extraction, Mineral Processing and ancillary activities not meeting Permitted Activity Standards

Activity Status Restricted Discretionary

Where:

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:**

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi

- a. An Outstanding Natural Landscape;
- b. An Outstanding Natural Feature;
- c. A Historic Heritage site;
- d. A Site or Area of Significance to Māori;
- e. A Significant Natural Area; or
- f. An area of High or Outstanding Coastal Natural Character.

Discretion is restricted to:

- a. The relevant matters within Appendix 7; and
- b. Suitable bond requirements;

Activity status where compliance not achieved: Discretionary

572. The s42A Report recommended the consequential addition of a new discretionary activity rule as follows:

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

573. The JWS BCZ records Mr Badham and Ms Hunter agreed that the rule should be redrafted to include the following:

- (a) The inclusion of a date in clause (1).
- (b) The inclusion of a BCZ specific schedule with all the relevant authorisations to make it clear what is currently 'lawfully established'.
- (c) The addition of a new clause to specifically require the activities to be undertaken in accordance with the relevant terms and conditions of the applicable authorisations.
- (d) One the basis of the addition of the above new clause, the deletion of clause (5) that relates to noise and vibration.
- (e) The deletion of the advice notes.

574. The planners did not agree on the activity status when compliance is not achieved. Ms Hunter considered that the controlled activity status should be retained, and Mr Badham retains his recommendation to change the activity status to restricted discretionary.

575. The JWS BCZ suggests that BCZ-R2 be amended as follows:

BCZ-R2 Mineral Extracting and Mineral Processing

Activity Status Permitted

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Where:

1. ~~The **Mineral** **e**Extraction and **Mineral** **p**rocessing is **are** lawfully established at the date of the Plan ~~becoming operative~~ **being notified [insert date] which are listed in Schedule X [BCZ specific schedule]; and**~~
- x. **Any Mineral Extraction and Mineral Processing activities must be undertaken in accordance with the relevant terms and conditions of the resource consents, Mining Licences or Permits that are listed in Schedule X [BCZ specific schedule]; and**
2. ~~Where the site is active, or intended to be active within the next 12 months:~~
 - 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 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 Mineral Extraction Management 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~~

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Advice Note:

- ~~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.~~

*Activity status where compliance not achieved:—Controlled—**Restricted Discretionary** (NB. Mr Badham’s view)*

BCZ-R3 Activities ancillary to lawfully established mineral extraction and processing

576. Mr Badham did not support Te Mana Ora’s request to add a new clause to not allow activities within a Drinking Water Source Protection Zone for the reasons outlined above.
577. In response to the remaining submission and further submission points¹⁴⁴ on this rule that all sought various amendments, Mr Badham did not support any of the relief sought by the submitters in full. However, he considered the submissions provided broad scope to make the following recommended amendments:
- (a) Retain clause (1), with minor amendments to clarify the wording and to ensure the terminology is consistent with other rules in the Plan.
 - (b) Delete clauses (2) and (3) and incorporate these into a standalone ‘*building rule*’ that applies to any buildings in the BCZ, not just those associated with ‘*Activities ancillary to lawfully established mineral extraction and processing*’.
 - (c) Delete clause (4) because traffic movements are controlled by the Transport Chapter (TRN-R12, which refers to TRN-S14, which includes a 30 movement trigger that is relevant to activities in the BCZ).
 - (d) Delete clause (5) because it is not clear or measurable in terms of its application as a permitted activity rule.
 - (e) Delete clause (6) because a bond requirement does not work as permitted activity standard and is *ultra vires*.
 - (f) Delete clauses (7) and (8) to avoid duplication of other rules in the Plan.
 - (g) Delete the advice notes.

¹⁴⁴ Lynley Hargreaves (S481.016), Bathurst Resources Limited and BT Mining Limited (S491.031, S491.049), Buller District Council (S538.586), Brian Anderson (FS237.041, FS237.042, FS237.043, FD237.044)

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(h) Change the activity status when compliance is not achieved from controlled to restricted discretionary.

578. As outlined above, Mr Badham also recommends a new permitted activity rule for buildings in the BCZ, transferring BCZ-R3(2) and (3) with minor rewording.

579. Mr Badham also recommended a new restricted discretionary activity rule (the same as recommended in relation to the amendments to BCZ-R2), where the activity status is discretionary when compliance is not achieved.

580. The s42A Report recommended BCZ-R3 be amended as follows:

BCZ-R3 Activities ancillary to lawfully established ~~m~~Mineral ~~e~~Extraction and ~~M~~ineral ~~p~~rocessing

Activity Status Permitted

Where:

1. ~~This~~ **The activities** includes **the** maintenance and operation of all roads, parking, buildings, coal haul road, aerial ropeway, water treatment facilities, railway loadout **areas** and structures existing at the date of notification of the Plan **that are lawfully established at the date the Plan becomes operative [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.~~

Advice Note:

~~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.~~

*Activity status where compliance not achieved: ~~Controlled~~ **Restricted Discretionary***

581. The s42A Report recommended the addition of a new permitted activity rule as follows:

BCZ-RX Any Buildings

Activity Status Permitted

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Where:

- 1. The maximum building height above ground level is 15m; and**
- 2. 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

582. The recommended consequential new restricted discretionary activity and discretionary activity rules are set out in the discussion related to BCZ-R2 above.
583. The JWS BCZ records Mr Badham and Ms Hunter agreed the rule should be redrafted to include the following:
- (a) The inclusion of a date in clause (1) that refers to the date the Plan was notified, rather than operative; and
 - (b) The deletion of all other clauses as outlined in the s42A Report; and
 - (c) The deletion of the advice notes.
584. The planners did not agree on the activity status when compliance is not achieved. Ms Hunter considered the controlled activity status should be retained and Mr Badham retained his recommendation to change the activity status to restricted discretionary.
585. Mr Badham made one change to his recommendation for BCZ-R3 related to the date reference in clause (1) as a result of the caucusing and the JWS BCZ.

BCZ-R4 Conservation, recreation and research activities

586. Mr Badham acknowledged the submission points from Te Mana Ora and BDC that sought to retain this rule. However, he noted his recommendation was to delete the rule as consequence of his earlier recommendations.
587. Mr Badham noted concern that the broad scope of the definitions for ‘*Conservation Activities*’, ‘*Recreation Activities*’ and ‘*Research Activities*’ raised the potential for reverse sensitivity issues if these were permitted in the BCZ. He considered including a permitted activity rule for these activities would be contrary to the direction of BCZ-P2; and noted there was no policy direction to support the specific inclusion of these activities. He therefore recommended that these activities would be more suitably considered as non-complying activities in accordance with BCZ-R7.
588. Mr Badham considered that there was scope to make the proposed recommendations, despite all the submissions received on this rule seeking its retention, because other generalised submissions were received to delete the BCZ Chapter in its entirety.
589. The s42A Report recommended deleting BCZ-R4 in its entirety.
590. The JWS for the BCZ records agreement between Mr Badham and Ms Hunter that ‘conservation, research and recreation activities’ should be provided for in the BCZ provided no ‘sensitive activities’ are included; and recommended amendments to achieve this.

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591. Mr Badham set out the following amendments to BCZ-R4 in the JWS BCZ:

BCZ-R4 Conservation, Recreation and Research Activities

Activity status: Permitted

Where:

1. **The conservation, recreation and research activities are lawfully established at the date of the Plan being notified [insert date]; and**
2. **Any conservation, recreation and research activities must be undertaken in accordance with the relevant terms and conditions of the resource consents, Mining Licences or Permits that are listed in Schedule X [BCZ Specific schedule];**
or
3. **Any new conservation, recreation and research activities do not contain sensitive activities.**

~~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~~ **Non-complying***

BCZ-R5 Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards

592. Mr Badham acknowledged the five submission points¹⁴⁵ (and five further submission points¹⁴⁶) that sought various amendments to the rule. However, he noted his earlier recommendation in relation to BCZ-R1, BCZ-R2 and BCZ-R3 that changed the activity status from controlled to restricted discretionary when compliance is not achieved. Due to those recommendations, Mr Badham recommended deleting BCZ-R5 in its entirety.

593. The s42A Report recommended that BCZ-R5 be deleted.

BCZ-R6 Mineral Extraction and Processing and Ancillary Activities not meeting Controlled Activity Standards

594. Mr Badham acknowledged the submission point from BDC that sought to retain the rule as notified and the three submission points¹⁴⁷ that sought amendments the submissions. He also acknowledged the four further submission points¹⁴⁸. However, he noted his earlier recommendation in relation to BCZ-R1, BCZ-2 and BCZ-R3 to change the activity status from controlled to restricted discretionary when compliance is not achieved. Due to those recommendations and the addition of a new restricted discretionary rule, Mr Badham recommended deleting BCZ-R6 in its entirety.

¹⁴⁵ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.259), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1099), Bathurst Resources Limited and BT Mining Limited (S491.050), Buller District Council (S538.588), Director General of Conservation (S602.224)

¹⁴⁶ Brian Anderson (FS237.046, FS237.047, FS237.048), Buller District Council (FS149.0147), Buller District Council (FS149.0147)

¹⁴⁷ Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.260), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.1100), Director General of Conservation (S602.225)

¹⁴⁸ Brian Anderson (FS237.049, FS237.050), Buller District Council (FS149.0148), Bathurst Resources Limited and BT Mining Limited (FS89.036)

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595. The s42A Report recommended that BCZ-R6 be deleted.

BCZ-R7 Residential Activities, Commercial Activities or Any activity not provided for in another rule in the zone

596. Mr Badham supported Te Mana Ora and BDC's request to retain the rule and acknowledged the further submission in opposition.

597. The s42A Report recommended retaining BCZ-R7 as notified.

598. However, the JWS BCZ records Mr Badham and Ms Hunter agreed that it was not necessary to specify 'residential activities' or 'commercial activities' in the rule title, and that these activities would be captured by 'any activity not provided for in another rule in the zone'. On this basis, the JSW BCZ recommended amending BCZ-R7 as follows:

BCZ-R7 ~~Residential Activities, Commercial Activities or Any activity not provided for in another rule in the zone~~

Activity status: Non-complying

Activity status where compliance not achieved: N/A

Hearing and Submitter Evidence/Statements

BCZ-R1 Mineral Prospecting and Exploration

599. Ms Lynch, for Poutini Ngāi Tahu, raised concerns regarding the s42A Report recommendation to add a restriction preventing the mineral prospecting or mineral exploration in a SASM for the same reasons outlined in relation to the MINZ rules. She confirmed Poutini Ngāi Tahu did not support the recommended amendments.

600. Ms Hunter, for Bathurst, did not support the two new additional clauses recommended in BCZ-R1. She considered the 5,000m³ volume limit was arbitrary and there was no explanation as to where it is derived from, while also noting that the reference to 'site' was likely to enable more excavation in circumstances where a land holding is comprised of multiple sites. She considered the new clause excluding prospecting or exploration from ONL, ONF and SNA because such areas would be subject to these overlays and would trigger a review of the provisions in the relevant chapter. She noted the BCZ was primarily designed to provide for mineral extraction activities and it should not be encumbered with overlays that directly conflict with the purpose of the zone.

601. Bathurst's legal submissions note similar concerns and supported retaining the default to a controlled activity where compliance is not achieved with the rule given this was the more cost-effective way to ensure the effective and appropriate management of the potential effects. The legal submissions also raised the question of scope and noted there was no submission seeking to introduce an earthworks standard in either the BCZ or the MINZ.

BCZ-R2 Mineral Extraction and Processing

602. Ms Hunter agreed in principle with Mr Badham's view that permitted activity rules need to be clear and measurable, with no judgement required as to whether or not compliance can be achieved. However, she considered that the ongoing operation of existing authorised mining activities needed to be factored into the permitted activity standards of the Plan.

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603. Ms Hunter generally supported the redrafting of BCZ-R2, as recommended in the s42A Report. However, she drew attention to the phrase ‘*lawfully established*’ and the other parts of her evidence that had challenged this definition. She noted that to fully support the redrafting, the definition of ‘*lawfully established*’ needed to be amended, as sought in the Bathurst submission, or direct references to the licences needed to be set out in the rule. Given the number of existing licences and permits, she suggested referencing these in a schedule.

604. Ms Hunter suggested redrafting BCZ-R2 as follows:

BCZ-R2

Activity Status Permitted

Where:

- 1. The Mineral Extraction and Mineral Processing activities are lawfully established at the date of the Plan becoming operative [insert date], which are listed in Schedule Nine.*
- 2. Any Mineral Extraction and Mineral Processing activities must be undertaken in accordance with the relevant terms and conditions of the Mining Licences or Permits that are listed in Schedule Nine.*

605. In suggesting the above wording, Ms Hunter acknowledged that Mr Badham’s recommendation to delete Schedule Nine, but noted that the Bathurst submission supported its retention.

606. The legal submissions for Bathurst reiterated the relevance of determining the definition of ‘*lawfully established*’, and the implication this had on the interpretation of this rule (and MINZ-R2). The submissions considered that a controlled activity would also be appropriate.

BCZ-R3 Activities ancillary to lawfully established mineral extraction and processing

607. Ms Hunter agreed in principle with Mr Badham’s recommendation to simplify this rule, as set out in the s42A Report. She agreed with deleting clauses (2) to (8). However, as suggested in relation to BCZ-R2, she considered that this rule should also reference the scheduled areas.

608. Ms Hunter suggested redrafting BCZ-R3 as follows:

BCZ-R3

Activity Status Permitted

Where:

- 1. The activities are either an activity listed in Schedule Nine or are ancillary to it and 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 becomes operate [insert date]*

609. Ms Hunter considered the other clauses of the rule, in case the Panel was minded to not accept the s42A Report recommendation, and identified potential conflicts in terms of existing

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buildings and compliance with the rule, as well as the number of traffic movements. She provided evidence on the number of existing traffic movements from the Stockton mine, which demonstrated that this would not comply with the 50 movements set out in the notified version of this rule.

610. Bathurst’s legal submissions noted the outcome of the redrafted version of the rule (and MINZ-R3) was flawed because all new ancillary activities that support existing mining activities would require a restricted discretionary resource consent. They also provided commentary on clause (4) in both BCZ-R3 and MINZ-R3 and requested this be amended to 50 heavy vehicle movements for consistency. The submissions referred to the Right of Reply for the Transport Chapter and drew the Panel’s attention to agreement in expert witness conferencing that the vehicle movement triggers for mining should be consistent.

BCZ-R4 Conservation, recreation and research activities

611. Ms Hunter shared Mr Badham’s view that recreational activities could generate reverse sensitivity issues in the BCZ. However, she considered that there were nuances to the zone that made it worth retaining the rule. She referred to the rehabilitation of mine sites and noted conservation, recreation and research activities could be appropriate in this zone.

Reporting Officer Reply Evidence

612. As noted above in relation to the MINZ Chapter, Mr Badham revisited the use of advice notes in his Right of Reply. He reiterated his view that the advice note (and the general note) should be deleted from the BCZ Chapter because of the subtle differences in the wording that create uncertainty and a lack of clarity regarding the application of the advice.
613. Mr Badham accepted that there was an overlap between the BCZ Chapter and SASM-R7 and he acknowledged his recommended addition to BCZ-R1 had implications for the enabling provisions in the Plan relating to the extraction of pounamu by Poutini Ngāi Tahu. For this reason, he recommended a new advice note to be included in BCZ-R1 and the newly recommended restricted discretionary rule, as follows:

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.

Hearing Panel’s Evaluation

BCZ Rules (General)

614. The Panel considers the general note at the beginning of the BCZ rules is consistent with other similar notes at the beginning of the rule section in other chapters of the Plan and should therefore remain for consistency with the Plan-wide approach. Similarly, we consider the advice note referencing compliance with rules in the relevant overlay chapters is consistent with the Plan-wide approach. We therefore recommend the general note and advice note referencing the overlay chapters and restrictions on earthworks within 100m of wetlands are retained as notified.
615. The Panel considers that provision must be made for the use of land after mining has ceased and the land has been rehabilitated.

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616. The Panel agrees with Mr Badham that some of the permitted activities rules, as notified, were unlawful by including standards that require an element of discretion or judgement as to whether they are complied with. We agree that permitted activity standards must be clear and certain. The Panel also consider that permitted activity standards should be limited to matters within RMA jurisdiction, recognising that permits issued under the CMA have a separate purpose.
617. The Panel agrees with Mr Badham’s overall approach to the BCZ rules to provide for exploration and prospecting activity and existing lawfully established extraction and processing and ancillary activities within the BCZ as permitted activities.

BCZ-R1

618. The Panel agree with Mr Badham that is appropriate to provide for some mineral prospecting and exploration activities as a permitted activity in the BCZ.
619. The Panel accepts the recommended amendments to BCZ-R1, as shown in Appendix 1 of the Right of Reply, for the reasons outlined by Mr Badham.
620. The Panel agree with Mr Badham that is appropriate to provide for mineral prospecting and exploration activities as a permitted activity in the BCZ. The Panel does not agree that it is appropriate to reference CMA permits in the permitted activity rule because these are outside the jurisdiction of the RMA. The Panel agree with and accept the BDC submission points regarding notification to the Council and boundary setback.
621. The Panel do not consider recommended clauses (5) and (6) are necessary. The Panel has been unable to identify the origins of 5,000m³ as a figure for excavation, and do not necessarily agree with Mr Badham that there is a need for consistency with other chapters of the Plan. We consider it appropriate for these activities to be permitted within the BCZ, given the purpose of the zone and basis for inclusion of areas within the zone. We consider that requirements for rehabilitation within the rule will manage potential adverse effects of what are expected to be localised and sporadic activities.
622. The Panel also consider that provisions in the overlay chapters managing matters of national importance will apply to activities in the BCZ, with the ECO Chapter being most relevant in the area of activity, such that it is not necessary for these matters to be specified in the BCZ permitted activity rule. If consent is required due to provisions in the ECO Chapter, this will over-ride the BCZ permitted activity because the BCZ Chapter is not “stand alone”.
623. As noted above in relation to BCZ-P5, Minerals West Coast’s submission point (S569.004) seeks clarification of the meaning of ‘*original condition*’. The Panel agrees this wording is unclear and consider this should be replaced with ‘*condition prior to activity occurring*’. We consider it is appropriate to make consequential amendments to replace ‘*original condition*’ where this is used in other mineral extraction provisions.
624. Similar to MINZ-R1, the Panel recommend that non-compliance with the rule should default to controlled activity status because of the nature of the activities and the purpose of the zone.

BCZ-R2

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625. The Panel accept that Mr Badham has identified amendments to this rule that ensure it is no longer *ultra vires*. The Panel have considered adopting his recommendation with minor modifications; however, we note that this would create a rule that is both harmless and pointless. Ultimately, it is not efficient or effective to include a rule that has no discernible purpose, because Bathurst must already rely on its existing resource consents and licences. For similar reasons as MINZ-R2, the Panel recommend deleting this rule.

BCZ-R3

626. The Panel accepts the recommended amendments to notified BCZ-R3, as shown in Appendix 1 of the Right of Reply, for the reasons outlined by Mr Badham.

627. We accept that these deletions are consequential to Mr Badham’s recommendation to remove inappropriate and *ultra vires* permitted activity standards that are recommended to be matters of discretion in the new restricted discretionary rule. We accept these changes are within the scope of submissions seeking the deletion of permitted activities within the BCZ.

628. However, the Panel consider that ancillary activities can be considered as controlled activities rather than defaulting to restricted discretionary activity classification given the purpose of the zone, and that these activities complement mineral extraction and processing activities that are already consented or licenced.

BCZ-R4

629. The Panel agree that the Plan should provide for conservation, research and recreation activities.

630. The Panel disagree with the recommendations of Mr Badham and do not consider that there is any need to amend this rule given that submitters supported the rule as notified.

BCZ-R5

631. The Panel consider that controlled activity status is appropriate for ancillary activities that do not meet permitted activity standards, on the basis that these are complementary to already consented or licenced mineral extraction and processing activities. The Panel prefer the wording as notified, with amendments to remove references to mineral extraction and processing activities and their effects as matters of control, and modification in response to submission from the Director General of Conservation and submitters seeking to manage the effects of mineral extraction and processing. The Panel consider it is appropriate to rely on the ECO Chapter provisions in relation to effects on indigenous biodiversity. However, given there has not yet been a SNA assessment undertaken, we consider part of clause (1)(i) should remain but should include ‘*or area of significant indigenous biodiversity*’ in response to the submission from Buller District Council. We consider this is consistent with our recommendations in the ECO Chapter and MINZ-R6.

BCZ-R6

632. The Panel recommend retaining this rule in relation to mineral extraction and processing activities. We consider this responds to the Director General submission and submitters seeking to manage the effects of mineral extraction and processing. The Panel accept the submission points of the Director General and Poutini Ngāi Tahu regarding matters for

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discretion. We consider that the rule also needs to reference mineral prospecting and exploration activities and ancillary activities that do not meet controlled activity standards because of the classifications for non-compliance in recommended changes to BCZ-R1 and notified BCZ-R5.

BCZ-R7

633. The Panel accepts Mr Badham’s recommended amendments to rule BCZ-R7, as shown in Appendix 1 of the Right of Reply, which clarify that any activities not provided for in the BCZ are non-complying activities.

New Rules

634. The Panel considers the new rules recommended by Mr Badham are not required in light of other recommendations of the Panel in relation to the suite of rules.

S32AA Analysis

635. The primary changes to the suit of rules are the removal of BCZ-R2. The Panel consider this will have minimal impact on the costs for mineral extraction and processing activities, which can continue to rely on existing resource consents and licences and the objectives and policies of the zone. The Panel consider this improves the efficiency and effectiveness of the Plan, and will provide for land use that benefits the local and regional economy, while managing a range of effects.

Hearing Panel’s Recommendation

636. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommend changes to the **Buller Coalfield Zone Rules** as follows:

Buller Coalfield Zone 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.	
Permitted Activities	
BCZ-R1	Mineral Prospecting and <u>Mineral</u>¹⁴⁹ Exploration
Activity Status Permitted	
Where:	

¹⁴⁹ RMA First Schedule Clause 16(2)

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1. **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;¹⁵⁰
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;~~¹⁵¹
2. **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)**;¹⁵²
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~~¹⁵³
4. The site shall be **is progressively** rehabilitated as **much far** as **is** practicable to its original condition **prior to the activity occurring,**¹⁵⁴ **with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral Exploration ceases;**¹⁵⁵

Advice Note:

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.

Activity status where compliance not achieved: Controlled

BCZ R2 Mineral Extraction and Processing

Activity Status Permitted

Where:

1. ~~The mineral extraction processing is lawfully established at the date of the Plan becoming operative;~~
2. ~~Where the site is active, or intended to be active within the next 12 months:~~
 - 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 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;~~

¹⁵⁰ Buller District Council S538.584

¹⁵¹ Buller District Council S538.584

¹⁵² Buller District Council S538.584

¹⁵³ Buller District Council S538.584

¹⁵⁴ Minerals West Coast S569.004

¹⁵⁵ Buller District Council S538.584

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- ~~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:

- ~~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. 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.~~
- ~~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.~~

Activity status where compliance not achieved: Controlled¹⁵⁶

¹⁵⁶ Lynley Hargreaves (S481.015)

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BCZ-R32	Activities ancillary to lawfully established mMineral eExtraction and Mineral pProcessing¹⁵⁷
Activity Status Permitted	
Where:	
<p>This <u>The activities</u> includes <u>the</u> maintenance and operation of all roads, parking, buildings, coal haul roads, aerial ropeway, water treatment facilities, railway loadout <u>areas</u> and structures existing at the date of notification of the Plan <u>that are lawfully established.</u>¹⁵⁸</p>	
<ol style="list-style-type: none"> 1. Maximum building height above ground level is 15m; 2. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries; 3. There is a maximum of 50 heavy vehicle movements per day (excluding heavy vehicle movements within the site); 4. There shall be no offensive or objectionable dust nuisance at or beyond the zone boundary as a result of the activity; 5. A bond is in place with the Buller District Council; 6. Noise meets the Permitted Activity Standards in Rule NOISE R10; and 7. Light and glare meet the Permitted Activity standards in Rule LIGHT R4. 	
Advice Notes:	
<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. 	
Activity status where compliance not achieved: Controlled	
BCZ-R43	Conservation, recreation and research activities
Activity Status Permitted	
Where:	
<ol style="list-style-type: none"> 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	
Controlled Activities	

¹⁵⁷ RMA First Schedule Clause 16(2)

¹⁵⁸ Lynley Hargreaves S481.016.

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BCZ-R54 Mineral Prospecting and Exploration, ~~Mineral Extraction and Processing~~ and Ancillary Activities not meeting Permitted Activity Standards¹⁵⁹

Activity Status Controlled

Where:

1. This does not occur within:
 - i. An area of indigenous vegetation greater than 5000m² in size that has not been assessed for its significance; or
 - ii. or area of significant indigenous biodiversity.¹⁶⁰
2. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and
3. This includes all earthworks associated with the ~~mineral extraction and ancillary~~ activities.

Matters of control are:

- a. Management of access, parking and traffic generation effects from the site;
- b. Noise, glare, light, dust and vibration management;
- c. Hours of operation;
- d. Hazardous substances and waste management;
- e. Extent and design of earthworks;
- f. Effects on ecological values including any threatened fauna or their habitats; Management of effects on natural character, landscape and indigenous biodiversity
- g. Design and location of ancillary buildings, structures and infrastructure;
- ~~h. Overburden management;~~¹⁶¹
- ~~i. Monitoring, reporting and community liaison requirements;~~¹⁶²
- ~~j. Financial contributions and any requirement for bonds; and~~¹⁶³
- k. Site rehabilitation and mine closure requirements.¹⁶⁴

¹⁵⁹ Consequential amendment Katherine Gilbert S473.006 and S473.004, John Caygill S290.005, Heather Muir S385.002, Buller Conservation Group S552.189, Frida Inta S553.189, Royal Forest & Bird Protection Society Inc. S560.015, Brian Anderson S576.020, Suzanne Hills S443.053, Clare Backs S444.014.

¹⁶⁰ Buller District Council S602.588

¹⁶¹ Consequential amendment arising from recommendation regarding status of mineral extraction activities

¹⁶² Consequential amendment arising from recommendation regarding status of mineral extraction activities

¹⁶³ Consequential amendment arising from recommendation regarding status of mineral extraction activities

¹⁶⁴ Consequential amendment arising from recommendation regarding status of mineral extraction activities

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I. Historic heritage and Poutini Ngāi Tahu values

~~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.~~¹⁶⁵

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

BCZ-R65 Mineral Extraction and Processing and Mineral Prospecting and Exploration and Ancillary Activities not meeting Controlled Activity Standards¹⁶⁶

Activity Status Restricted Discretionary

Where:

1. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and
2. This includes all earthworks associated with the mineral extraction and ancillary activities.

Discretion is restricted to:

- a. Management of access, parking and traffic generation effects 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~~ **and Poutini Ngāi Tahu values**,¹⁶⁷
- f. Extent and design of earthworks and indigenous vegetation clearance;
- g. ~~Effects on ecological values including any threatened fauna or their habitats~~ **Management of effects on natural character, landscape and indigenous biodiversity**;¹⁶⁸
- h. ~~Design and location of ancillary buildings, structures and infrastructure~~;¹⁶⁹
- i. Overburden management;

¹⁶⁵ Director General of Conservation S602.224, Katherine Gilbert S473.006 and S473.004, John Caygill S290.005, Heather Muir S385.002, Buller Conservation Group S552.189, Frida Inta S553.189, Royal Forest & Bird Protection Society Inc. S560.015, Brian Anderson S576.020, Suzanne Hills S443.053, Clare Backs S444.014.

¹⁶⁶ Director General of Conservation S602.225, Katherine Gilbert S473.006 and S473.004, John Caygill S290.005, Heather Muir S385.002, Buller Conservation Group S552.189, Frida Inta S553.189, Royal Forest & Bird Protection Society Inc. S560.015, Brian Anderson S576.020, Suzanne Hills S443.053, Clare Backs S444.014, and consequential amendment arising from recommendation on BCZ-R1

¹⁶⁷ Te Rūnanga o Ngāi Tahu, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.260

¹⁶⁸ Director General of Conservation S602.225

¹⁶⁹ Te Rūnanga o Ngāi Tahu, Te Rūnanga of Ngāti Waewae and Te Rūnanga o Makaawhio S620.149

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- j. Monitoring, reporting and community liaison requirements;
- k. Financial contributions and any requirement for bonds; and
- l. Site rehabilitation and mine closure requirements.

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.

Activity status where compliance not achieved: N/A

Non-complying Activities

BCZ-R76 Residential Activities, Commercial Activities or¹⁷⁰ Any activity not provided for in another rule in the zone

Activity Status Non-complying

Activity status where compliance not achieved: N/A

8. OPEN SPACE AND RECREATION ZONES

8.1. Open Space and Recreation Zones Objectives and Policies

Submissions and Further Submissions

637. Thirty-five submission points and nine further submission points relating generally to **OSRZ-P14** were summarised in a Table on page 186-190 of the s42A Report. Sixteen submission points sought to retain the policy as notified, two opposed the policy and seventeen sought amendments. Six of the further submissions supported submission points seeking to amend the policy, one opposed a supporting submission, one supported a supporting submission, and one opposed a submission seeking amendment.

Section 42A Report

OSRZ-P14

638. Mr Badham acknowledged the submission points¹⁷¹ made by various submitters that sought to retain OSRZ-P14. He also acknowledged the further submissions from GDC (in support) and Forest and Bird (in opposition) in relation to the Newcastle Resources submission. However, he noted his recommended amendments in response to other submissions.

¹⁷⁰ Consequential amendment to reflect the rule framework

¹⁷¹ Frida Inta (S553.161), Minerals West Coast (S569.034, S569.039 and S569.041), Newcastle Resources Limited (S191.003), Phil and Helen Cook (S600.003), Alvin & Kay Godfrey (S580.006), Anna & Jeremy Hart (S582.003), Steve and Anne Staples (S584.003), Tim Burden (S585.003), Tane & Rachel Little (S586.003), Linda Elcock (S587.003), Marty & Nicky Von Ah (S588.003), Charmaine Michell (S589.003) and Paula Jones (S590.003), Papahaua Resources Limited (S500.008)

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639. Mr Badham did not support Craig Schwitzer’s request to remove all provisions relating to mineral extraction in the Open Space and Recreation Zone (ORSZ) because he considered it was inappropriate to delete all mineral extraction provisions.
640. In response to the remaining submission and further submission points¹⁷² that all sought various amendments to Policy OSRZ-P14, Mr Badham has considered them as a group and given the broad scope, he recommended the following amendments:
- (a) Changing the language in the first sentence to use defined terms and extend the policy to include mineral prospecting and mineral exploration, as well as mineral extraction.
 - (b) Deleting clause (a) as requested¹⁷³ to avoid duplication with clause (c).
 - (c) Deleting clause (b) as requested¹⁷⁴ because there is no reference to an Open Space Management Plan in the rules.
 - (d) Amending to clause (c) to replace ‘avoid, mitigated, remedied, offset or compensated’ with ‘managed’, which is consistent with previous recommendations.
 - (e) Amending to clause (d) to be consistent with recommendations to policies MINZ-P3 and BCZ-P3.
641. The s42A Report recommended amending OSRZ-P14 as follows:

*Provide for ~~mineral extraction~~ **Extraction, Mineral Prospecting and Mineral Exploration** activities within the OSZ - Open Space Zone where:*

- a. ~~Impacts on open space and recreation values of the site are minimised;~~*
- b. ~~This is provided for within any Open Space Management Plan for the area;~~*
- c. Adverse effects on open space and recreation values and the environment are ~~avoid, mitigated, remedied, offset or compensated~~ **managed**; and*
- d. Sites **or areas** are rehabilitated at the ~~end~~ **completion of the any** mineral extraction ~~activity~~ **activities** to enable the land to be used for ~~an appropriate activity~~ **future use and activities appropriate to the area.***

Hearing and Submitter Evidence/Statements

¹⁷² Buller Conservation Group (S552.163), Frida Inta (S553.163), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.101), Birchfield Coal Mines Ltd (S601.079), Birchfield Ross Mining Limited (S604.070), Phoenix Minerals Limited (S606.056) and Whyte Gold Limited (S607.054), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.610), New Zealand Coal & Carbon Limited (S472.026), Straterra (S536.054), Bathurst Resources Limited and BT Mining Limited (S491.036, S491.037, S491.038, S491.039), Terra Firma Mining Limited (S537.021), Director General of Conservation (S602.187 and S602.201), Forest & Bird (S560.346), WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.063), Terra Firma Mining Ltd (FS108.003, FS108.004), Buller District Council (FS149.041, FS149.042, FS149.043, FS149.044)

¹⁷³ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.101), Birchfield Coal Mines Ltd (S601.079), Birchfield Ross Mining Limited (S604.070), Phoenix Minerals Limited (S606.056), Whyte Gold Limited (S607.054), Bathurst Resources Limited and BT Mining Limited (S491.037), Terra Firma Mining Limited (S537.021) Buller District Council (FS149.042)

¹⁷⁴ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.101), Birchfield Coal Mines Ltd (S601.079), Birchfield Ross Mining Limited (S604.070), Phoenix Minerals Limited (S606.056), Whyte Gold Limited (S607.054), New Zealand Coal & Carbon Limited (S472.026), Straterra (S536.054) and Bathurst Resources Limited and BT Mining Limited (S491.038), Terra Firma Mining Ltd (FS108.004) and Buller District Council (FS149.043)

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

642. Mr McEnaney, for GDC, confirmed that he supported the s42A Report recommendation for Policy OSRZ-P14.
643. Ms Smith, for Terra Firma Mining Limited, confirmed that the recommendations in the s42A Report were accepted by the submitter.
644. Ms Hunter, for Bathurst, confirmed she supported the s42A Report recommended amendments, but noted the recommendation to delete clause (b) was not reflected Appendix 1.

Reporting Officer Reply Evidence

645. Mr Badham made further recommendations in relation to OSRZ-P14 in the Right of Reply.

Hearing Panel's Evaluation

646. The Panel accepts Mr Badham's recommended amendments as shown in Appendix 1 of the Right of Reply. We accept this includes deleting clause (b) as recommended in paragraph 442 of the s42A Report. We recommend minor wording changes to clause (d) (now clause (b)) to be consistent with the wording used in the equivalent policies in the MINZ, BCZ and OSRZ chapters.
647. The Panel accepts in part the Director General's submission point (S602.201) to include a new clause addressing adverse effects on areas and values identified in the schedules and overlays. However, this does not address the protection of significant ecological values that have yet to be identified in a regional or district plan using the ecological significance of the RPS or NPSIB.
648. The Panel agree with Forest and Bird (S560.346) that in providing for mineral extraction significant natural values must be protected and indigenous biodiversity must be maintained to give effect to RMA s6(c) and the RPS Chapter 7, Objectives 2 and 4. Chapter 7, Objectives 2 and 4, which give effect to s6(c), must be achieved regardless of whether SNA have been identified (RPS Chapter 7, Objective 1) in regional or district plans or not; and while also providing for sustainable subdivision, use and development (RPS Chapter 7 Objective 3).
649. For these reasons, the Panel recommends adding a new clause requiring the protection of the areas and values identified in Schedules One to Eight; and a new clause requiring the protection of significant ecological values and the maintenance of indigenous biodiversity to give effect to the RMA and RPS. The Panel consider this is also consistent with the key objective of the NPSIB.

Hearing Panel's Recommendation

650. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **OSRZ-P14**:

OSRZ-P14	Provide for m Mineral e Extraction, Mineral Prospecting and Mineral Exploration ¹⁷⁵ activities within the OSZ – Open Space Zone where:
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¹⁷⁵ Bathurst Resource Limited and BT Mining Limited S491.036

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- a. ~~Impacts on open space and recreation values of the site are minimised;~~¹⁷⁶
- b. ~~This is provided for within any Open Space Management Plan for the area;~~¹⁷⁷
- e. ~~a. Adverse effects on open space and recreation values and the environment are avoid, mitigated, remedied, offset or compensated~~ **managed;**
- ~~b. Sites are rehabilitated at the end of the when mineral extraction activities cease~~¹⁷⁸ **to enable the future land uses and activities to be used for an appropriate activity to the area.**¹⁷⁹
- e. ~~c. Areas and values identified in Schedules One to Eight and the Overlay Chapters are protected;~~¹⁸⁰
- e. ~~d. Significant ecological values are protected and indigenous biodiversity is maintained.~~¹⁸¹

8.2. Open Space Zone Rules

Submissions and Further Submissions

651. Twelve submission points and seven further submission points relating generally to **OSZ-R11** were summarised in a Table on page 192-194 of the s42A Report. Two submission points sought to retain the rule as notified, two opposed the rule, seven sought amendments and one didn't state their position. Six of the further submissions opposed a submission point opposing the rule and one opposed a submission seeking amendment.
652. Twenty-one submission points and one further submission points relating generally to **OSZ-R19** were summarised in a Table on page 197-200 of the s42A Report. Ten submission points sought to retain the rule as notified, one opposed the rule, nine sought amendments and one didn't state their position. The further submission opposed a submission point seeking amendment.
653. Nineteen submission points and one further submission points relating generally to **OSZ-R22** were summarised in a Table on page 202-204 of the s42A Report. Eight submission points sought to retain the rule as notified, two opposed the rule, nine sought amendments. The further submission supported a submission point seeking amendment to the heading of the rule.

Section 42A Report

OSZ-R11 Mineral Prospecting and Mineral Exploration

¹⁷⁶ WMS Group (HQ) Limited and WMS Land Co. Limited S599.101, Birchfield Coal Mines Limited S601.079, Birchfield Ross Mining Limited S604.070, Phoenix Minerals Limited S606.056, Whyte Gold Limited S607.054, Bathurst Resource Limited and BT Mining Limited S491.037, Terra Firma Mining Limited S537.021

¹⁷⁷ WMS Group (HQ) Limited and WMS Land Co. Limited S599.101, Birchfield Coal Mines Limited S601.079, Birchfield Ross Mining Limited S604.070, Phoenix Minerals Limited S606.056, Whyte Gold Limited S607.054, New Zealand Coal & Carbon Limited S472.026, Bathurst Resource Limited and BT Mining Limited S491.038

¹⁷⁸ Consequential amendment Terra Firma Mining Limited S537.021

¹⁷⁹ Consequential amendment Alistair Cameron S452.001

¹⁸⁰ Director General of Conservation S602.201, Royal Forest and Bird Protection Society S560.346

¹⁸¹ Director General of Conservation S602.201, Royal Forest and Bird Protection Society S560.346

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654. Mr Badham acknowledged the submission points that sought to retain the rule as notified made by Rocky Mining Limited and Bathurst. However, he noted his recommended amendments in response to other submissions.
655. Mr Badham did not support Te Mana Ora’s request to add an additional clause to the rule because he considered the requested wording was inappropriate for a permitted activity rule and the wording was more suited to a policy.
656. In response to the submission point made by Lynley Hargreaves that sought to put similar limits on prospecting and exploration as in the Westland District Plan, Mr Badham acknowledged the submission. However, due to insufficient detail in the submission he did not recommend any amendments.
657. In response to the submission points made by New Zealand Coal and Carbon Limited and Straterra that sought to increase the timeframe in clause (3) to one year, Mr Badham did not support the relief sought. He considered there was insufficient justification for the relief requested.
658. Mr Badham supported the relief sought by Straterra to remove the 100m wetland setback reference in Advice Note (3). Similar to the recommendations in the MINZ and BCZ chapters, Mr Badham recommended deleting the advice note in its entirety, along with Advice Notes (1) and (2). As for the other zones, he considered the advice notes duplicated what was already stated in the Overview and it was unnecessary to inconsistently repeat them as advice notes.
659. Mr Badham did not support Forest and Bird’s request (S560.361) to delete the permitted activity (and restricted discretionary activity) rule in this zone because he considered there should be a permitted activity rule for Mineral Prospecting and Mineral Exploration where these meet applicable standards. Notwithstanding this, Mr Badham did support deleting the restricted discretionary activity status and recommended that where the permitted activity standard was not met, the activity status should be discretionary. This was discussed further in reference to OSZ-R19, but given the large number of matters of discretion, Mr Badham suggested the activity should be full discretionary.
660. In response to the submission point made by Queenstown Lakes District Council that sought clarification regarding undertaking mining activities in or on Outstanding Natural Landscapes or Outstanding Natural Features, Mr Badham agreed that clarification was necessary. He recommended a new clause that stated Mineral Prospecting or Mineral Exploration in the sensitive areas is not permitted.
661. Mr Badham did not support Forest and Bird’s request (S560.591) for at least a discretionary activity consent to be required for all mining activities because he considered there should be a permitted activity rule for Mineral Prospecting and Mineral Exploration where it met applicable standards. He also did not support Forest and Bird’s request (S560.592) that an ecological assessment be provided in accordance with Appendix 1 of the WCRPS because he considered this type of information requirement was not appropriate in this rule and should be assessed on a case by case basis, if resource consent is triggered.

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

662. Mr Badham did not support the relief sought by Forest and Bird (S560.593) to add an advice note related to the clearance of vegetation. As set out above, he considered it was unnecessary as the content of the advice was already contained in the Overview.
663. Mr Badham recommended the following additional amendments to ensure consistency with his recommended changes in the equivalent rules in the MINZ and BCZ chapters:
- (a) Amending clauses (1) and (2) for consistency and readability.
 - (b) Replacing the notified wording clause (3) to refer to a 20m setback from site boundaries to managing potential effects associated with adjoining properties.
 - (c) Redrafting of the clause (4) to be clearer with regard to the requirements for rehabilitation.
 - (d) Deleting clause (5) and the adding a new clause to reference sensitive environments.
664. The s42A Report recommended amending Rule ORZ-R11 as follows:

ORZ-R11 – Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. *This is authorised under a **mineral** prospecting or **mineral** exploration permit from ~~NZPAM~~ **New Zealand Petroleum and Minerals, where legally required;***
2. *~~Written~~ **Notice** is provided to the relevant District Council ~~Consent Authority~~ 10 working days prior to the ~~any works~~ **mineral prospecting or mineral exploration** commencing;*
3. *~~Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred~~ **Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary;***
4. *The site ~~shall be~~ **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:***
 - a. ***An Outstanding Natural Landscape;***
 - b. ***An Outstanding Natural Feature;***
 - c. ***A Historic Heritage site;***
 - d. ***A Site or Area of Significance to Māori;***
 - e. ***A Significant Natural Area; or***

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f. An area of High or Outstanding Coastal Natural Character.

~~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 Note:

~~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.~~

Activity status where compliance not achieved: Restricted-Discretionary

OSZ-R19 Mineral Extraction Activities and Mineral Prospecting and Exploration not meeting Permitted Activity Standards

665. Mr Badham acknowledged the submission points¹⁸² that sought to retain the rule as notified. However, he noted his recommendation to make amendments that respond to other submissions.
666. The s42A Report did not respond to the submission point from Forest and Bird (S560.594) that sought to require an ecological assessment be provided in accordance with Appendix 1 of the WCRPS. However, this was addressed in relation to OSZ-R11, which was to not support the relief sought because this type of information requirement is not appropriate in this rule, and it should be considered and assessed on a case by case basis, if resource consent is triggered.
667. Mr Badham did not support the relief sought by Forest and Bird (S560.595) to add an advice note in relation to the clearance of vegetation because this was unnecessary
668. In response to the GDC's request to remove the reference to 'Site or Area of Significance to Māori' (opposed in a further submission by Poutini Ngāi Tahu), Mr Badham noted this reference was no longer required given his recommendation to change the activity status of the rule from restricted discretionary to discretionary. He made a similar response to the submission point made by Queenstown Lakes District Council that sought clarification regarding undertaking mining activities in or on Outstanding Natural Landscapes or Outstanding Natural Features.

¹⁸² WMS Group (HQ) Limited and WMS Land Co. Limited (S599.103), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.654), Rocky Mining Limited (S474.021), Birchfield Coal Mines Ltd (S601.081), Papahaua Resources Limited (S500.009), Trevor Thorpe (S528.003), John Thorpe (S529.003), Phoenix Minerals (S606.057), Whyte Gold Limited (S607.056) and Birchfield Ross Mining Limited (S604.071)

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669. In response to the other submission points¹⁸³ that sought to amend or add matters of discretion, Mr Badham again noted his recommendation to change the overall activity status to discretionary.
670. Mr Badham supported in part Forest and Bird’s request to delete the restricted discretionary activities and make mining activities have at least a discretionary activity. He supported deleting the restricted discretionary activity status, but considered there was justification for some permitted activities.
671. Mr Badham partly supported the Director General’s request (S602.216) to change the activity status for OSZ-R19 to discretionary and noted the changes to the matters of discretion were therefore not required. He also did not support the Director General’s request to change the activity status from discretionary to non-complying where compliance is not achieved because he considered that would be inconsistent with OSRZ-P14, which seeks to provide for mineral extraction activities.
672. Mr Badham supported changing the activity status of the rule to discretionary due to the long list of matters of discretion and making it simpler to make the activity fully discretionary.
673. Mr Badham did not support changing the matters of discretion to assessment criteria because that was inconsistent with the architecture of the pTTPP, and unnecessary as the matters can be considered on a case by case basis regardless of whether they are listed.
674. Mr Badham acknowledged the submission point made by Patrick Cooper that sought to provide for mineral extraction activities in the Paparoa Ranges. He did not support any specific amendments to provide for the submitter’s relief.
675. The s42A Report recommended that ORZ-R19 be amended as follows:

*ORZ-R19 – Mineral Extraction ~~Activities~~ and Mineral Prospecting and **Mineral** Exploration not meeting Permitted Activity Standards*

Activity Status ~~Restricted~~ Discretionary

Where:

~~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]~~

Discretion is restricted to:

- 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;*

¹⁸³ Buller Conservation Group (S552.165), Frida Inta (S553.165), Te Runanga o Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio (S620.217)

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- 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.*

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.

Activity status where compliance not achieved: Discretionary N/A

OSZ-R22 Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards

676. Mr Badham acknowledged the submission points¹⁸⁴ that sought to retain the rule as notified. However, he noted his recommendation to delete the rule, which was consequential to the recommendation to amend OSZ-R19.
677. Mr Badham also acknowledged the submission points that sought various amendments to the rule. However, consequential to the recommendation for OSZ-R19, Mr Badham recommended deleting OSZ-22.
678. The s42A Report recommended that ORZ-R22 be deleted in its entirety.

Hearing and Submitter Evidence/Statements

OSZ-R11 Mineral Prospecting and Mineral Exploration

679. Mr McEnaney, for GDC, confirmed support for the notified version of this rule. However, the Panel notes GDC did not make a specific submission point on OSZ-R11.
680. Ms Inta confirmed her objections to this rule were for the same reasons given in relation to the similar rules in the MINZ and BCZ chapters.
681. Ms Hunter, for Bathurst, noted concern in relation to the proposed excavation limit of 5,000m³, particularly given its application was on a per site basis. She cited the same reasons as provided in relation to the BCZ Chapter. She considered the additional clause restricting work in the scheduled areas would be better placed in the Overlay chapters of the Plan.

OSZ-R19 Mineral Extraction Activities and Mineral Prospecting and Exploration not meeting Permitted Activity Standards

¹⁸⁴ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.104), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.657), Birchfield Coal Mines Ltd (S601.082), Birchfield Ross Mining Limited (S604.072), Phoenix Minerals Limited (S606.058), Whyte Gold Limited (S607.057) and Minerals West Coast (S569.011), New Zealand Coal & Carbon Limited (S472.031)

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682. Mr McEnaney, for GDC, confirmed support for the notified version of this rule.
683. Ms McKenzie, for WMS Group, disagreed with the s42A Report recommendation to change the activity status of this rule from restricted discretionary to discretionary. She did not agree that a long list of matters of discretion justified making the rule fully discretionary. She considered a restricted discretionary activity status indicated that mining activities were anticipated in the zone, provided that certain effects (the matters of discretion) are managed. She supported retaining OSZ-R19 as notified.

OSZ-R22 Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards

684. Mr McEnaney, for GDC, confirmed support for the notified version of this rule. However, the Panel notes GDC did not submit on this rule.
685. Ms McKenzie, for WMS Group, disagreed with the s42A Report recommendation, which aligned with her evidence in regard to OSZ-R19.

Reporting Officer Reply Evidence

686. In response to questions from the Panel (Minute 32), Mr Badham revisited the use of advice notes in his Right of Reply. His opinion on this matter is set out in the sections of this decision relating to the MINZ Chapter. The same approach has been applied to the advice notes and the overlap with Rule SASM-R7 for OSZ-R11, as taken in relation to the MINZ and BCZ rules.

Hearing Panel's Evaluation

687. The Panel accepts the recommended amendments shown in Appendix 1 of the Right of Reply, for the reasons outlined by Mr Badham, subject to the further changes outlined below.
688. The Panel considers it is appropriate to provide for mineral prospecting and exploration within the OSZ as a permitted activity, subject to appropriate standards. We agree that this should be limited to 5,000m³ per site per calendar year, which seems reasonably permissive for prospecting and exploration activities. While the Panel has not adopted this limit on area of excavation in the MINZ or BCZ, it is considered appropriate outside of those zones that are designed to prioritise mineral extraction activities, and in light of the purpose of the OSZ. In that respect, the OSZ is considered to be accommodating of the activity, within appropriate limits. We consider adding this limit is alternative relief to Forest and Bird's submission to delete permitted activities in the OSZ in relation to mineral extraction. We agree that these activities should not occur as a permitted activity within identified significant areas. However, the Panel recommends relying on provisions in the overlay chapters to pick up circumstances where these activities in the OSZ are also taking place in identified areas of significance.
689. While the Panel acknowledges that SNA have not been identified in Westland and Buller, we consider indigenous vegetation clearance for mineral extraction activities is addressed in the ECO Chapter. Given the importance of these provisions, we agree with Forest and Bird that there should be an advice note cross referencing vegetation clearance rules in relation to Rule OSZ-R11. This is consistent with the Plan-wide approach.
690. The Panel recommend deleting the reference to CMA permits in clause (1) as these are matters not within the jurisdiction of the RMA. We recommend changes to the remaining

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clauses as consequential amendments to submission points on other equivalent rules to make the wording of the clauses consistent without changing the intent as notified.

691. The Panel agrees with Mr Badham that mineral extraction, and mineral exploration and mineral prospecting not meeting the permitted activity standards should be a discretionary activity within the OSZ to enable full consideration of environmental effects. We also recommend Rule OSX-R22 is deleted as a consequential amendment. We do not consider that the change from restricted discretionary to discretionary status will materially affect the cost to resource consent applicants, and will improve the effectiveness of the Plan.

Hearing Panel’s Recommendation

692. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **OSZ Rules**:

Permitted Activities	
OSZ-R11	Mineral Prospecting and Mineral Exploration
Activity Status Permitted	
Where:	
1. This is authorised under a prospecting or exploration permit from NZPAM; ¹⁸⁵	
2.1. Written N notice is provided to the relevant District Council Consent Authority 10 working days prior to the any works mineral prospecting or mineral exploration commencing; ¹⁸⁶	
3.2. 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; ¹⁸⁷	
4.3. The site shall be is progressively rehabilitated as far as is practicable to its original condition prior to the activity occurring, ¹⁸⁸ with rehabilitation being completed no more than three months after mineral prospecting and mineral exploration ceases; ¹⁸⁹ and	
4. No more than 5,000m³ of material is excavated in a calendar year per site. ¹⁹⁰	
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. ¹⁹¹	
Advice Note:	

¹⁸⁵ RMA First Schedule Clause 16(2) not within jurisdiction of RMA

¹⁸⁶ Consequential amendment to Buller District Council S538.609 and S538.548

¹⁸⁷ Consequential amendment to Buller District Council S538.506 and S538.538

¹⁸⁸ Consequential amendment to Buller District Council S538.506 and S538.584

¹⁸⁹ Consequential amendment to Minerals West Coast S569.004

¹⁹⁰ Royal Forest and Bird Protection Society Incorporated S560.361

¹⁹¹ Consequential amendment Buller District Council S538.506 and S538.584

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 and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

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.
- 4. Any vegetation clearance associated with mining activities is subject to the rules in the Ecosystems and Indigenous Biodiversity Chapter.**¹⁹²

Activity status where compliance not achieved: Restricted-Discretionary¹⁹³

Restricted Discretionary Activities

OSZ-R19 Mineral Extraction Activities and Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards¹⁹⁴

Activity Status ~~Restricted~~ Discretionary¹⁹⁵

Where:

- ~~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]~~

Discretion is restricted to:

- ~~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;~~

¹⁹² Royal Forest and Bird Protection Society Incorporated S560.0593

¹⁹³ Royal Forest and Bird Protection Society Incorporated S560.361 and S560.020

¹⁹⁴ RMA First Schedule Clause 16(2)

¹⁹⁵ Director General of Conservation S602.216, Royal Forest and Bird Protection Society Incorporated S560.361 and S560.020

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- 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.~~

~~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.~~¹⁹⁶

~~Activity status where compliance not achieved: Discretionary N/A~~¹⁹⁷

Discretionary Activities

~~**OSZ-R22 Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards**~~

~~Activity Status Discretionary~~

~~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.~~

~~Activity status where compliance not achieved: N/A~~¹⁹⁸

8.3. Natural Open Space Zone Rules

Submissions and Further Submissions

693. Ten submission points and 11 further submission points relating generally to **NOSZ-R16** were summarised in a Table on page 205-207 of the s42A Report. One submission point sought to retain the rule as notified, and nine sought amendments. Seven of the further submissions opposed submission points seeking amendment and four further submissions supported submissions seeking amendment.

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NOSZ-R16 Mineral Extraction Activities

¹⁹⁶ Director General of Conservation S602.216, Royal Forest and Bird Protection Society Incorporated S560.361

¹⁹⁷ Director General of Conservation S602.216, Royal Forest and Bird Protection Society Incorporated S560.361

¹⁹⁸ Consequential amendment Director General of Conservation S602.216, Royal Forest and Bird Protection Society Incorporated S560.361

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694. Mr Badham acknowledged the submission point made by Te Mana Ora that sought to retain the rule as notified and he agreed that the non-complying activity status should be retained.
695. In response to the submission points made by Straterra and New Zealand Coal & Carbon Limited (supported in a further submission by BDC) that sought to add Mineral Prospecting and Exploration into the heading of the rule, Mr Badham supported the relief sought.
696. Mr Badham did not support the various submission points¹⁹⁹ (supported by a number of further submitters²⁰⁰) that sought to amend the activity status to discretionary because he considered there was no policy direction to support these activities in the NOSZ, and activities not anticipated in the zone were appropriately assessed as non-complying activities.
697. Mr Badham did not support Forest and Bird's request (opposed by a number of further submitters²⁰¹) to amend the activity status to prohibited because there was no policy direction that specifically sought to 'avoid' these activities in the NOSZ.
698. The s42A Report recommended that NOSZ-R16 be amended as follows:

*NOSZ-R16 – **Mineral Prospecting, Mineral Exploration and** Mineral Extraction Activities*

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Hearing and Submitter Evidence/Statements

699. No specific evidence or statements were given in relation to NOSZ-R16.

Reporting Officer Reply Evidence

700. Mr Badham made no additional comments regarding NOSZ-R16 in the Right of Reply.

Hearing Panel's Evaluation

701. The Panel accepts the recommended amendments shown in Appendix 1 of the Right of Reply, for the reasons outlined by Mr Badham. The Panel do not consider that the costs of including mineral prospecting and mineral exploration in NOSZ-R16 will have much of an impact because mineral extraction and processing activities had the same status at the time of notification, which disincentivises all stages of mining activity in this particular zone.

Hearing Panel's Recommendation

702. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **NOSZ Rules**:

¹⁹⁹ Birchfield Coal Mines Ltd (S601.080), Whyte Gold Limited (S607.055), Minerals West Coast (S569.009), Straterra (S536.058) and New Zealand Coal & Carbon Limited (S472.028)

²⁰⁰ Terra Firma Mining Ltd (FS108.008 and FS108.008) West Coast Regional Council (FS136.029)

²⁰¹ TiGa Minerals and Metals Limited (FS104.062), Terra Firma Mining Ltd (FS108.007, FS108.009), Birchfields Ross Ltd (FS150.035), Phoenix Minerals Limited (FS215.037), WMS Group (HQ) Limited and WMS Land Co. Limited (FS231.059) and Birchfield Coal Mines Ltd (FS232.055)

Non-complying Activities

NOSZ-R16 Mineral Prospecting, Mineral Exploration and Mineral Extraction Activities²⁰²

Activity Status Non-complying

Activity status where compliance not achieved: N/A

9. RURAL ZONES

9.1. Mineral Extraction in Rural Zones Generally

Submissions and Further Submissions

703. Ten submission points and two further submission points relating generally to mineral extraction in the Rural Zone (**RURZ**) were summarised in a Table on page 207-208 of the s42A Report. Nine submission points sought to retain the relevant provisions as notified, and one sought amendment. Both further submissions supported submissions.

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704. Mr Badham acknowledged the submission points²⁰³ that sought to retain the relevant provisions as notified. However, he noted his recommended amendments in response to other submissions on specific provisions in the RURZ.
705. In response to the submission point made by Graeme Cavaney that sought to allow mining to continue with regulations on reinstatement on private property, Mr Badham acknowledged the submission. However, with no specific relief requested he made no further comment.
706. Mr Badham supported the relief sought by Bathurst (supported by a further submission from BDC) to add '*exploration and prospecting*' to the heading above the policies.
707. The s42A Report recommended that the heading above the RURZ policies is amended as follows:

Mineral Prospecting, Mineral Exploration and Mineral Extraction

Hearing and Submitter Evidence/Statements

708. No specific evidence was given relating to this matter.

Reporting Officer Reply Evidence

709. Mr Badham made no additional comments regarding this matter in the right of reply.

Hearing Panel's Evaluation

²⁰² New Zealand Coal & Carbon Limited S472.029

²⁰³ Avery Brothers (S609.097), William McLaughlin (S567.532), Steve Croasdale (S516.107), Geoff Volckman (S563.109), New Zealand Coal & Carbon Limited (S472.034), Chris & Jan Coll (S558.486), Chris J Coll Surveying Limited (S566.486) and Laura Coll McLaughlin (S574.486)

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

710. The Panel accepts Mr Badham’s recommended amendments to the heading of the relevant policies.

Hearing Panel’s Recommendation

711. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends adding ‘*Mineral Prospecting, Mineral Exploration and*’ to the wording above policies RURZ-P18 – RURZ-P25. These recommended amendments are shown in the recommendation box below the next section of this report.

9.2. Rural Zones Objectives and Policies

Submissions and Further Submissions

712. Seventeen submission points and 22 further submission points relating to **RURZ-05** were summarised in a Table on pages 209-211 of the s42A Report. Five submission points sought to retain the objective as notified, 10 sought amendment and two sought to delete the objective. Fourteen further submissions opposed submissions seeking amendment and two supported amendments. Three further submissions opposed supporting submissions. Two further submissions supported opposing submissions, and one opposed an opposing submission.
713. Eighteen submission points and seven further submission points relating to **RURZ-P18** were summarised in a Table on pages 213-215 of the s42A Report. Four submission points sought to retain the policy as notified, eleven sought amendment and three sought to delete the policy. Four further submissions opposed submissions seeking amendment and two supported amendments. One further submission opposed an opposing submission.
714. Sixteen submission points and six further submission points relating to **RURZ-P19** were summarised in a Table on pages 216-218 of the s42A Report. Three submission points sought to retain the policy as notified, nine sought amendment and three sought to delete the policy. Five further submissions opposed submissions seeking amendment and one supported amendment.
715. Six submission points relating to **RURZ-P20** were summarised in a Table on page 219 of the s42A Report. Five submission points sought to retain the policy as notified, and one sought amendment.
716. Fifteen submission points relating to **RURZ-P21** were summarised in a Table on pages 220-221 of the s42A Report. Eleven submission points sought to retain the policy as notified, one sought it be deleted and three sought amendments.
717. Eighteen submission points relating to **RURZ-P22** were summarised in a Table on pages 222-223 of the s42A Report. Thirteen submission points sought to retain the policy as notified, one sought it be deleted and four sought amendments.
718. Thirteen submission points relating to **RURZ-P23** were summarised in a Table on pages 224-225 of the s42A Report. Twelve submission points sought to retain the policy as notified and one sought amendment.

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719. Sixteen submission points and one further submission relating to **RURZ-P24** were summarised in a Table on pages 225-226 of the s42A Report. Eleven submission points sought to retain the policy as notified, three sought it be deleted, and two sought amendments. The further submission opposed an opposing submission.
720. Twenty-two submission points and four further submission points relating to **RURZ-P25** were summarised in a Table on pages 227-232 of the s42A Report. Five submission points sought to retain the policy as notified, two sought it be deleted, and fifteen sought amendments. Two further submission points opposed a submission seeking amendment and two supported submissions seeking amendment.

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RURZ-05

721. Mr Badham acknowledged the submission points²⁰⁴ that sought to retain this objective as notified. However, he noted his recommended amendments in response to other submissions.
722. In response to the submission point made by Forest and Bird that suggested the blanket support was inappropriate given the requirements of the RMA, Mr Badham acknowledged the submission. However, without any specific relief he didn't comment any further.
723. Mr Badham did not support the relief sought by Suzanne Hills to delete the objective because he considered that the direction in the RPS should be given effect to in the rural environment.
724. In response to the remaining submission points²⁰⁵ on this objective that sought various amendments, Mr Badham considered them in the round, and agreed that the objective required amendments, as follows:
- (a) Redrafting the objective into parts to separate the different components that seek to be achieved.
 - (b) Changing the terminology in the opening sentence which sets the context for the objective by replacing 'support' with 'provide for', as requested by a number of submissions.²⁰⁶
 - (c) Adding to the wording of clause (a) to acknowledge that mineral resources are widespread and mineral activities can be appropriate in a range of locations in the rural environment.

²⁰⁴ Peter Langford (S615.145), Karamea Lime Company (S614.145), New Zealand Coal & Carbon Limited (S472.033), Bathurst Resources Limited and BT Mining Limited (S491.041) and Waka Kotahi NZ Transport Agency (S450.262)

²⁰⁵ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.928), Michael Hill (S70.010), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.106), TiGa Minerals and Metals Limited (S493.091), Birchfield Coal Mines Ltd (S601.085), Birchfield Ross Mining Limited (S604.075), Whyte Gold Limited (S607.060) and Phoenix Minerals Limited (S606.060), Straterra (S536.056), Minerals West Coast (S569.032)

²⁰⁶ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.106), TiGa Minerals and Metals Limited (S493.091), Birchfield Coal Mines Ltd (S601.085), Birchfield Ross Mining Limited (S604.075), Whyte Gold Limited (S607.060) and Phoenix Minerals Limited (S606.060)

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- (d) Changing the terminology used in clause (b) by replacing ‘*minimised*’ with ‘*managed*’ to encompass the full effects management hierarchy and to be consistent with his earlier recommendations, as sought by submitters.²⁰⁷
- (e) Adding to the wording of clause (c) to ensure that once activities are completed, rehabilitation needs to occur.

725. The s42A Report recommended that RURZ-O5 be amended as follows:

RURZ-O5

*To support ~~provide for the use and extraction of mineral resources~~ **mineral prospecting, mineral exploration and mineral extraction activities** located within the rural environment, **while;***

- 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 ~~provided~~ adverse effects are ~~minimised~~ **managed;** and*
- c. **Ensuring that** rehabilitation of land occurs following ~~mineral extraction,~~ ~~mineral extraction can be appropriate in a range of locations~~ **the completion of these activities.***

RURZ-P18

- 726. Mr Badham acknowledged the submission points²⁰⁸ that sought to retain this policy as notified. However, he noted his recommended amendments in response to other submissions.
- 727. In response to the three submission points²⁰⁹ that sought to delete the policy, Mr Badham did not support the relief sought.
- 728. Mr Badham acknowledged Forest and Bird’s request to amend the policy to ensure natural values are protected. However, he didn’t comment any further because no specific relief was sought.
- 729. In response to the remaining submission points²¹⁰ on this policy that sought various amendments, Mr Badham considered them in the round and agreed that the policy required amendment, as follows:
 - (a) Adding ‘*mineral prospecting and mineral exploration*’ to the policy as they are defined terms and it would be consistent with other recommendations; and

²⁰⁷ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.106), TiGa Minerals and Metals Limited (S493.091), Birchfield Coal Mines Ltd (S601.085), Birchfield Ross Mining Limited (S604.075), Whyte Gold Limited (S607.060) and Phoenix Minerals Limited (S606.060)

²⁰⁸ Peter Langford (S615.162), Karamea Lime Company (S614.162), Westreef Services Limited (S518.007) and Celine Stokowski Anthony Thrupp (S522.008)

²⁰⁹ Forest & Bird (S560.375), Suzanne Hills (S443.037) and Michael Hill (S70.013)

²¹⁰ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.111), Birchfield Coal Mines Ltd (S601.089), Birchfield Ross Mining Limited (S604.079), Phoenix Minerals Limited (S606.064), Whyte Gold Limited (S607.064) and Bathurst Resources Limited and BT Mining Limited (S491.043), TiGa Minerals and Metals Limited (S493.095), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.951), Minerals West Coast (S569.038), Straterra (S536.017)

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(b) Replacing ‘*avoided, remedied or mitigated*’ with ‘*managed*’, as this encapsulates the full effects management hierarchy and was consistent with his previous recommendations.

730. Mr Badham did not support adding ‘operational or functional need’ (as requested by Minerals West Coast and Straterra) because he considered the concept was already captured by the existing wording that recognises mineral resources are fixed in their location.

731. The s42A Report recommended RURZ-P18 be amended as follows:

RURZ-P18

*Recognise that mineral resources are fixed in location and enable **mineral prospecting, mineral exploration and** mineral extraction activities provided adverse effects are ~~avoided, remedied or mitigated~~ **managed**.*

RURZ-P19

732. Mr Badham acknowledged the submission points²¹¹ that sought to retain this policy as notified. However, he noted his recommended amendments in response to other submissions.

733. Mr Badham did not support Suzanne Hills, and Celine Stokowski and Anthony Thrupp’s request to delete the policy.

734. In response to the submission point made by Sophia Allen that sought to limit noise, dust, traffic and other activities associated with heavy industry in a rural area, Mr Badham acknowledged the submission. However, he didn’t comment any further because no specific relief was sought.

735. In response to the remaining submission points²¹² on this rule that sought various amendments, (largely in reference to the degree of adverse effects), Mr Badham considered them in the round and agreed that the policy required amendment, as follows:

(a) Adding ‘*lawfully established*’ in reference to mineral extraction activities; and

(b) Replacing ‘*minimise impacts*’ with ‘*manage adverse effects*’.

736. The s42A Report recommended RURZ-P19 be amended as follows:

RURZ-P19

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

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

²¹¹ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.952), Peter Langford (S615.163), Karamea Lime Company (S614.163) and Westreef Services Limited (S518.008)

²¹² Michael Hill (S70.014), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.112), Birchfield Coal Mines Ltd (S601.090), Birchfield Ross Mining Limited (S604.080), Phoenix Minerals Limited (S606.065) and Whyte Gold Limited (S607.065), TiGa Minerals and Metals Limited (S493.096), Straterra (S536.057), Minerals West Coast (S569.033)

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- 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

737. Mr Badham acknowledged the submission points²¹³ that sought to retain this policy as notified and agreed the policy should be retained.
738. Mr Badham acknowledged the submission point made by Forest and Bird that sought amendments to ensure natural values are protected, but didn't comment any further because no specific relief was sought.
739. The S42A Report recommends that RURZ-P20 be retained as notified.

RURZ-P21

740. Mr Badham acknowledged the submission points²¹⁴ that sought to retain this policy as notified, but noted his recommended amendments that arise from other submissions.
741. Mr Badham did not support Suzanne Hills' request to delete the policy.
742. Mr Badham did not support Forest and Bird's request to amend the policy to require an ecological assessment in accordance with Appendix 1 of the RPS and an effects assessment in accordance with Chapter 7 of the RPS. He considered it inappropriate to require an ecological assessment in every instance and as no specific relief has been sought with respect to the wording of the policy, he didn't comment any further.
743. Mr Badham acknowledged the submission point from Sophia Allen that sought rehabilitation of land should be to its original state. However, he didn't comment further as there is no specific relief set out in either submission.
744. Mr Badham considered the policy would benefit from redrafting so that the following different components were clear:
- (a) The provision of adequate information;
 - (b) Measures to manage adverse effects; and
 - (c) Details on rehabilitation once mineral extraction is complete.
745. Mr Badham did not support the amendments Michael Hill requested that sought to make additions at the end of the policy.
746. The s42A Report recommended RURZ-P21 be amended as follows:

²¹³ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.953), Peter Langford (S615.164), Karamea Lime Company (S614.164), Westreef Services Limited (S518.009) and Celine Stokowski Anthony Thrupp (S522.009)

²¹⁴ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.113), TiGa Minerals and Metals Limited (S493.097), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.954), Birchfield Coal Mines Ltd (S601.091), Birchfield Ross Mining Limited (S604.081), Phoenix Minerals Limited (S606.066), Whyte Gold Limited (S607.066), Peter Langford (S615.166), Karamea Lime Company (S614.166), Westreef Services Limited (S518.010) and Celine Stokowski Anthony Thrupp (S522.010)

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RURZ-P21

Require proposals for new mineral extraction activities to:

- a. ~~Provide~~ **Provide** adequate information on the establishment and operation of the mineral extraction activity,;*
- b. ~~Measures to reduce and/or avoid~~ **manage** adverse effects; and*
- c. **Details on the** rehabilitation of the ~~mineral extraction~~ area **once mineral extraction is completed.***

RURZ-P22

747. Mr Badham acknowledged the submission points²¹⁵ that sought to retain this policy as notified. However, he noted his recommended amendments that responded to other submissions.
748. Mr Badham did not support Suzanne Hills' request to delete the policy.
749. Mr Badham acknowledged the submission point from Sophia Allen that sought rehabilitation of land should be to its original state and considered this was unnecessary.
750. In response to the submissions made by Buller Conservation Group, Frida Inta and Minerals West Coast that sought to make amendments to the policy, Mr Badham supported the relief sought in part. He agreed the notified wording of 'should be' was too loose and recommended amendments to make it clear that rehabilitation is necessary at the completion of activities. Mr Badham also reiterated previous recommendations to also include mineral prospecting and mineral exploration as part of the policy.
751. The s42A Report recommended RURZ-P22 be amended as follows:

RURZ-P22

*Sites used for **mineral prospecting, mineral exploration and** mineral extraction **activities** should ~~be~~ **are** rehabilitated **at the completion of the activities** to enable the land to be used for other activities appropriate to the area.*

RURZ-P23

752. Mr Badham acknowledged the submission points²¹⁶ that sought to retain this policy as notified. However, he noted his recommended amendments to clarify the application of the policy and make it consistent with other provisions.

²¹⁵ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.114), TiGa Minerals and Metals Limited (S493.098), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.955), Birchfield Coal Mines Ltd (S601.092), Birchfield Ross Mining Limited (S604.082), Phoenix Minerals Limited (S606.067), Whyte Gold Limited (S607.067), Peter Langford (S615.167), Peter Langford (S615.168), Karamea Lime Company (S614.167), Karamea Lime Company (S614.168), Westreef Services Limited (S518.011) and Celine Stokowski Anthony Thrupp (S522.011)

²¹⁶ Sophia Allan (S82.021), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.115), TiGa Minerals and Metals Limited (S493.099), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.956), Birchfield Coal Mines Ltd (S601.093), Birchfield Ross Mining Limited (S604.083), Phoenix Minerals Limited (S606.068), Whyte Gold Limited (S607.068), Peter Langford (S615.169), Karamea Lime Company (S614.169), Westreef Services Limited (S518.012) and Celine Stokowski/Anthony Thrupp (S522.013)

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753. In response to the submission point made by Michael Hill that sought to make additions to the policy to refer to other District Councils, and specifically to sand mining, Mr Badham did not support the relief sought. He noted WCRC would be the co-ordinating authority and considered there was no need to specifically refer to sand mining given it was captured by the broader definition of the activities covered by the policy.

754. The s42A Report recommended RURZ-P23 be amended as follows:

RURZ-P23

*Co-ordinate the approach to **mineral prospecting, mineral exploration and mineral extraction activity resource** consents with the West Coast Regional Council, particularly where water resources and soil conservation are affected*

RURZ-P24

755. Mr Badham acknowledged the submission points²¹⁷ that sought to retain this policy as notified.

756. Mr Badham acknowledged the Bathurst's submission point that sought to add reference to the BCZ, if that was more appropriate and relevant, but noted that he recommended deleting the policy.

757. In response to the submission point from Sophia Allen who sought to amend the policy to give more protection to the communities and delete the MINZ, Mr Badham acknowledged the submission and noted his recommendation to delete the policy.

758. Mr Badham supported the three submission points from Michael Hills, Suzanne Hills and Forest and Bird that sought to delete the policy because he considered it was inappropriate to include the policy in the RURZ. He noted that if a mineral resource in an area was found to be of regional or national significance, then a plan change would be necessary to include it as a MINZ.

759. The s42A Report recommended deleting RURZ-P24.

RURZ-P25

760. Mr Badham acknowledged the submission points²¹⁸ that sought to retain this policy as notified. However, he noted his recommended amendments in response to other submissions.

761. Mr Badham did not support Suzanne Hills and Forest and Bird's request to delete the policy because he considers it should be retained, subject to amendments.

²¹⁷ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.116), TiGa Minerals and Metals Limited (S493.100), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.957), Birchfield Coal Mines Ltd (S601.094), Birchfield Ross Mining Limited (S604.084), Phoenix Minerals Limited (S606.069), Whyte Gold Limited (S607.069), Peter Langford (S615.170), Karamea Lime Company (S614.170), Westreef Services Limited (S518.013) and Celine Stokowski/Anthony Thrupp (S522.014)

²¹⁸ Peter Langford (S615.171), Karamea Lime Company (S614.171), Westreef Services Limited (S518.014), Celine Stokowski/Anthony Thrupp (S522.015) and Waka Kotahi NZ Transport Agency (S450.270)

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

762. In response to the submission point made by Sophia Allan that sought independent review of information, Mr Badham acknowledged the submission. However, he didn't comment any further as no specific relief was sought in the submission.
763. In response to the submission points made by Michael Hill and Minerals West Coast that sought various amendments to the policy, Mr Badham did not support the relief sought. However, he did recommend amendments to make the policy consistent with previous recommendations on the MINZ and BCZ.
764. Mr Badham did not support Te Mana Ora's request to make additions relating to Drinking Water Source Protection Zones because he considered insufficient information, technical evidence or s32 evaluation had been provided to support this. He also did not support the other amendments to refer to the effects management hierarchy.
765. In response to submission points²¹⁹ that sought amendments to clause (d) of the policy, Mr Badham did not support the amendments. However, he recommended deleting the clause from the policy because he considered it would be more appropriately addressed in the ECO Chapter, which specifically addresses significant indigenous vegetation and fauna. He also noted there were not any rules in the RURZ relating to indigenous vegetation clearance; and that the recent gazetting of the NPSIB had specific direction in relation to this matter.
766. The s42A Report recommended RURZ-P25 be amended as follows:

RURZ-P25

Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by:

- a. Utilising management, mitigation and rehabilitation plans as a key tool;*
- b. Managing dust, noise, vibration, access and lighting to maintain amenity values;*
- c. Managing traffic generation impacts on the operation and maintenance of the transport network;*
- d. ~~Avoiding or mitigating impacts on significant indigenous vegetation and significant habitats of indigenous fauna;~~*
- e. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;*
- f. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;*
- g. Undertaking progressive remediation to address effects during extraction operations; and*
- h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose*

Hearing and Submitter Evidence/Statements

RURZ-O5

²¹⁹ Buller Conservation Group (S552.176), Frida Inta (S553.176), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.117), TiGa Minerals and Metals Limited (S493.101), Birchfield Coal Mines Ltd (S601.095), Birchfield Ross Mining Limited (S604.085), Phoenix Minerals Limited (S606.070), Whyte Gold Limited (S607.070) and Minerals West Coast (S569.036), Bathurst Resources Limited and BT Mining Limited (S491.045), Director General of Conservation (S602.230)

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

767. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support for the s42A Report recommendation for RURZ-O5.

RURZ-P18

768. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support the s42A Report recommendation for RURZ-P18. The Panel noted GDC did not making a submission or further submission on this policy.

RURZ-P19

769. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support for the s42A Report recommendation for RURZ-P19.

770. Ms Inta considered the policy should include reference to reverse sensitivity effects to protect other established activities from new mining activities.

771. Ms McKenzie, for WMS Group, did not support the addition of '*lawfully established*' into the first part of the policy. She considered this changed the intent of the policy by focussing only on existing mineral extraction activities and not on managing the effects during a consent process. She considered that this was incorrect. However, she supported the other recommended changes to parts (a) and (b).

RURZ-P20

772. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support for the s42A Report recommendation for RURZ-P20. However, the Panel notes GDC and Bathurst did not make a submission on this policy.

773. Ms Inta considered the wording of the policy was poor and should be reworded. However, the Panel note neither Ms Inta or the Buller Conservation made a submission on the policy.

RURZ-P21

774. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support for the s42A Report recommendation for RURZ-P21. However, the Panel notes GDC and Bathurst did not make a submission on this policy.

775. Ms Inta identified grammatical errors in the rewording of the policy recommended in the s42A Report. She also did not consider it was appropriate to reiterate the information requirements for a resource consent. However, the Panel notes neither Ms Inta or the Buller Conservation Group made a submission on this policy.

RURZ-P22

776. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support for the s42A Report recommendation for RURZ-P22. However, the Panel notes GDC and Bathurst did not make a submission on this policy.

RURZ-P23

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

777. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support for the s42A Report recommendation for RURZ-P23. However, the Panel notes GDC and Bathurst did not make a submission on this policy.

RURZ-P24

778. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support for the s42A Report recommendation to delete RURZ-P24.

RURZ-P25

779. Mr McEnaney (for GDC), Mr Lile (for Westreef) and Ms Hunter (for Bathurst) confirmed support for the s42A Report recommendation for RURZ-P25.

780. Ms Inta did not support the s42A Report recommendation to delete clause (d) from the policy, and she suggested the same reasoning given could also be applied to clauses (b) and (c). She also suggested that any amended worded for clause (d) could be accompanied with a note to say it would be updated following the ECO Chapter hearing.

Reporting Officer Reply Evidence

781. Mr Badham made no additional comments regarding this matter in the Right of Reply.

Hearing Panel's Evaluation

782. The Panel accepts the recommended amendments shown in Appendix 1 of the Right of Reply, for the reasons outlined by Mr Badham, subject to the specific amendments discussed below.

783. The Panel notes that some of Mr Badham's recommended amendments seek to improve the wording of the provisions without changing the intent of the objective or policies; and that some of these are not in response to specific submissions rely on clause 16(2) of the First Schedule of the RMA. We are satisfied that, where these are recommended, the changes are minor in substance and improve clarity. We note a high level of support from parties who attended the hearing for these recommended amendments to improve readability.

784. The Panel also recommends minor consequential changes to the wording to improve consistency in the requirements between the MINZ, BCZ, OSRZ, RURZ and GRUZ.

785. In relation to Policy **RURZ-P18**, the Panel considers there is no scope to replace *'avoid, remedy or mitigate'* with *'manage'* as recommended. We note submission points seeking to add *'offset and compensate'*, but no submission requests to use *'manage'* in this policy.

786. In relation Policy **RURZ-P19**, the Panel notes there is no submission point seeking to add *'lawfully established'* and consider that there is no scope to add it to the chapeau or in to clause (b).

787. In relation Policy **RURZ-P20**, the Panel agrees with Forest and Bird that significant natural values must be protected to give effect to RMA s6 and Chapter 7, Objectives 2 the RPS. We also consider indigenous biodiversity must be maintained to give effect to RMA s6(c) and RPS Chapter 7, Objectives 4. These objectives, which give effect to s6(c), must be achieved regardless of whether SNA have been identified (Chapter 7, Objective 1) in regional or district

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plans or not; and while also providing for sustainable subdivision, use and development (Chapter 7, Objective 3).

788. For these reasons, the Panel accepts Forest and Bird’s submission (S560.376) and recommends adding a new clause addressing the protection of natural values to give effect to the RMA and RPS.
789. In relation Policy **RURZ-P21**, the Panel agree with Mr Badham’s rewording of the policy and splitting it into the three components. However, we consider the wording changes must be within the scope of submissions received. We do not consider there is scope to replace ‘*reduce and/or avoid*’ with ‘*manage*’ where this relief has not been sought in relation to this policy. We also do not consider this is appropriate alternative for submitters requesting deletion of the policy.
790. The Panel considers Forest and Bird’s submission (S560.377) provides scope to replace ‘*reduce and/or avoid*’ with ‘*avoid, remedy or mitigate*’ to be consistent with Chapter 7 of the RPS.
791. The Panel accepts Forest and Bird’s submission (S560.377) to recommend adding ‘*to enable the assessment of environmental effects*’ to clarify the purpose of requiring the provision of adequate information in clause (a).
792. We also accept the submission of Sophia Allan (S82.019) to recommend amending clause (c) to require rehabilitation to original state but recommend wording consistent with rehabilitation provisions in the MINZ, BCZ and OSRZ.
793. In relation Policy **RURZ-P22**, the Panel accepts Mr Badham’s recommended amendments but recommends adding ‘*have ceased*’ instead of ‘*at the completion of activities*’ and other minor consequential wording changes for consistency with other similar policies.
794. In relation Policy **RURZ-P25**, the Panel agrees with Ms Inta that clause (d) should not be deleted on the basis it is addressed in the ECO Chapter. We accept Ms Inta and the Buller Conservation Group’s submissions (S552.176 and S553.176) to include indigenous biodiversity and recommend amending clause (d) to give effects to RMA s6(c) and RPS Chapter 7.

Hearing Panel’s Recommendation

795. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **Rural Zones Objectives and Policies**:

<p>RURZ – 05 To support provide for²²⁰ the use and extraction of mineral resources mineral prospecting, mineral exploration and mineral extraction activities²²¹ located within the rural environment, while:</p> <p>a. Recognising that mineral resources are widespread, and these activities can be appropriate in a range of locations within the rural environment;²²² and</p>
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²²⁰ Phoenix Minerals Limited S606.060, WMS Group (HQ) Limited and WMS Land Co. Limited S599.106, TiGa Minerals and Metals Limited S493.091, Birchfield Coal Mines Limited S601.085, Birchfield Ross Mining Limited S607.060

²²¹ Consequential amendment Plan-wide

²²² RMA First Schedule Clause 16(2)

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- b. **Ensuring** that provided adverse effects are ~~minimised~~ **managed**;²²³ and
 c. **Ensuring that** rehabilitation of land occurs following ~~mineral extraction, mineral extraction can be appropriate in a range of locations~~ **the completion of these activities**.²²⁴

Mineral Prospecting, Mineral Exploration and²²⁵ **Mineral Extraction**

RURZ-P18 Recognise that mineral resources are fixed in location and enable **mineral prospecting, mineral exploration and**²²⁶ mineral extraction activities provided adverse effects are avoided, remedied or mitigated.

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

- a. Standards to **manage adverse effects** ~~minimise impacts~~²²⁷ 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 mineral extraction activities.

RURZ-P20 Enable rural production activities to utilise aggregate resources by providing for farm quarries where:

- a. ~~These~~ are not located within areas identified within Schedules One – Eight; **and**
 b. **Significant ecological values are protected and indigenous biodiversity is maintained**.²²⁸

RURZ-P21 Require proposals for new mineral extraction activities to provide adequate information on:

- a. the establishment and operation of the mineral extraction activity **to enable an assessment of environmental effects**;²²⁹
 b. measures to ~~reduce and/or avoid~~, **remedy or mitigate**²³⁰ adverse effects; and
 c. rehabilitation of the mineral extraction area **to the condition prior to activity occurring when mineral extraction activity ceases**.²³¹

²²³ Phoenix Minerals Limited S606.060 WMS Group (HQ) Limited and WMS Land Co. Limited S599.106, TiGa Minerals and Metals Limited S493.091, Birchfield Coal Mines Limited S601.085, Birchfield Ross Mining Limited S607.060

²²⁴ RMA First Schedule Clause 16(2)

²²⁵ Consequential amendment Plan-wide

²²⁶ Consequential amendment Plan-wide

²²⁷ Phoenix Minerals Limited S606.065 WMS Group (HQ) Limited and WMS Land Co. Limited S599.112, TiGa Minerals and Metals Limited S493.096, Birchfield Coal Mines Limited S601.090, Birchfield Ross Mining Limited S607.080, Whyte Gold Limited S607.065

²²⁸ Royal Forest and Bird Protection Society Incorporated S560.376

²²⁹ Royal Forest and Bird Protection Society Incorporated S560.377

²³⁰ Royal Forest and Bird Protection Society Incorporated S560.377

²³¹ Sophia Allan S82.019

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RURZ-P22	Sites used for mineral prospecting, mineral exploration and ²³² mineral extraction activities should be ²³³ rehabilitated after the activities cease ²³⁴ to enable the future land uses and to be used for other activities appropriate to the area. ²³⁵
RURZ-P23	Co-ordinate the approach to mineral prospecting, mineral exploration and ²³⁶ mineral extraction activity resource ²³⁷ 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. ²³⁸
RURZ-P25	Maintain the quality of the environment and amenity of areas surrounding the ²³⁹ mineral extraction activities as far as practicable by: <ol style="list-style-type: none"> a. Utilising management, mitigation, 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. Avoiding or mitigating impacts adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna and maintaining indigenous biodiversity.²⁴⁰ e. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; f. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; g. Undertaking progressive remediation to address effects during extraction operations; and h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.

9.3. General Rural Zone Rules

Submissions and Further Submissions

796. Thirty-four submission points and one further submission point relating to **GRUZ-R11** were summarised in a Table on pages 234-237 of the s42A Report. Seven submission points sought

²³² Consequential amendment Plan-wide

²³³ Frida Inta S553.175, Buller Conservation Group S552.175

²³⁴ Consequential amendment for consistency Terra Firma Mining Limited S537.028

²³⁵ Consequential amendment for consistency Alistair Cameron S452.001

²³⁶ Consequential amendment Plan-wide

²³⁷ RMA First Schedule Clause 16(2)

²³⁸ Royal Forest and Bird Protection Society Incorporated S560.378, Michael Hill S70.017, Suzanne Hills S443.043, Sophia Allan S82.022

²³⁹ RMA First Schedule Clause 16(2)

²⁴⁰ Frida Inta S553.176, Buller Conservation Group S552.176

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to retain the rule as notified, 25 submission points sought amendment and two sought it be deleted. The further submission opposed a submission seeking amendment.

797. Seventy-three submission points and 30 further submission point relating to **GRUZ-R12** were summarised in a Table on pages 240-246 of the s42A Report. Eleven submission points sought to retain the rule as notified, 31 submission points sought amendment and 31 sought it be deleted. Of the further submissions, 24 opposed opposing submissions, three supported opposing submissions, one opposed a supporting submission, one supported a submission seeking amendment and one had a neutral position regarding an opposing submission.
798. Thirty-two submission points and nine further submission points relating to **GRUZ-R18** were summarised in a Table on pages 250-253 of the s42A Report. Fifteen submission points sought to retain the rule as notified, six submission points sought amendment and 11 sought it be deleted. Of the further submissions seven opposed submissions seeking opposition of the rule, one supported a submission point seeking amendment and one opposed a submission point seeking amendment.
799. Forty-two submission points and six further submission points relating to **GRUZ-R25** were summarised in a Table on pages 255-258 of the s42A Report. Fifteen submission points sought to retain the rule as notified, 23 submission points sought amendment and four sought it be deleted. Of the further submissions three support submissions seeking amendment of the rule, one opposed a submission point in opposition and two had a neutral position.
800. Twenty-four submission points relating to **GRUZ-R32** were summarised in a Table on pages 261-262 of the s42A Report. Fourteen submission points sought to retain the rule as notified, three submission points sought amendment and seven sought it be deleted.

Section 42A Report

GRUZ-R11 Mineral Prospecting and Mineral Exploration

801. In relation to the submission points²⁴¹ that sought to retain this rule as notified, Mr Badham acknowledged the support. However, he noted his recommended amendments in response to other submissions.
802. Mr Badham did not support Brian Anderson and Forest and Bird's request to delete the rule but he noted his recommended amendments.
803. In response to the submission point made by Lynley Hargreaves that sought to amend the provisions to have similar limits as the operative Westland District Plan, Mr Badham acknowledged the submission. However, he considered there was insufficient information available in the submission as to what limits were sought.
804. Mr Badham acknowledged Fire and Emergency NZ's request to retain the rule as notified, provided amendments to Rule GRUZ-R1 were made. However, he noted that no changes were sought to GRUZ-R11 and made no further comment.

²⁴¹ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.118), TiGa Minerals and Metals Limited (S493.102), Birchfield Coal Mines Ltd (S601.096), Birchfield Ross Mining Limited (S604.086), Phoenix Minerals Limited (S606.071), Whyte Gold Limited (S607.071) and Koiterangi Lime Co LTD (S577.100)

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805. Mr Badham did not support Te Mana Ora’s request to add a new clause to not allow mineral extraction within a Drinking Water Source Protection Zone because he considered insufficient information, technical evidence or S32 evaluation had been provided to support the addition.
806. In response to the various submission points²⁴² that sought to add “*where legally required*” to the end of clause (1), Mr Badham supported the relief sought which was consistent with his recommendations in other zones.
807. Mr Badham did not support the relief sought by various submission points²⁴³ that either sought to increase the timeframe in clause (3) to one year or delete the clause. Notwithstanding, he did agree that the clause should be redrafted.
808. In response to the submission point made by Frida Inta that sought to add an additional clause to the rule regarding the use of explosives, Mr Badham did not provide any specific comment. However, he did not include the relief sought in his recommendations.
809. In response to the submission point made by BDC that sought various amendments to the rule, Mr Badham supported the relief in part, incorporating some of the changes into this recommendation.
810. Mr Badham also recommended various amendments to GRUZ-R11 that were consistent with previous recommendations to similar rules in other zones.
811. The s42A Report recommended GRUZ-R11 be amended as follows:

Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. *This is authorised under a **mineral** prospecting or **mineral** exploration permit from ~~NZPAM~~ **New Zealand Petroleum and Minerals, where legally required;***
2. ***Written Notice** is provided to the relevant District Council ~~Consent Authority~~ **10 working days prior to the any mineral prospecting or mineral extraction [exploration – suspected type] works commencing;***
3. *~~Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred~~ **Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary;***
4. *The site ~~shall be~~ **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;** ~~and~~*

²⁴² Peter Langford (S615.187), Karamea Lime Company (S614.187), Koiterangi Lime Co LTD (S577.101), Catherine Smart-Simpson (S564.131), William McLaughlin (S567.563), Geoff Volckman (S563.122, S563.178), Chris & Jan Coll (S558.520), Chris J Coll Surveying Limited (S566.520) and Laura Coll McLaughlin (S574.520)

²⁴³ Geoff Volckman (S563.0178), Stra, New Zealand Coal & Carbon Limited (S472.035), Peter Langford (S615.186), Karamea Lime Company (S614.186), Chris J Coll Surveying Limited (S566.521), Geoff Volckman (S563.123), Chris & Jan Coll (S558.521), William McLaughlin (S567.564), Laura Coll McLaughlin (S574.521) and Catherine Smart-Simpson (S564.132)

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5. No more than 5,000m³ is excavated in a calendar year.
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 Site or Area of Significance to Māori;
 - e. A Significant Natural Area; or
 - f. An area of High or Outstanding Coastal Natural Character

~~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 Note:

- ~~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.~~

Activity status where compliance not achieved: Restricted Discretionary

812. As a result of the expert caucusing, the JWS records the wording of GRUZ-R11(5) was further amended to ensure consistency across various zones as follows:

5. No more than 5,000m³ of earthworks is undertaken in a 12 month period per site.

813. The JWS records no agreement was reached with respect to the volume of earthworks.

GRUZ-R12 Mineral Extraction

814. In relation to the submission points²⁴⁴ that sought to retain this rule as notified, Mr Badham acknowledged the support. However, he noted his recommended amendments in response to other submissions.

²⁴⁴ Westland District Council (S181.041), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.119), TiGa Minerals and Metals Limited (S493.103), Birchfield Coal Mines Ltd (S601.097), Birchfield Ross Mining Limited (S604.087), Phoenix Minerals Limited (S606.072), Rocky Mining Limited (S474.014), Papahaua Resources Limited (S500.011), Whyte Gold Limited (S607.072), Waka Kotahi NZ Transport Agency (S450.276) and Peter Haddock (S417.008)

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815. Mr Badham acknowledged the submission point from Fire and Emergency NZ that sought to retain the rule as notified, provided amendments to GRUZ-R1 were made. However, he noted that no changes were sought to GRUZ-R12 and made no further comment.
816. In relation to the submission points²⁴⁵ that sought to delete the rule or remove the permitted activity status entirely, Mr Badham did not support the relief sought. Notwithstanding this, he did recommend significant amendments to the rule. Mr Badham also acknowledged the various further submissions²⁴⁶ made either in support or opposition of the submissions that sought to delete the rule.
817. Mr Badham did not support Te Mana Ora’s request to not allow mineral extraction within a Drinking Water Source Protection Zone, for the reasons previously outlined.
818. In response to the submission point from GDC (supported by the further submission point from BDC) to increase the volume of material disturbed to 100,00m³, Mr Badham did not support the relief sought. He considered there was no justification to change the volume and recommended the volume stay at 20,000m³, as notified.
819. Mr Badham did not support GDC’s request to amend the setback distance from 250m to 100m (in reference to residential buildings on adjoining sites) because he considered there was no justification provided for the change. Notwithstanding this, he recommended changes to this clause, replacing ‘residential activity’ with ‘sensitive activity’ because he considered all sensitive activities should be captured, not only residential ones. He also recommended deleting the zone references and considered sensitive activities should be protected irrespective of the zone they were in.
820. Mr Badham did not directly respond to a number of submission points²⁴⁷ that sought various amendments to the rule. However, his recommendation did not include any of the amendments, therefore it is assumed he did not support the relief sought.

Mr Badham recommended the addition of a new clause that requires “*mineral extraction is associated with a farm quarry*”, which he considered was consistent with RURZ-P20 that enables rural production activities to utilise aggregate resources for providing for farm quarries.

821. The matter of enabling farm quarry was a component of the expert caucusing directed by the Panel in Minute 32. In the JWS, Mr Badham acknowledged that there was a scope issue associated with the inclusion of the clause he recommended in the s42A Report relating to farm quarries. He undertook to address this in the Right of Reply after seeking legal advice.

²⁴⁵ West Coast Penguin Trust (S275.011), Celine Stokowski/Anthony Thrupp (S522.016), Riarnne Klempel (S67.008), Colin Robertson (S293.002), David Moore (S65.017), Jane Nolan (S397.002), Brian Anderson (S576.024 and S576.025), Forest & Bird (S560.385), Murray Stuart, Karen Jury and Rob Lawrence (S455.002), Inger Perkins (S462.027), Lynley Hargreaves (S481.012), Buller Conservation Group (S552.181), Frida Inta (S553.181), Sophia Allan (S82.006), Katherine Crick (S101.001), Deb Langridge (S252.009), Michael Hill (S70.001), Sky Reekie (S136.001), Laura Garber (S278.001), Roger Ewer (S316.002), Jan Fraser (S129.001), Lindy Mason (S355.002), Trevor Hayes (S377.005), Sharon Langridge (S388.002), Karen Vincent (S393.002), Suzanne Hills (S443.044) and Barry Mason (S208.002).

²⁴⁶ Grey District Council (FS1.077, FS1.106, FS1.134, FS1.145, FS01.276, FS1.286, FS1.272, FS1.282, FS1.030, FS1.072, FS1.086, FS1.026, FS1.091, FS1.095, FS1.065, FS1.044, FS1.205, FS1.122, FS1.104 and FS1.044), West Coast Penguin Trust (FS45.48), Birchfields Ross Ltd (FS150.046), Westreef Services Ltd (FS139.004)

²⁴⁷ Westreef Services Limited (S518.015), Buller District Council (S538.507), Peter Langford (S615.188, S615.189), Karamea Lime Company (S614.188, S614.189), Catherine Smart-Simpson (S564.133, S564.134), William McLaughlin (S567.566, S567.565, S567.567), Steve Croasdale (S516.119, S516.120), Geoff Volckman (S563.124, S563.125, S563.179), Chris & Jan Coll (S558.523, S558.522, S558.524), Chris J Coll Surveying Limited (S566.523, S566.522, S566.524), Laura Coll McLaughlin (S574.523, S574.522, S574.524), Grey District Council (S608.496), John Brazil (S360.056), Louise Jaeger (S135.001), Riarnne Klempel (S296.002) and Stephen Page (S270.017)

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

In any event, the JWS records the planners agreed that GRUZ-R12 should not specifically reference farm quarries.

822. Notwithstanding this, the JWS records the planners agreed that there is a gap in the rule framework in relation to enabling farm quarries in the GRUZ. They referenced RURZ-P20 and commented that farm quarries were provided for as discretionary activities in both the Settlement Zone and the Rural Lifestyle Zone and noted there was no provision for them in the GRUZ. They agreed that this represents a gap in terms of giving effect to RURZ-P20 and therefore recommended a new rule to provide for farm quarries, as follows:

GRUZ-RX Farm Quarries

Activity Status Permitted

Where:

- 1. The farm quarry complies with the permitted activity criteria in GRUZ-R12**

Activity status where compliance not achieved: Discretionary

823. Mr Badham also recommended deleting the advice notes in the rule which was consistent with his previous recommendations.
824. Mr Badham recommended deleting the reference to Schedule Ten in the context of where compliance was not achieved with the rule, which was consistent with his recommendations relating to the Schedule in later parts of this Report.
825. Mr Badham recommended renumbering the clauses of the rule to be a progressive list to improve the clarity and workability of the rule.
826. The s42A Report recommended GRUZ-R12 be amended as follows:

Mineral Extraction

Activity Status Permitted

Where:

x. The mineral extraction is associated with a farm quarry; [Noting that this is recommended to be removed in the JWS]

1. *Less than 20,000m³ of material is disturbed or removed within a 12 month period; ~~or~~*
2. *Progressive rehabilitation of the mined area occurs so that disturbance is limited to no more than 3ha at any one time per property on which the activity is occurring;*

~~And~~

~~or~~ **3.** *The activity does not occur within:*

~~or~~ **a.** *An Outstanding Natural Landscape or Outstanding Natural Feature; or*

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- ~~ii.~~ **b.** *An area of significant indigenous vegetation or significant indigenous fauna habitat or any Significant Natural Area identified in Schedule Four; or*
- ~~iii.~~ **c.** *The riparian margins of any stream, river, lake, or wetland;*
- ~~iv.~~ **d.** *A Historic Heritage site identified in Schedule One; or*
- ~~v.~~ **e.** *A Site or Area of Significance to Māori identified in Schedule Three;*
- ~~vi.~~ **f.** *250m of a residential building **sensitive activity** on any RESZ – Residential Zone or RURZ – Rural Zone Zone **an adjoining site**;*
- ~~b.~~ **4.** *There are no stockpiles within 20m of the property boundary;*
- ~~c.~~ **5.** *The maximum stockpile height is 7m;*
- ~~d.~~ **6.** *There shall be no offensive or objectionable dust nuisance as a result of the activity at or beyond the property boundary;*
- ~~e.~~ **7.** *There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity;*
- ~~f.~~ **8.** *Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards;*
- ~~g.~~ **9.** *Hours of operation are limited to 7am to 7pm;*
- ~~h.~~ **10.** *Noise levels meet the Permitted Activity Standards in Rule NOISE -R5; and*
- ~~i.~~ **11.** *Light meets the Permitted Activity standards in Rule LIGHT - R4*

Advice Notes:

- ~~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 within the Pounamu and Aotea Overlays is subject to Rule SASM –R7.~~
- ~~4. 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.~~

Activity status where compliance not achieved: ~~Controlled where this is a previously mined area identified in Schedule Ten. Otherwise Restricted Discretionary~~

- 827. As part of the caucusing directed by the Panel, the planners reconsidered clause (1) of GRUZ-R12, and in particular the 20,000m³ limit. They agreed the volume appeared to be an arbitrary limit as and that there was no clear basis for it in the s32 Report. They also agreed that any other limit would be equally arbitrary, especially without any specific evidence to justify a different limit.
- 828. The planners agreed that the consideration of a volume or area limit needs to be considered in conjunction with the higher order objectives and policies for mineral extraction. Mr Badham considered that a volume limit was difficult from the perspective of monitoring

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compliance and that an area (as applied in clause (2)) could be more practically measured on an annual basis. Despite this, Mr Badham considered there was no specific evidence to change the 20,000m³ limit in clause (1) and recommended it remain as notified.

829. The planners agreed amendments could be made to the wording of GRUZ-R12(1) to improve the efficiency and effectiveness of the rule as follows:

*Less **No more** than 20,000m³ of ~~material is disturbed or removed~~ **mineral extraction occurs** within a 12 month period;*

830. The planners also agreed on amendments to GRUZ-R12(2) to clarify what the reference to rehabilitation and use defined terms as follows:

2. *~~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;*
- x. ***Rehabilitation of the area subject to land disturbance is completed within 12 months of the mineral extraction activity ceasing;***

831. The planners considered clause (3) and the areas in which the activity can occur. They agreed that consequential amendments were also required to ensure consistent cross-references to the schedules; and noted that this would need to be completed once final details related to other hearing topics were complete. They agreed GRUZ-R12(3)(b) should be retained until it was revisited within the scope of the ECO Chapter hearing.

832. The planners considered GRUZ-R12(3)(f) and the notified 250m setback. They agree that in the absence of any specific evidence to the contrary, 250m was a reasonable setback trigger and that it should be applicable to a “sensitive activity” for the reasons set out in the s42A Report.

833. The planners agreed that GRUZ-R12(6) should be deleted because it included a discretionary consideration of what was “offensive or objectionable” which was inappropriate for a permitted activity. Additionally, they considered it duplicated an existing rule in the Regional Air Quality Plan.

834. The planners also agreed to delete clauses (8), (10) and (11) of Rule GRUZ-R12 to remove duplication of other rules in the District-Wide chapters of the Plan.

GRUZ-R18 Mineral Extraction and Mineral Prospecting and Exploration not meeting Permitted Activity Standards

835. In relation to the submission points²⁴⁸ that sought to retain this rule as notified, Mr Badham acknowledged the support. He also acknowledged the submission points²⁴⁹ that sought to make various amendments to the rule.

²⁴⁸ Karamea Lime Company (S614.193), Peter Langford (S615.193), John Brazil (S360.061), Koiterangi Lime Co LTD (S577.105), Catherine Smart-Simpson (S564.138), William McLaughlin (S567.573), Steve Croasdale (S516.123), Geoff Volckman (S563.129), Rocky Mining Limited (S474.015), Straterra (S536.038), Chris & Jan Coll (S558.531), Chris J Coll Surveying Limited (S566.531), Laura Coll McLaughlin (S574.531), Geoff Volckman (S563.0180), Grey District Council (S608.753)

²⁴⁹ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.985), Buller Conservation Group (S552.182) Frida Inta (S553.182), Bathurst Resources Limited and BT Mining Limited (S491.046) and Grey District Council (S608.112)

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836. These acknowledgements were made with reference to the submission points²⁵⁰ that sought to delete the rule, and the previous recommended amendments related to rules GRUZ-R11 and GRUZ-R12 that changed the activity status from controlled to discretionary when compliance was not achieved. Consequential to those recommendations, Mr Badham recommended deleting GRUZ-R18 in its entirety.
837. In addition, Mr Badham made specific comments that responded to the submission point made by Forest and Bird that also sought to delete Schedule Ten as it did not have any content, Mr Badham agreed that Schedule Ten was unworkable and inappropriate. He noted that if sites had been legally established and were still operating, they would have existing use rights. Conversely, where they may have ceased operating for an extended period of time, he saw no reason why they should not be considered as a new activity and considered in accordance with the relevant rules. On this basis, he considered Schedule Ten had no purpose and recommended it be deleted.
838. Mr Badham made comment about the restricted discretionary activity status and similar to previous recommendations for other rules, he did not consider it appropriate for a restricted discretionary activity status when the list of matters of discretion was so long. In his opinion, if so many matters of discretion were necessary, it was much simpler to make the activity a full discretionary activity.
839. The s42A Report recommended that Rule GRUZ-R18 be deleted in its entirety.

GRUZ-R25 Mineral Extraction Activities not meeting Permitted or Controlled Activity Standards

840. In relation to the submission points²⁵¹ that sought to retain this rule as notified, Mr Badham acknowledged the support. However, he noted his recommended amendments in response to other submissions.
841. Mr Badham acknowledged the submission point made by Forest and Bird that sought to delete the rule. He did not support the relief sought, but noted that he recommended amendments.
842. He also acknowledged the submission points²⁵² that sought to make various amendments to the rule. Mr Badham considered the submissions collectively and recommended the rule be amended to change the activity status from restricted discretionary to fully discretionary. Similar to previous recommendations, Mr Badham considered changing the activity status from restricted discretionary to discretionary given the long list of matters of discretion.
843. The s42A Report recommended that Rule GRUZ-R25 be amended as follows:

²⁵⁰ David Moore (S65.018), Sophia Allan (S82.005), Brian Anderson (S576.001), Suzanne Hills (S443.045), Trevor Hayes (S377.006), Lynley Hargreaves (S481.014), Michael Hill (S70.002), Sharon Langridge (S388.003), Jane Nolan (S397.003), Katherine Crick (S101.018) and Forest & Bird (S560.386)

²⁵¹ Peter Langford (S615.198), Karamea Lime Company (S614.198), Koiterangi Lime Co LTD (S577.110), Catherine Smart-Simpson (S564.143), William McLaughlin (S567.580), Steve Croasdale (S516.128), Geoff Volckman (S563.134), Rocky Mining Limited (S474.016), Laura Coll McLaughlin (S574.539), Buller District Council (S538.517), Chris & Jan Coll (S558.539), Chris J Coll Surveying Limited (S566.539), Grey District Council (S608.760) and Geoff Volckman (S563.0181)

²⁵² Sophia Allan (S82.004, S82.007), Michael Hill (S70.003), Katherine Crick (S101.019), Lindy Mason (S355.003), Laura Garber (S278.007), Jan Fraser (S129.003), Trevor Hayes (S377.009), WMS Group (HQ) Limited and WMS Land Co. Limited (S599.121), TiGa Minerals and Metals Limited (S493.105), Whyte Gold Limited (S607.074, S607.095), Birchfield Ross Mining Limited (S604.122, S604.089), Phoenix Minerals Limited (S606.074), Birchfield Coal Mines Ltd (S601.129, S601.099), Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.992), Sharon Langridge (S388.004), Jane Nolan (S397.004), Suzanne Hills (S443.046), William McLaughlin (S567.579), Chris & Jan Coll (S558.537), Chris J Coll Surveying Limited (S566.537), Laura Coll McLaughlin (S574.537), and David Moore (S65.019)

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*GRUZ-R25 – Mineral **Prospecting, Mineral Exploration and Mineral** Extraction Activities not meeting Permitted ~~or Controlled~~ Activity Standards*

Activity Status ~~Restricted~~-Discretionary

Where:

~~1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance to Māori, or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas]~~

Discretion is restricted to:

- a. Management of access, parking and traffic generation;*
- b. Noise, glare, light, dust, blasting and vibration management;*
- b. Hours of operation;*
- c. Hazardous substances and waste management;*
- d. Historic and Poutini Ngāi Tahu cultural heritage requirements;*
- e. Extent and management of earthworks and indigenous vegetation clearance;*
- f. Effects on any threatened fauna or flora or their habitats;*
- g. Design and location of buildings, structures and infrastructure;*
- h. Landscape measures;*
- i. Maintaining public access;*
- j. Effects on riparian margins and water quality;*
- k. Monitoring, reporting and community liaison requirements;*
- l. Financial contributions and any requirement for bonds; and*
- m. Site rehabilitation and mine closure requirements.*

Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM-R7.

Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where mineral extraction is proposed. N/A

GRUZ-R32 Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards

844. In relation to the submission points²⁵³ that sought to retain this rule as notified, Mr Badham acknowledged the support. He also acknowledged the various submission points made by Forest and Bird that sought to make various amendments to the rule.

²⁵³ Te Mana Ora (Community and Public Health) of the NPHS/ Te Whatu Ora (S190.999), Peter Langford (S615.208), Karamea Lime Company (S614.208), Koiterangi Lime Co LTD (S577.120), Catherine Smart-Simpson (S564.153), William McLaughlin (S567.590), Rocky Mining Limited (S474.017), Chris & Jan Coll (S558.550), Chris J Coll Surveying Limited (S566.550), Laura Coll McLaughlin (S574.550), Buller District Council (S538.524), Geoff Volckman (S563.0182 and S563.144) and New Zealand Coal & Carbon Limited (S472.036)

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845. These acknowledgements were made with reference to the submission points²⁵⁴ that sought to delete the rule, and the previous recommended amendments to Rule GRUZ-R25 that changed the activity status from restricted discretionary to discretionary. Consequential to those recommendations, Mr Badham recommended deleting GRUZ-R32 in its entirety.

846. The s42A Report recommended Rule GRUZ-R32 be deleted in its entirety.

Hearing and Submitter Evidence/Statements

GRUZ-R11 Mineral Prospecting and Mineral Exploration

847. Mr McEnaney confirmed GDC did not support the recommendations in the s42A Report relating to clauses (3) and (5). However, the Panel notes GDC only made a further submission that opposed amended wording sought by Te Mana Ora for a new clause.

848. Ms Inta outlined that her objections to the rule were the same as those relating to rules MINZ-R1 and BCZ-R1. Additionally, she identified that the rule related to “*Mineral Prospecting and Mineral Exploration*”, yet there is reference to “*mineral extraction*” within the content of the rules, which she assumed was a typo that should be corrected.

849. Ms McKenzie, for WMS Group, did not support the s42A Report recommendations to include a 5,000m³ limit or a 20m setback. She considered that the 5,000m³ limit was unnecessarily restrictive, especially when considered in the context of the 20,000m³ limit in GRUZ-R12. Regarding the 20m setback, Ms McKenzie did not think that a setback was necessary for short term activities.

850. Ms McKenzie set out her preferred wording for GRUZ-R11 in her evidence as follows:

Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. *This is authorised under a prospecting or exploration permit from **New Zealand Petroleum and Minerals NZPAM**;*
2. *Notice is provided to the relevant District Council Consent Authority 10 working days prior to the works commencing;*
3. ~~*Areas are to be disturbed, topsoil shall be stripped and stockpiled and then replaced over the area of land disturbed as soon as possible and no later than 3 months after the disturbance has occurred*~~
4. *The site shall be rehabilitated as far as is practicable to its original condition **with rehabilitation being completed no more than three months after Mineral Prospecting or Mineral Exploration ceases**; and*

²⁵⁴ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.122), TiGa Minerals and Metals Limited (S493.106), Birchfield Coal Mines Ltd (S601.100), Birchfield Ross Mining Limited (S604.090), Phoenix Minerals Limited (S606.075), Whyte Gold Limited (S607.075) and Bathurst Resources Limited and BT Mining Limited (S491.047)

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5. No more than 20,000m³ is excavated in a calendar year.

~~6. 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 Note:

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.*

GRUZ-R12 Mineral Extraction

851. Mr Lile, for Westreef, addressed the submission points not accepted in the s42A Report; and noted he did not support the recommended additions relating to farm quarries in this rule and considered there was no scope to make the change given there was no submission raising the matter. He considered “*disturbance*” should not be included in clause (1) because it was addressed in clause (2). He noted that the 20,000m³ volume limit for “*disturbance*” effectively limited the volume of material actually extracted, as it would also capture stripping and dealing with overburden.
852. Mr Lile requested clarification or a definition for “*riparian margin*” and suggested it should be 10m from the top of a bank. He also sought clarification with respect to vehicle movements to ensure that the number of movements set out in the rule provided for the return trip given it was his understanding that it did.
853. Mr Lile considered the setback distance from residential dwellings (or sensitive activities, as recommended in the s42A Report) be reduced from 250m to 150m (clause (a)(vi)). He gave the example of McPaddens Pit, which he said operated successfully within 250m from residential activities. He also considered the disturbance area referred to in GRUZ-R12(2) should be increased from 3ha to 5ha.
854. Mr McEnaney noted GDC did not support the s42A Report recommendation to amend the rule to specifically restrict mineral extraction to farm quarries. He considered it fundamentally changed the notified basis of the rule, which was for mineral extraction as defined in the pTTPP. He requested the material disturbance volume be increased to 100,000m³ and the setback distance from a residential building be reduced to 100m; noting that the setback distance from residential buildings in GRUZ-R1 was significantly less than 250m and in the effects of the activities were similar. He suggested aligning the setback for stockpiles with the building setback in GRUZ-R1(2), which was 10m. The panel notes that GDC sought 3m in the submission.
855. Ms McKenzie, for WMS Group, did not support the s42A Report recommendation to make additions for farm quarries because she considered this would fundamentally change the intent of the provision and that the changes were beyond the scope of submissions. She also

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considered Mr Badham had not taken account of the enabling framework of the Strategic Directions, and in particularly MINZ-O2. She reiterated the submission made by WMS Group Limited and WMS Land Co. Limited that GRUZ-R12 be retained as notified.

856. Despite Bathurst not making a submission on GRUZ-R12, Ms Hunter advised she did not support the s42A Report recommendation to make additions for farm quarries. She considered the amendment placed limitations on the rule to only provide for farm quarries and significantly changed the intent of the rule as it was notified. She also referred to the s42A Report recommendation to delete the controlled and restricted discretionary defaults when an activity could not meet the permitted standards for either mineral extraction, prospecting or exploration. While she agreed that it may be appropriate for mineral extraction activities, she did not think that the same activity status was warranted for exploration and prospecting activities (GRUZ-R11), which she considered often had a limited footprint or duration.
857. Ms Inta did not support the s42A Report recommendation related to the farm quarry addition and suggested that the word “*aggregate*” be added. She noted the 20,000m³ volume was greater than the permitted standard for earthworks in the WCRLWP and considered there should be alignment between both plans. She also identified that clause (1) of the rule did not refer to a spatial area and that clause (2) referred to “*property*” which was not defined. She suggested the reference should be “*per hectare*”. Ms Inta considered the 3ha limit for disturbance was too great. She also noted the rule lacked any control of sediment run-off or land instability, and therefore an advice note referencing the earthworks rule in the WCRLWP was important.

GRUZ-R18 Mineral Extraction and Mineral Prospecting and Exploration not meeting Permitted Activity standards

858. Mr McEnaney confirmed GDC did not support the s42A Report recommendation to delete the rule. He reiterated GDC’s submission point that the rule should be retained as notified.

GRUZ-R25 Mineral Extraction Activities not meeting Permitted or Controlled Activity Standards

859. Mr McEnaney confirmed GDC did not support the s42A Report recommendation to change the activity status and reiterated the submission sought to retain the rule as notified.
860. Ms McKenzie reiterated the submission made by WMS Group that GRUZ-R25 generally be retained as notified, with a minor amendment to delete the reference to water quality in the matters of discretion. She supported a restricted discretionary activity status and considered the s42A Report recommendation was contrary to the RPS because it would not appropriately recognise and enable resource use and development within the GRUZ as required by Objective 5.2 and Policy 5.2. She did not support adding of ‘Mineral Prospecting and Mineral Exploration’ to the rule heading.

GRUZ-R32 Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards

861. Mr McEnaney noted GDC did not support the s42A Report recommendation to delete this rule and reiterated the submission sought to retain the rule as notified.

Reporting Officer Reply Evidence

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GRUZ-R11 Mineral Prospecting and Mineral Exploration

862. In response to questions from the Panel (Minute 32), Mr Badham revisited the use of advice notes in his Right of Reply. Mr Badham’s position is outlined above in relation to the MINZ and BCZ. In summary, he recommended the advice notes (and the general note) should be deleted from GRUZ-R11.
863. Mr Badham accepted there was an overlap between the relevant rules in the GRUZ and SASM-R7, and he acknowledged that the recommended addition to GRUZ-R11 created implications relating to more enabling provisions elsewhere in the pTTPP relating to the extraction of pounamu by Poutini Ngāi Tahu. Mr Badham therefore amended his recommendation and suggested an advice note relating to this to be included in GRUZ-R11 as follows:

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.

864. Appendix 1 of the Right of Reply showed Mr Badham no longer recommended adding new clause (6)(d) ‘A Site or Area of Significance to Māori’.

GRUZ-R12 Mineral Extraction

865. As indicated above, the caucusing discussed the s42A Report recommendation to add a reference to farm quarries into GRUZ-R12. The subsequent recommendation in JWS #2 was to delete the proposed clause and introduce a new rule that specifically permitted farm quarries in the GRUZ. The JWS records Mr Badham agreed to revisit the matter of scope to introduce a new rule for farm quarries in his Right of Reply.
866. In Reply, Mr Badham advised that Ms Easton, Reporting Officer for the Rural Zone Chapter, had addressed farm quarries in her Right of Reply by recommending amendments to the definition for “farm quarry” and by including “farm quarries” within the definition for “agricultural, horticultural and pastoral activities”. As a result of this, Mr Badham considered “farm quarries” were already provided for as a permitted activity under the provisions of RUZ-R1; and therefore, the new rule recommended in the JWS was not necessary, nor any consideration of scope for a new rule.

Hearing Panel’s Evaluation

867. The Panel accepts farm quarries are provided for under Rule RUZ-R1 and agree a new rule is not required.
868. The Panel does not accept Mr Badham’s recommendation to delete the advice notes of the rules given the cross-referencing approach taken is consistent with other chapters in the Plan.
869. In relation to **Rule GRUZ-R11**, the Panel agrees with Mr Badham that it is appropriate to permit mineral prospecting and mineral exploration subject to standards. We generally accept the standards sought by BDC (S538.506) are appropriate.
870. The Panel considers a volumetric limit of 5,000m³ per 12-month period per site is reasonable given this is for mineral prospecting and mineral exploration.

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871. The Panel recommend changes to be consistent with the wording of the equivalent rules in the OSZ, RLZ and SETZ, where appropriate. The submissions seeking deletion of the rule provide wide scope for these changes and to add new clause (6) to address potential adverse effects on significant environmental values identified in the overlay chapters. We consider it is appropriate to add a new advice note to cross-reference the vegetation clearance rules in the ECO Chapter, as a consequential amendment to adding this advice note to Rule OSZ-R11.
872. The Panel consider that a fully discretionary default status for mineral prospecting and mineral exploration activities that cannot meet permitted activity standards is not necessary given the nature of these activities, which are expected to be localised and of short duration, and can be distinguished from mineral extraction and processing activities. The Panel consider a restricted discretionary activity status for these activities to be sufficient, as notified.
873. The Panel consider that it is not necessary to reference overlay chapters in the rule itself given clear statements within the Plan that it must be read as a whole. Provisions in the overlay chapters will apply in the GRUZ and will be applicable where there is overlap between overlays and mineral prospecting or exploration activities.
874. The Panel consider it is appropriate to add a new advice note to cross-reference the vegetation clearance rules in the ECO Chapter, this addresses potential adverse effects on indigenous biodiversity values in areas yet to be assessed for SNA identification.
875. In relation to **Rule GRUZ-R12**, the Panel considers there is no need to make the substantial changes recommended by Mr Badham, which generally reflect the agreed changes in the JWS #2. We consider there are scope issues with many of the deletions recommended.
876. Overall, we consider the rule appropriately refers to overlay chapters and matters addressed in other chapters. The only exception is the reference to *'A Site or Area of Significance to Māori'*, where its inclusion may cause conflict with permitted activity SASM-R7. To resolve this, we agree this should be deleted from clause (a)(v) (as notified) and a consequential amendment made to Advice Note (2) to include or *'A Site or Area of Significance to Māori'*.
877. The Panel agree with BDC that reference to a *'calendar year'* is more certain than *'12 month period'* in clause (1). We consider a limit of no more than 20,000m³ of material excavated per calendar year is appropriate for a permitted activity in combination with the other standards. Similarly, we consider a limit of 3 ha of disturbance at any one time is an appropriate limit for a permitted activity.
878. The Panel prefer the wording requested by BDC for clause (3) of the rule and have made minor changes to be consistent with other equivalent rule clauses.
879. The Panel disagrees with Mr Lile (for Westreef) that setback from residential buildings should be reduced from 250m to 150m; and with GDC to reduce it to 100m. While it may be possible to manage effects to an acceptable level with a reduced setback, we consider this should be achieved through a resource consent process and not as a permitted activity. We recommend minor amendments to clause (a)(vi) to replace *'residential buildings'* with *'sensitive activities'* given this is defined in the Plan; and to make it clear this is referring to any adjoining site and not on the subject site.
880. The Panel note that the Transport Chapter of the Plan makes it clear that a vehicle movement is one trip to or from the site. We consider it is appropriate to rely on the district-wide rules

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to manage transport effects arising from the activity. We also consider it is appropriate to rely on the provisions in the district-wide chapters in relation to matters of noise, light and transport effects, excluding earthworks.

881. In relation to **Rule GRUZ-R18**, the Panel disagrees with Mr Badham’s recommendation to delete it entirely, on the basis that it is suitable for mineral prospecting and exploration activities that do not meet permitted activity standards, given that these activities are expected to be localised and of short duration.
882. The Panel considers this default rule for mineral prospecting and exploration activities should be changed from a controlled activity to a restricted discretionary activity to enable consent to be declined if necessary to achieve the objectives and policies of the Plan. We recommend amending the rule to remove any references to mineral extraction and processing activities and their effects within matters of discretion. We also recommend changes for consistency with other rules. We consider the submissions seeking deletion of this rule and to change the activity status provide broad scope for these changes.
883. In relation to **Rule GRUZ-R25**, the Panel accepts Mr Badham’s recommendation to amend this rule from restricted discretionary to discretionary for the reasons outlined. We consider this to be appropriate given the wide variety of mineral extraction and processing activities that may make use of the rule and the extent of necessary considerations. The Panel note that applicants can rely on supporting objectives and policies in the Plan, both in the chapter and as part of Strategic Direction.
884. In relation to **Rule GRUZ-R32**, the Panel accepts Mr Badham’s recommendation to delete this rule as a consequential amendment to the changes to Rule GRUZ-R25.

S32AA Analysis

885. The key change to this suite of rules are the amendments to GRUZ-R18, which make minerals prospecting and exploration activities restricted discretionary, rather than controlled, with the same matters to consider; and GRUZ-R25, which makes minerals prospecting and exploration activities discretionary rather than restricted discretionary. The Panel consider that resource consenting costs will be largely equivalent to the rules in the Plan as notified, with the main difference being that the Councils retain discretion in the case of minerals prospecting and exploration activities, and have full discretion in the case of minerals extraction and processing activities. The objectives and policies supporting these activities are materially similar to those at notification. The Panel consider that the amendments will improve plan integration and the effectiveness of the Plan.

Hearing Panel’s Recommendation

886. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommend changes to the **General Rural Zone Rules** as follows:

General Rural Zone Rules

Permitted Activities

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GRUZ-R11 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a prospecting or exploration permit from NZPAM;²⁵⁵
- ~~2. **1. Written Notice** is provided to the relevant District Council Consent Authority 10 working days prior to the any Mineral Prospecting or Mineral Exploration works commencing;²⁵⁶~~
- ~~2. 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;²⁵⁷~~
- 2. Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary;**²⁵⁸
3. The site shall be is progressively rehabilitated as far as is practicable to its original condition prior to activity occurring,²⁵⁹ with rehabilitation being completed no later than three months after Mineral Prospecting or Mineral Exploration ceases;²⁶⁰ and
- ~~4. 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.²⁶¹~~
- 4. No more than 5,000m³ of earthworks is undertaken in a calendar year per site.**²⁶²

Advice Note:

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.

²⁵⁵ RMA Schedule 1, clause 16(2) not within the jurisdiction of the RMA

²⁵⁶ Buller District Council S538.506

²⁵⁷ Buller District Council S538.506, Peter Langford S615.186, Karamea Lime Company S614.186, Catherine Smart-Simpson S564.132, William McLaughlin S567.564, Geoff Volckman S563.123, Chris & Jan Coll S558.521, Chris J Coll Surveying Limited S566.521, Laura Coll McLaughlin S566.521

²⁵⁸ Buller District Council S538.506

²⁵⁹ Consequential amendment Minerals West Coast S569.004

²⁶⁰ Buller District Council S538.506

²⁶¹ Buller District Council S538.506

²⁶² Buller District Council S538.506

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4. Any vegetation clearance associated with mining activities is subject to the rules in the Ecosystems and Indigenous Biodiversity Chapter.²⁶³

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R12 Mineral Extraction

Activity Status Permitted

1. ~~Less~~ **No more** than 20,000m³ of material is ~~disturbed or removed~~ **excavated** within a ~~12 month period~~ **calendar year**; ~~or~~²⁶⁴
2. ~~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;²⁶⁵
3. **The site is progressively rehabilitation as far as practicable to its condition prior to the activity occurring, with rehabilitation being completed no later than 6 months of the mineral extraction activity ceasing; and**²⁶⁶

~~a-4.~~ 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 any Significant Natural Area identified in Schedule Four; or
 - iii. The riparian margins of any stream, river, lake, or wetland;
 - iv. A Historic Heritage site identified in Schedule One; or
 - ~~v. A Site or Area of Significance to Māori identified in Schedule Three;~~²⁶⁷
 - vi. 250m of a residential building **sensitive activity** on any RESZ – Residential Zone or RURZ – Rural Zone **an adjoining site; and**²⁶⁸
- a. There are no **earthworks** ~~stockpiles~~ within 20m of the property boundary;²⁶⁹
 - b. The maximum stockpile height is 7m;
 - c. There shall be no offensive or objectionable dust nuisance as a result of the activity at or beyond the property boundary;
 - d. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity;
 - e. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards;

²⁶³ Consequential amendment Royal Forest and Bird Protection Society Incorporated S560.0593

²⁶⁴ Buller District Council S538.507

²⁶⁵ Buller District Council S538.507

²⁶⁶ Buller District Council S538.507

²⁶⁷ RMA Schedule 1, clause 16(2)

²⁶⁸ RMA Schedule 1, clause 16(2)

²⁶⁹ Buller District Council S538.507

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- f. Hours of operation are limited to 7am to 7pm;
- g. Noise levels meet the Permitted Activity Standards in Rule NOISE -R5; and
- h. Light meets the Permitted Activity standards in Rule LIGHT - R4.

Advice Notes:

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 **or Site or Area of Significance to Māori**²⁷⁰ 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.

Activity status where compliance not achieved:

~~Controlled where this is a previously mined area identified in Schedule Ten.~~

~~Otherwise Restricted Discretionary~~

Restricted Discretionary

GRUZ-R18 ~~Mineral Extraction and Mineral~~ Prospecting and Exploration not meeting Permitted Activity standards²⁷¹

Activity Status ~~Controlled~~ Restricted Discretionary²⁷²

~~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; **or**

²⁷⁰ RMA Schedule 1, clause 16(2)

²⁷¹ Buller District Council S538.511, Bathurst Resources Limited and BT Mining Limited S491.046, Suzanne Hills S443.045, David Moore S65.018, Frida Inta S553.182 and Buller Conservation Group S552.182, Royal Forest and Bird Protection Society Incorporated S560.386, Sophia Allan S82.005, Brian Anderson S576.001, Trevor Hayes S377.006, Lynley Hargreaves S481.014, Michael Hill S70.002, Sharon Langridge S388.003, Jane Nolan S397.003, Katherine Crick S101.018

²⁷² Buller District Council S538.511, Bathurst Resources Limited and BT Mining Limited S491.046, Suzanne Hills S443.045, David Moore S65.018, Frida Inta S553.182 and Buller Conservation Group S552.182, Royal Forest and Bird Protection Society Incorporated S560.386, Sophia Allan S82.005, Brian Anderson S576.001, Trevor Hayes S377.006, Lynley Hargreaves S481.014, Michael Hill S70.002, Sharon Langridge S388.003, Jane Nolan S397.003, Katherine Crick S101.018

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- iv. A Historic Heritage site, or
- v. A Site or Area of Significance to Māori;
- vi. 250m of a residential buildings **sensitive activity** on any RESZ—Residential Zone, SETZ—Settlement Zone or RLZ—Rural Lifestyle Zone **on an adjoining site.**²⁷³

Matters of ~~control~~ discretion are:

- 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 **heritage** and Poutini Ngāi Tahu **values** cultural heritage requirements;
- f. Extent and design of earthworks and indigenous vegetation clearance;
- g. Effects on any threatened **and at risk** fauna or flora, or their habitats;
- ~~h. Design and location of ancillary buildings, structures and infrastructure;~~
- ~~i. Landscape measures~~ **Measures to mitigate landscape effects;**²⁷⁴
- ~~j. Maintaining public access;~~
- k. Effects on riparian margins and water quality;
- ~~l. Monitoring, reporting and community liaison requirements;~~
- ~~m. Financial contributions and any requirement for bonds; and~~
- n. Site rehabilitation and mine closure requirements.

Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays **or Site or Area of Significance to Māori**²⁷⁵ is subject to Rule SASM - R7.

Activity status where compliance not achieved: ~~Restricted Discretionary~~ **N/A**²⁷⁶

Discretionary Activities

GRUZ-R25 Mineral Extraction Activities not meeting Permitted Activity Standards

²⁷³ RMA Schedule 1, clause 16(2)

²⁷⁴ Consequential Plan-wide amendment

²⁷⁵ RMA Schedule 1, clause 16(2)

²⁷⁶ Consequential amendment Buller District Council S538.511, Bathurst Resources Limited and BT Mining Limited S491.046, Suzanne Hills S443.045, David Moore S65.018, Frida Inta S553.182 and Buller Conservation Group S552.182, Royal Forest and Bird Protection Society Incorporated S560.386, Sophia Allan S82.005, Brian Anderson S576.001, Trevor Hayes S377.006, Lynley Hargreaves S481.014, Michael Hill S70.002, Sharon Langridge S388.003, Jane Nolan S397.003, Katherine Crick S101.018

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Activity Status ~~Restricted~~ Discretionary²⁷⁷

Where:

- ~~1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance to Māori, or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas].~~

Discretion is restricted to:

- ~~a. Management of access, parking and traffic generation;~~
- ~~b. Noise, glare, light, dust, blasting and vibration management;~~
- ~~c. Hours of operation;~~
- ~~d. Hazardous substances and waste management;~~
- ~~e. Historic and Poutini Ngāi Tahu cultural heritage requirements;~~
- ~~f. Extent and management of earthworks and indigenous vegetation clearance;~~
- ~~g. Effects on any threatened fauna or flora or their habitats;~~
- ~~h. Design and location of buildings, structures and infrastructure;~~
- ~~i. Landscape measures;~~
- ~~j. Maintaining public access;~~
- ~~k. Effects on riparian margins and water quality;~~
- ~~l. Monitoring, reporting and community liaison requirements;~~
- ~~m. Financial contributions and any requirement for bonds; and~~
- ~~n. Site rehabilitation and mine closure requirements.~~

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM-R7.~~

Activity status where compliance not achieved:

~~Refer to relevant Overlay Chapter rules where mineral extraction is proposed in these areas. **N/A**²⁷⁸~~

GRUZ R32 Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards

²⁷⁷ Suzanne Hills S443.046, Royal Forest and Bird Protection Society Incorporated S560.388

²⁷⁸ Suzanne Hills S443.046, Royal Forest and Bird Protection Society Incorporated S560.388

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Activity Status Discretionary

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM-R7.~~

~~Activity status where compliance not achieved: N/A²⁷⁹~~

9.4. Rural Lifestyle Zone Rules

Submissions and Further Submissions

887. Fifteen submission points relating to Rule **RLZ-R11** were summarised in a Table on pages 263-265 of the s42A Report. Two submission points sought to retain the rule as notified and 13 submission points sought amendment.
888. Sixteen submission points and two further submissions relating to Rule **RLZ-R15** were summarised in a Table on pages 267-269 of the s42A Report. Eight submission points sought to retain the rule as notified and eight submission points sought amendment. The further submission points both opposed submissions seeking amendment.

Section 42A Report

RLZ-R11 Mineral Prospecting and Mineral Exploration

889. In relation to the submission points made by WDC and Rocky Mining Limited that sought to retain this rule as notified, Mr Badham acknowledged the support. However, he noted his recommended amendments in response to other submissions.
890. Mr Badham did not support Te Mana Ora's request to add a new clause relating to Drinking Water Source Protection for the reasons previously outlined.
891. In response to the submission points that sought amendments to the rule, Mr Badham considered them collectively and recommended amendments that were consistent with the recommendations made to the equivalent rules OSZ-R11 and GRUZ-R11.
892. The s42A Report recommended that RLZ-R11 be amended as follows:

RLZ-R11 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

- a. *This is authorised under a **mineral** prospecting or **mineral** exploration permit from NZPAM **New Zealand Petroleum and Minerals, where legally required**;*
- b. *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~~;*

²⁷⁹ Consequential amendment to recommended rule framework

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- c. ~~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;**
- d. ~~The site shall be~~ **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; and**
- e. **No more than 5,000m³ of material is excavated in a calendar year; and**
- f. **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 Site or Area of Significance to Maori**
 - e. **A Significance Natural Area; or**
 - f. **An area of High or Outstanding Coastal Natural Character**
- ~~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:

- ~~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.~~

Activity status where compliance not achieved: *Restricted Discretionary*

RLZ-R15 Mineral Prospecting and Exploration not meeting Permitted Activity Standards and Mineral Extraction Activities

893. In relation to the submission points²⁸⁰ made that sought to retain this rule as notified, Mr Badham acknowledged the support. However, he noted his recommended amendments in response to other submissions.

²⁸⁰ Westland District Council (S181.044), Rocky Mining Limited (S474.019), Buller District Council (S538.542), William McLaughlin (S567.615), Chris & Jan Coll (S558.577), Chris J Coll Surveying Limited (S566.577), Laura Coll McLaughlin (S574.577) and Grey District Council (S608.765)

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894. In response to the submission points²⁸¹ that sought to amend the activity status from restricted discretionary to discretionary, Mr Badham partially supported the relief sought. As previously set out, Mr Badham did not consider it effective for an activity to be restricted discretionary when the list of matters was long. He considered it more appropriate that the activity simply be discretionary, but only in the context of mineral prospecting and mineral exploration.
895. With respect to mineral extraction in the RLZ, Mr Badham considered that this should be a non-complying activity. This was because there was no specific policy direction to support mineral extraction in this zone. Due to this and other policy that anticipated a higher level and intensity of sensitive (residential) activities, he considered mineral extraction could create significant incompatibility issues. Mr Badham therefore recommended a new rule that would make mineral extraction within the RRZ a non-complying activity.
896. In response to the other submission points²⁸² that sought various amendments to this rule, Mr Badham didn't make any specific recommendations.
897. The s42A Report recommended that RLZ-R15 be amended as follows:

RLZ-R15 Mineral Prospecting and Exploration not Meeting Permitted Activity Standards ~~and Mineral Extraction Activities~~

Activity Status ~~Restricted-Discretionary~~

Where:

- 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].~~*

Discretion is restricted to:

- 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 and flora or their habitats;~~*
- h. ~~Design and location of ancillary buildings, structures and infrastructure;~~*
- i. ~~Landscape measures;~~*

²⁸¹ Buller Conservation Group (S552.183), Frida Inta (S553.183) and Suzanne Hills (S443.049)

²⁸² Sophia Allan (S82.030), Grey District Council (S608.118)

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~~j. — Maintaining public access;~~

~~k. — Effects on riparian margins and water quality;~~

~~l. — Monitoring, reporting and community liaison requirements;~~

~~m. — Financial contributions and any requirement for bonds; and~~

~~n. — Site rehabilitation and mine closure requirements.~~

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM-R7.~~

~~Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where the activity will occur in these areas N/A~~

898. The s42A Report also recommended that a new rule be added as follows:

Mineral Extraction

Activity Status Non-Complying

Activity status where compliance not achieved: N/A

Hearing and Submitter Evidence/Statements

RLZ-R11 Mineral Prospecting and Mineral Exploration

899. Mr McEnaney noted GDC supported the recommendations in the s42A Report. However, the Panel notes GDC did not make a submission or further submission on this rule.

RLZ-R15 Mineral Prospecting and Exploration not Meeting Permitted Activity Standards and Mineral Extraction Activities

900. Mr McEnaney noted GDC did not support the s42A Report recommendation for this rule, or the recommendation to add a new non-complying rule for mineral extraction. He considered the restricted discretionary activity status was appropriate for mineral prospecting and exploration, but preferred a discretionary activity status for mineral extraction rather than non-complying.

901. Ms Inta questioned why mineral prospecting and exploration were provided for in the RLZ if mineral extraction was not.

Reporting Officer Reply Evidence

902. As outlined above, Mr Badham revisited the use of advice notes in his Right of Reply. He also acknowledged the overlap with SASM-R7 due to the recommended additions referencing SASM. As such, he amended his recommendation and suggested an advice note as follows:

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.

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

903. Appendix 1 of the Right of Reply showed Mr Badham no longer recommended adding new clause (6)(d) 'A Site or Area of Significance to Māori' to Rule RLZ-R11.

Hearing Panel's Evaluation

904. The Panel does not accept Mr Badham's recommendation to delete the advice notes of the rules given the cross-referencing approach taken is consistent with other chapters in the Plan.

905. In relation to **Rule RLZ-R11**, the Panel agrees with Mr Badham that it is appropriate to permit mineral prospecting and mineral exploration subject to standards. We generally accept the standards sought by BDC (S538.538) are appropriate, however, we have recommended changes consistent with Rule GRUZ-R11 and Rule SETZ-R15.

906. The Panel considers a volumetric limit of 5,000m³ per 12-month period per site is reasonable given this is for mineral prospecting and mineral exploration.

907. The Panel recommend changes to be consistent with the wording of the equivalent rules in the OSZ, GRUZ and SETZ, where appropriate. The submissions seeking deletion of the rule provide wide scope for these changes and to add new clause (6) to address potential adverse effects on significant environmental values identified in the overlay chapters. We consider it is appropriate to add a new advice note to cross-reference the vegetation clearance rules in the ECO Chapter, as a consequential amendment to adding this advice note to Rule OSZ-R11.

908. In relation to **Rule RLZ-R15**, the Panel agree with Mr Badham that where mineral prospecting and mineral exploration cannot meet these permitted activity standards it should be a discretionary activity to enable a full assessment of environmental effects.

909. The Panel do not consider a new non-complying rule is required for mineral extraction because Rule RLZ-R15 applies to mineral prospecting and mineral exploration not meeting the permitted activity and mineral extraction. We consider this rule, as amended to a discretionary activity, is appropriate to enable a full assessment of effects.

S32AA Analysis

910. The key change to this suite of rules are the amendments to RLZ-R15, which makes minerals extraction activities discretionary rather than restricted discretionary. The Panel consider that resource consenting costs will be largely equivalent to the rules in the Plan as notified, with the main difference being that the Councils retain full discretion. The Panel consider that the amendments will improve plan integration and the effectiveness of the Plan.

Hearing Panel's Recommendation

911. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommend changes to the **Rural Lifestyle Zone Rules** as follows:

Rural Lifestyle Zone Rules

Permitted Activities

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 and Future Urban Zone - Te Takiwā Tāone mō Raurangi

RLZ-R11 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a prospecting or exploration permit from NZPAM;²⁸³
2. Written notice is provided to the relevant District Council 10 working days ahead of work prior to any Mineral Prospecting or Mineral Exploration works commencing being undertaken;²⁸⁴
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;~~²⁸⁵
2. Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary;²⁸⁶
4. The site shall be progressively rehabilitated as far as is practicable to its original condition prior to activity occurring, with rehabilitation to be completed no later than three months after Mineral Prospecting and Mineral Exploration ceases;²⁸⁸ and
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.²⁸⁹
5. No more than 5,000m³ of material is excavated in a calendar year.²⁹⁰

Advice Notes:

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.
4. Any vegetation clearance associated with mining activities is subject to the rules in the Ecosystems and Indigenous Biodiversity Chapter.²⁹¹

²⁸³ RMA Schedule 1, clause 16(2)

²⁸⁴ Buller District Council S538.538

²⁸⁵ Buller District Council S538.538

²⁸⁶ Buller District Council S538.538

²⁸⁷ Consequential amendment Minerals West Coast S569.004

²⁸⁸ Buller District Council S538.538

²⁸⁹ Buller District Council S538.538

²⁹⁰ Buller District Council S538.538

²⁹¹ Royal Forest and Bird Protection Society Incorporated S560.0593

Activity status where compliance not achieved: Restricted²⁹² Discretionary

Restricted Discretionary Activity

RLZ-R15 Mineral Prospecting and Exploration not Meeting Permitted Activity Standards and Mineral Extraction Activities

Activity Status ~~Restricted~~²⁹³ Discretionary

Where:

~~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].~~

Discretion is restricted to:

- ~~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 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.~~

²⁹² Royal Forest and Bird Protection Society Incorporated S560.020

²⁹³ Royal Forest and Bird Protection Society Incorporated S560.020, Frida Inta S553.183, Buller Conservation Group S552.183, Suzanne Hills S443.049

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM
–R7.²⁹⁴

Activity status where compliance not achieved: Discretionary N/A

9.5. Settlement Zone Rules

Submissions and Further Submissions

912. Thirteen submission points relating to **SETZ-R15** were summarised in a Table on pages 271-272 of the s42A Report. Eleven submission points sought amendment to the rule and two submission points sought to delete the rule.
913. Nine submission points relating to **SETZ-R23** were summarised in a Table on page 274 of the s42A Report. Four submission points sought to retain the rule as notified and five submission points sought amendment to the rule.

Section 42A Report

SETZ-R15 Mineral Prospecting and Mineral Exploration

914. Mr Badham did not support BDC’s request to delete this rule, but noted he recommended amendments. He also did not support Te Mana Ora’s request for a new clause relating to Drinking Water Source Protection Zones for the reasons previously outlined.
915. Mr Badham considered the submission points collectively and recommended amendments that were consistent with the recommendations made to the equivalent rules OSZ-R11 and GRUZ-R11.
916. The s42A Report recommended amendments to SETZ-R15 as follows:

SETZ-R15 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

- 1. This is authorised under a mineral prospecting or mineral exploration permit from **NZPAM 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. ~~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;***

²⁹⁴ Royal Forest and Bird Protection Society Incorporated S560.020

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi

4. ~~The site shall be~~ **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**
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:**
 - a. **An Outstanding Natural Landscape;**
 - b. **An Outstanding Natural Feature;**
 - c. **A Historic Heritage site;**
 - d. **A Site or Area of Significance to Māori;**
 - e. **A Significant Natural Area; or**
 - f. **An area of High or Outstanding Coastal Natural Character**
7. ~~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.~~

Advice Notes:

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.~~

Activity status where compliance not achieved: Restricted-Discretionary

SETZ-R23 Mineral Prospecting and Mineral Exploration

917. In relation to the four submission points²⁹⁵ that sought to retain this rule, Mr Badham acknowledges the submissions. However, he does not support the relief sought and recommends amendments to the rule.
918. In response to the submission point made by Te Mana Ora that sought to make an addition to the rule relating to Drinking Water Source Protection, Mr Badham does not support the relief sought. This is consistent with previous recommendations and is presumably for the same reasons previously set out.
919. In response to the submission points²⁹⁶ that sought to amend the activity status, Mr Badham has considered the submissions in the round. As previously set out, Mr Badham does not consider it effective for an activity to be restricted discretionary when the list of matters is

²⁹⁵ William McLaughlin (S567.657), Chris & Jan Coll (S558.623), Chris J Coll Surveying Limited (S566.623) and Laura Coll McLaughlin (S574.623)

²⁹⁶ Buller District Council (S538.572), Buller District Council (S538.573), Minerals West Coast (S569.026)

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

long. He considers it more appropriate that the activity simply be discretionary, but only in the context of Mineral Prospecting and Mineral Exploration.

920. With respect to Mineral Extraction in the SETZ, Mr Badham considers that this should be a non-complying activity. This is because there is no specific policy direction to support mineral extraction in this zone. Due to this and other policy that anticipates a higher level and intensity of sensitive residential activities, mineral extraction could create significant incompatibility issues. As such, Mr Badham recommends a new rule that would make Mineral Extraction a non-complying activity.
921. In response to the submission point made by Grey District Council that sought to fix the numbering of this rule, Mr Badham doesn't make any specific recommendation.
922. The s42A Report recommends that SETZ-R23 be amended as follows:

SETZ-R23 Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards ~~and Mineral Extraction Activities~~

Activity Status ~~Restricted~~-Discretionary

~~Where:~~

~~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].~~

~~Discretion is restricted to:~~

~~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;~~

~~b.—Extent and design of earthworks and indigenous vegetation clearance;~~

~~c.—Effects on any threatened fauna and flora or their habitats;~~

~~d.—Design and location of ancillary buildings, structures and infrastructure;~~

~~e.—Landscape measures;~~

~~f.—Maintaining public access;~~

~~g.—Effects on riparian margins and water quality;~~

~~h.—Monitoring, reporting and community liaison requirements;~~

~~i.—Financial contributions and any requirement for bonds; and~~

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

~~j. — Site rehabilitation and mine closure requirements.~~

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM-R7.~~

~~Activity status where compliance not achieved: Refer to relevant Overlay Chapter rules where the activity will occur in these areas. **Discretionary**~~

923. The s42A Report also recommended that a new rule be added as follows:

Mineral Extraction

Activity Status Non-Complying

Activity status where compliance not achieved: N/A

Hearing and Submitter Evidence/Statements

SETZ-R15 Mineral Prospecting and Mineral Exploration

924. Despite not making a submission or further submission on this rule, Mr McEnaney's evidence for Grey District Council sets out that he supports the recommendations in the S42A report.

SETZ-R23 Mineral Prospecting and Exploration not meeting Permitted Activity Standards and Mineral Extraction Activities

925. Despite not making a submission or further submission on this rule, Mr McEnaney's evidence for Grey District Council sets out that he does not support the S42A recommendation for this rule. It is Mr McEnaney's opinion that the restricted discretionary activity status is appropriate.

Reporting Officer Reply Evidence

SETZ-R15 Mineral Prospecting and Mineral Exploration

926. In response to questions from the Panel (Minute 32), Mr Badham revisited the use of advice notes in his right of reply. The Panel questioned the consistency of the recommendation, especially as advice notes are a common feature throughout other chapters of the pTTPP. Mr Badham clarified his position that advice notes are a relevant feature of the plan, but that their use should be helpful and ultimately aid in the interpretation/application of a rule.

927. With the above in mind and to be consistent with other recommendations Mr Badham maintains his position that the advice notes should be deleted. However, he acknowledges the overlap with SASM-R7 due to the recommended additions referencing SASM's. As such he has amended his recommendation and suggests an advice note regarding this is relevant:

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.

928. Appendix 1 of the Right of Reply showed Mr Badham no longer recommended adding new clause (6)(d) 'A Site or Area of Significance to Māori' to Rule SETZ-R15.

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 and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Hearing Panel’s Evaluation

929. The Panel does not accept Mr Badham’s recommendation to delete the advice notes of the rules given the cross-referencing approach taken is consistent with other chapters in the Plan.
930. In relation to **Rule SETZ-R15**, the Panel agrees with Mr Badham that it is appropriate to permit mineral prospecting and mineral exploration subject to standards similar to the GRUZ, RLZ and OSZ. We have recommended changes consistent with Rule GRUZ-R11 and Rule RLZ-R11.
931. The Panel recommend changes to be consistent with the wording of the equivalent rules in the OSZ, GRUZ and RLZ, where appropriate. The submissions seeking deletion of the rule provide wide scope for these changes and to add new clause (6) to address potential adverse effects on significant environmental values identified in the overlay chapters. We consider it is appropriate to add a new advice note to cross reference the vegetation clearance rules in the ECO Chapter, as a consequential amendment to adding this advice note to Rule OSZ-R11.
932. In relation to **Rule SETZ-R23**, the Panel agree with Mr Badham that where mineral prospecting and mineral exploration cannot meet these permitted activity standards it should be a discretionary activity to enable a full assessment of environmental effects. However, we note Mr Badham has recommended the default activity status of ‘*Discretionary*’ rather than ‘*N/A*’. We recommend correcting this to ‘*N/A*’, as shown in the recommendation box below to be consistent with other discretionary activity rules.
933. Similar to our recommendations of the RLZ rules, the Panel considers that mineral prospecting and mineral exploration, and mineral extraction activities are appropriately addressed under Rule SETZ-R23 as a discretionary activity. We do not consider a new non-complying rule is necessary.

S32AA Analysis

934. The key change to this suite of rules are the amendments to SETZ-23, which makes minerals extraction activities discretionary rather than restricted discretionary. The Panel consider that resource consenting costs will be largely equivalent to the rules in the Plan as notified, with the main difference being that the Councils retain full discretion. The Panel consider that the amendments will improve plan integration and the effectiveness of the Plan.

Hearing Panel’s Recommendation

935. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommends the following changes to the **Settlement Zone Rules**:

Settlement Zone Rules	
Permitted Activities	
SETZ-R15	Mineral Prospecting and Mineral Exploration
Activity Status Permitted	

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 and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Where:

- ~~1. This is authorised under a prospecting or exploration permit from NZPAM;~~
- ~~2.~~**1.** Written notice is provided to the relevant District Council 10 working days prior to ~~the work~~
any Mineral Prospecting or Mineral Exploration commencing;
- ~~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;~~
- 2. Any earthworks associated with mineral prospecting or mineral exploration are undertaken
 more than 20m from a site boundary;**
3. The site shall be is progressively rehabilitated ~~generally as far as is practicable~~ to its original
 condition, with rehabilitation to be completed no later than three after Mineral
 Prospecting or Mineral Exploration ceases; and
- ~~4. 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.~~
- 4. No more than 5,000m³ of earthworks is undertaken in a calendar year per site.**

Advice Notes:

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.
4. Any vegetation clearance associated with mining activities is subject to the rules in the
 Ecosystems and Indigenous Biodiversity Chapter.²⁹⁷

Activity status where compliance not achieved: ~~Restricted~~ Discretionary

Restricted Discretionary Activities

SETZ-R23 Mineral Prospecting and Exploration not meeting Permitted Activity Standards and Mineral Extraction Activities

Activity Status ~~Restricted~~ Discretionary

- ~~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~~

²⁹⁷ Consequential amendment Royal Forest and Bird Protection Society Incorporated S560.0593

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~~or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas].~~

Discretion is restricted to:

- ~~1. Management of access, parking, traffic generation and transport of minerals from the site;~~
- ~~2. Noise, glare, light, dust, blasting and vibration management;~~
- ~~3. Hours of operation;~~
- ~~4. Hazardous substances and waste management;~~
- ~~5. Historic and cultural heritage requirements;~~
- ~~6. Extent and design of earthworks and indigenous vegetation clearance;~~
- ~~7. Effects on any threatened fauna and flora or their habitats;~~
- ~~8. Design and location of ancillary buildings, structures and infrastructure;~~
- ~~9. Landscape measures;~~
- ~~10. Maintaining public access;~~
- ~~11. Effects on riparian margins and water quality;~~
- ~~12. Monitoring, reporting and community liaison requirements;~~
- ~~13. Financial contributions and any requirement for bonds; and~~
- ~~14. Site rehabilitation and mine closure requirements.~~

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM –R7.~~

~~**Activity status where compliance not achieved:** Refer to relevant Overlay Chapter rules where the activity will occur in these areas. N/A~~

10. APPENDIX SEVEN: MINERAL EXTRACTION MANAGEMENT PLAN REQUIREMENTS

10.1. Mineral Extraction Management Plan Requirements

Submissions and Further Submissions

936. Eighteen submission points and seven further submission points relating generally to Appendix Seven: Mineral Extraction Management Plan Requirements were summarised in a Table on page 277-280 of the s42A Report. Nine submission points sought to retain the

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relevant provisions as notified, eight sought amendment and one sought to delete the provisions. All the further submissions opposed the submissions seeking amendment.

Section 42A Report

937. In relation to the submission points²⁹⁸ that sought to retain as notified, Mr Badham acknowledges the submissions and supported the retention of Appendix Seven. However, he notes his recommended amendments in response to other submissions.
938. Mr Badham did not support Forest and Bird’s request to that sought to delete Appendix Seven in its entirety.
939. In response to the submission points²⁹⁹ that sought various amendments to Appendix Seven, Mr Badham agreed that amendments were required, but not as set out in the submissions. He also acknowledged the submission point from Straterra that sought amendments to ensure other regulatory plans were not duplicated.
940. Mr Badham recommended redrafting Appendix Seven to improve its structure and format. He did this to improve the purpose of Appendix Seven, changing it from what appeared as a potential structure for a Mineral Extraction Management Plan to a list of requirements that must be addressed. He advised the relevant matters had been determined based on the proposed objectives, policies and rules of the pTTPP, as well as other plans in the country.
941. The s42A Report recommended that the notified version of Appendix Seven be deleted and replaced with the following:

Outline of Content Requirements for a Mineral Extraction Management Plan

1. The following matters shall be addressed in any Mineral Extraction Management Plan triggered by the applicable rules;
 - a. The size and scale of mineral prospecting, mineral exploration, mineral extraction and / or mineral processing activities and the expected length of operations;
 - b. The design and layout of the site, access roads and any supporting facilities;
 - 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;
 - 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 adverse effects on the natural environment, including any areas of indigenous biodiversity, natural inland wetlands and watercourses;
 - f. As relevant, how land stability will be impacted and the measures in place to prevent the exacerbation of existing natural hazards;

²⁹⁸ Peter Langford (S615.236), Karamea Lime Company (S614.236), Koiterangi Lime Co LTD (S577.141), Catherine Smart-Simpson (S564.177), William McLaughlin (S567.739), Geoff Volckman (S563.168), Chris & Jan Coll (S558.713), Chris J Coll Surveying Limited (S566.713) and Laura Coll McLaughlin (S574.713)

²⁹⁹ WMS Group (HQ) Limited and WMS Land Co. Limited (S599.159), TiGa Minerals and Metals Limited (S493.129), Birchfield Coal Mines Ltd (S601.118), BRM Developments Limited (S603.068), Birchfield Ross Mining Limited (S604.108), Whyte Gold Limited (S607.092) and Phoenix Minerals Limited (S606.091)

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- g. Any proposed measures required to mitigate 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. Detail and quantities of hazardous substances to be used and stored on the site and to be transported to and from the site;
- j. Details on any annual monitoring to be undertaken for the duration of any mineral prospecting, mineral exploration, mineral extraction and / or mineral processing activities;
- k. 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.

942. As part of the caucusing directed by the Panel, the planners were asked to consider the Management Plan provisions and to confirm suggested the wording for these provisions making any additions or amendments.

943. As part of the JWS #2, the planners agreed to a number of additions and refinements to Appendix Seven to improve its content and consistency of language.

Hearing and Submitter Evidence/Statements

944. Mr McEnaney noted GDC's support for the recommendations in the s42A Report. However, the Panel notes GDC did not make a submission in relation to Appendix Seven.

Reporting Officer Reply Evidence

945. There was nothing further in relation to Appendix Seven in the Right of Reply.

Hearing Panel's Evaluation

946. The Panel accepts Mr Badham's recommendation to replace the wording of Appendix Seven to more clearly outline what needs to be included in a Mineral Extraction Management Plan. We have made minor changes to replace 'shall' with 'must' in line with good planning practice. We note that while Appendix Seven is no longer referenced in the rules, due to the recommended deletion of BCZ-R2 and MINZ-R2, the appendix provides guidance for Plan users preparing a Mineral Extraction Management Plan as part of a resource consent process. We therefore recommend a minor amendment to Clause 1 of the appendix text.

Hearing Panel's Recommendation

947. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends that the relevant submission points identified in footnotes below are accepted or accepted in part, and recommend the following changes to the **Appendix Seven: Mineral Extraction Management Plan Requirements:**

Outline of Content Requirements for a Mineral Extraction Management Plan

1. Introduction

**Recommendation Report of the Proposed Te Tai O Poutini Plan Hearings Panel
Mineral Extraction Zone - Te Takiwā Tango Kohuke, Buller Coalfield Zone – Te Takiwā Waro o Kawatiri and
Mineral Extraction Provisions in the Rural Zone - Te Takiwā Tuawhenua, Open Space Zone - Te Takiwā Pōaha
and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

- 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 land uses
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 Plan
- 1. **The following matters, where relevant, must be addressed in any Mineral Extraction Management Plan that supports a resource consent application:**
 - 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 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;
- 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.

Note: In relation to any of the above matters, expert assessment may be required from a suitably qualified and/or experienced professional to address site, location or activity specific circumstances.³⁰⁰

11. SCHEDULES

Submissions and Further Submissions

948. Thirty-four submission points and three further submission points relating to **Schedule Nine** were summarised in a Table on pages 283-286 of the s42A Report. Thirteen submission points sought to retain the provisions as notified, 20 sought amendment and one sought to delete the provisions. One further submission supported a submission seeking amendment and two opposed a submission seeking amendment.

949. Nine submission points relating to **Schedule Ten** were summarised in a Table on page 295 of the s42A Report. Three submission points sought to retain the provisions as notified, two submissions sought amendments and four submissions sought to delete the provisions.

Section 42A Report

³⁰⁰ Royal Forest and Bird Protection Society S560.408

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Schedule Nine: Lawfully Established Mineral Extraction and Processing Areas

950. In relation to the submission points³⁰¹ that sought to retain Schedule Nine as notified, Mr Badham did not support the relief sought and for the reasons set out below, he recommended deleting the Schedule.
951. In relation to the submission points³⁰² that sought various amendments to add other mines to Schedule Nine, Mr Badham did not support the relief sought and for the reasons set out below, he recommended deleting the schedule.
952. In response to the submission points³⁰³ that sought other types of amendments to Schedule Nine, Mr Badham did not support the relief sought and for the reasons set out below, he recommended deleting the schedule.
953. Mr Badham supported Forest and Bird’s request to delete the Schedule Nine because:
- (a) There was no specific reference to Schedule Nine within the pTTPP provisions and its purpose and utility was therefore unclear.
 - (b) The information included in the Schedule was inconsistent and incomplete.
 - (c) Not all the areas listed in Schedule Nine (or the locations requested in submissions) have been lawfully established and no further information supporting this had been provided by the Councils.
954. The s42A Report recommended that in the absence of more detailed information Schedule Nine should be deleted.
955. As part of the expert caucusing directed by the Panel in Minute 32, Mr Badham and Ms Hunter were asked to consider Schedule Nine. They agreed that there needed to be confidence in the information relied on to confirm the Schedule. They noted that there were significant gaps in the Schedule as it related to the MINZ, but that there was more confidence in the information available regarding the spatial extent of the BCZ.
956. At the time of issuing the JWS for the BCZ, Bathurst was in the process of providing more information to confirm the extent of their operations. On this basis, the planners agreed that a separate schedule for the BCZ that referenced the relevant Coal Mining License and resource consents that authorise operations in the BCZ would be an efficient approach.

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

957. Mr Badham did not support GDC and Minerals West Coast’s request to retain Schedule Ten as notified, for the reasons set out below, and he recommended deleting the Schedule. He also

³⁰¹ BRM Developments Limited (S603.067), Birchfield Ross Mining Limited (S604.106), William McLaughlin (S567.733), Chris & Jan Coll (S558.707), Chris J Coll Surveying Limited (S566.707), Laura Coll McLaughlin (S574.707), Catherine Smart-Simpson (S564.175), Geoff Volckman (S563.166), Whyte Gold Limited (S607.091), Peter Langford (S615.232), Karamea Lime Company (S614.232), Minerals West Coast (S569.049) and Birchfield Ross Mining Limited (S604.107)

³⁰² WMS Group (HQ) Limited and WMS Land Co. Limited (S599.157), TiGa Minerals and Metals Limited (S493.128), Birchfield Coal Mines Ltd (S601.117), Grey District Council (S608.480), Whyte Gold Limited (S607.097), Westreef Services Limited (S518.002), Alvin & Kay Godfrey (S580.003), Shirley Godfrey (S390.002), Koiterangi Lime Co LTD (S577.139), Chris & Jan Coll (S558.708), Chris J Coll Surveying Limited (S566.708), Laura Coll McLaughlin (S574.708), William McLaughlin (S567.734), New Zealand Coal & Carbon Limited (S472.048) and Bathurst Resources Limited and BT Mining Limited (S491.051 and S491.054)

³⁰³ Straterra (S536.036), Rocky Mining Limited (S474.043), Papahaua Resources Limited (S500.030) and Forest & Bird (S560.023)

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did not support Bathurst 's request for all the areas in Appendix 1 of their submission to be included in the Schedule; or Straterra's request that the Schedule remain open for additions to be made.

958. Mr Badham supported the relief sought by Brian Anderson, Forest and Bird and Lynley Hargreaves to delete Schedule Ten.
959. Mr Badham considered Schedule Ten was unworkable and inappropriate as it intended to identify sites that were previously used for mining during the period since 2002. He noted that, as notified, there were no sites included in Schedule Ten. Notwithstanding this, he noted that if sites were legally established and were still operating, they would have existing use rights. Conversely, where they might have ceased operating for an extended period of time, he saw no reason why they should not be considered as a new activity and considered in accordance with the relevant rules. On this basis, he was of the view Schedule Ten had no purpose and recommended it be deleted.

Hearing and Submitter Evidence/Statements

Schedule Nine: Lawfully Established Mineral Extraction and Processing Areas

960. Ms Hunter, for Bathurst, reiterated the submission that supported the retention of Schedule Nine. She considered the implication of deleting Schedule Nine was the need to rely on the definition of "lawfully established" to determine compliance with relevant rules in the respective zones. Her concern was how the definition would ultimately be worded, acknowledging that she had set out her preferred wording in both evidence and submissions.
961. Ms Hunter retained references to Schedule Nine in her preferred wording for rules and she requested that all the areas identified in the submission be included in the Schedule. In response to the suggestion in the s42A Report that submitters could provide more detailed evidence to support the retention of sites in Schedule Nine, Ms Hunter confirmed that Bathurst had reviewed the detail and that it represented an accurate description of their operations.
962. Mr Lile, for Westreef, confirmed he agreed with the s42A Report recommendation to delete Schedule Nine in its entirety.
963. Mr McEnaney, for GDC, confirmed his support for the recommendation in the s42A Report to delete Schedule Nine.
964. Mr Anderson and Ms Hargreaves confirmed their support for the recommendation in the s42A Report to delete Schedule Nine, despite not making a submission in relation to the Schedule.

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

965. Mr McEnaney confirmed GDC's support for the s42A Report recommendation to delete Schedule Ten.
966. Mr Anderson confirmed his support for the s42A Report recommendation in the to delete Schedule Ten.

Reporting Officer Reply Evidence

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967. There was nothing specific in the Right of Reply that related to Schedule Nine or Schedule Ten.

Hearing Panel's Evaluation

968. The Panel agree with the recommendations of Mr Badham to delete Schedule Nine and Schedule Ten on the basis outlined, and do not see value in retaining Schedule Nine for the Bathurst licencing and consents as a consequence of recommended amendments to the suite of rules applicable to the BCZ.

Hearing Panel's Recommendation

969. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends:

Deleting Schedule Nine: Lawfully Established Mineral Extraction and Processing Areas and accepting the submission point of the Royal Forest and Bird Protection Society Incorporated S560.406.

Deleting Schedule Ten: Previously Mined Locations in the Rural and Open Space and Recreation Zones and accepting the submission points of the Royal Forest and Bird Protection Society Incorporated S560.021 and S560.407, Brian Anderson S576.003 and Lynley Hargreaves S481.013.

12. PLANNING MAPS AND REZONING REQUESTS

Submissions and Further Submissions

970. 111 submission points and 330 further submission points relating to **Mapping and Overlays** were summarised in a Table on pages 296-317 of the s42A Report. Fourteen submission points recorded their support for various aspects of the mapping, 71 sought amendments and 25 opposed various aspects of the provisions.

971. 242 further submissions sought to disallow submissions that opposed the notified provisions. Thirty-five further submissions supported amendments sought in submissions, while 26 further submissions opposed amendments. Twenty-three further submissions supported submissions that supported the notified version of the mapping and two further submissions opposed submissions in support. Two further submissions supported submissions in opposition.

Section 42A Report

General comments

972. The s42A Report addressed the large volume of submissions based on the spatial location to which the submission related. Mr Badham noted his recommendations on each notified BCZ and MINZ was linked to his recommendation on the applicable zone criteria for the BCZ and MINZ. As such, he acknowledged that should the Panel reach a different determination regarding the zoning criteria, the recommendations related to the mapping recommendations would need to be revisited.

973. Mr Badham considered there was a fundamental disconnect between the notified spatial extent of the land zoned MINZ or BCZ, and the criteria used to identify the zones. He identified

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areas notified as MINZ and BCZ that had no defensible basis for inclusion. In instances where he recommended removing the proposed mining zone based on the area not meeting the identified criteria, he did not provide a recommendation on what the areas should be rezoned, however, in some cases submitters requested alternative zoning.

Buller Coalfield Zone

974. Mr Badham did not support John Caygill's (S290.011) request to remove the BCZ from all public conservation land because the submitter had not identified the areas of public land within the BCZ they want removed. He also did not support Karen Lippiatt's (S439.007) request to exclude the Denniston Plateau from the BCZ for the same reasons.
975. Mr Badham did not support Bathurst's (S491.053 and S491.034) request to include of all areas in Appendix 1 of their submission because the information provided lacked precise detail and technical information (the provision of mining permits and licences and/or resource consents) to justify the request.
976. In response to the Director General of Conservation's (S620.221) request (opposed in further submissions by Bathurst) to amend the mapping of the MINZ and the BCZ to exclude areas that did not have current authorisation for mining either through the Coal Mining Act 1979 or by resource consent, Mr Badham considered there may be merit to the request and therefore accepted the relief in part. He noted that in the absence of supporting evidence or specific mapping from the Director General, he could not confirm if the BCZ should be removed in accordance with the zoning criteria.

Paparoa Coal Field Mineral Extraction Area

977. The s42A Report included a map of the Paparoa Coal Field MINZ, but the analysis below the map mistakenly related to the Barrytown MINZ.
978. Mr Badham supported the relief sought to remove the MINZ from this area because at the time of writing the s42A Report resource consent had been declined for mining in this location, and so based on the zoning criteria there is no authorisation for mining in this location.

Barrytown Flats Mineral Extraction Area

979. Various submission points³⁰⁴ sought to remove the MINZ from the Barrytown area and to zone the land GRUZ, RLZ or OSZ (low lying areas). In response to most of the submissions the GDC either opposed the submissions or had a neutral position. Bathurst opposed the submission made by the Director General of Conservation.
980. In response to the various submission points³⁰⁵ that opposed land at Barrytown being zoned MINZ (and the associated submissions received further submissions³⁰⁶, which either supported the original submission or had a neutral position), Mr Badham supported the relief

³⁰⁴ Rosemary Erickson (S280.001), Roger Ewer (S316.001), David Moore (S65.024), Katherine Crick (S101.002), Jan Fraser (S129.002), Sophie Allan (S82.002), Michael Hill (S70.005), Jane Nolan (S397.001), Janice Flinn (S260.001), Lindy Mason (S355.005), Ross Wildbore (S389.001), David Moore (S65.025), Suzanne Hills (S443.051), Marie Elder (S352.019), Director General of Conservation (S602.221)

³⁰⁵ Teresa Wyndham-Smith (S312.008), Karen and Dana Vincent (S591.001), Sharon Langridge (S388.001), Evelyn Hewlett (S112.001), Dean Mason (S356.001), Riarnne Klempel (S67.004), Kate Kennedy (S46.001), Veronica Carroll (S399.001), Karen Vincent (S393.001), Barry Mason (S208.001), Deb Langridge (S252.001), Louise Jaeger (S135.002) and Graham Wood (S160.002)

³⁰⁶ Ron Andrews (FS91.001), Grey District Council (FS1.085, FS1.208, FS1.101, FS1.093, FS1.288, FS1.045, FS1.058, FS1.207, FS1.105, FS1.110), Marie Elder (FS77.31, FS77.4, FS77.39), Katherine Crick (FS68.23)

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sought. He noted there was no authorisation for mining in this location at the time the Plan was notified and so it did not meet the zoning criteria specified in the Plan when it was included.

981. Submission points made by TiGa Minerals and Metals, Trevor Thorpe and John Thorpe supported retaining the MINZ at Barrytown. These submissions were opposed by a number of further submissions³⁰⁷. Mr Badham acknowledged the support for the MINZ zoning at Barrytown, but as it did not meet the specified zoning criteria, he rejected the relief sought in the submissions.
982. In response to the various submission points³⁰⁸ that sought amendments to the Barrytown MINZ, Mr Badham rejected the relief sought. This is because the submitters seeking extensions to the zone provided no information to support their requests. These submissions attracted a number of further submissions³⁰⁹ that either supported or opposed the relief sought.

Ianthe Forest Mineral Extraction Areas

983. In response to two submission points from Ellis Mining Limited (opposed by Forest and Bird) and BRM Developments Limited that sought to amend the Ianthe MINZ to include the area encompassed by MP54079 Mr Badham did not support the relief sought. This was because the submissions did not provide enough information to confirm that the areas sought to be MINZ have the necessary authorisations in place.

Karamea Mineral Extraction Area

984. In response to submission points made by Lanah Hake Tarango, Fernando Tarango and Maria McKay that all opposed the expansion of the MINZ into ‘The Pyramid’ at Karamea, Mr Badham did not support the relief sought. He recognised the submitters concerns with reference to the Kahurangi National Park, but also acknowledged that the MINZ applied to privately owned land currently utilised for a lawfully established mining operation by the Karamea Lime Company.
985. The three submissions were all opposed by an extensive number of further submissions³¹⁰.

³⁰⁷ Annie Inwood (FS147.027, FS147.014), John Caygill (FS44.9), Tammy Ward (FS93.001), Suzanne Hill (FS72.014, FS72.028), Melissa McLuskie (FS144.014, FS144.028), Maureen Reid (FS92.001) and Ron Andrews (FS91.002), Brian Anderson (FS237.084)

³⁰⁸ Trevor Hayes (S377.007), TiGa Minerals and Metals Limited (S493.108), Ian Reynolds (S94.001) and Director General of Conservation (S602.221)

³⁰⁹ Marie Elder (FS77.9), Grey District Council (FS1.097), Katherine Crick (FS68.24), Annie Inwood (FS147.013), Annie Inwood (FS147.026), Suzanne Hill (FS72.013), Suzanne Hill (FS72.027), John Caygill (FS44.11), Melissa McLuskie (FS144.013) and Melissa McLuskie (FS144.027) and Bathurst Resources Limited and BT Mining Limited (FS89.033)

³¹⁰ Karamea Community Incorporated (FS125.001, FS125.004, FS125.009), William McLaughlin (FS148.001, FS148.004, FS148.009), Catherine Jane Smart-Simpson (FS155.001, FS155.004, FS155.008), Nathan Simpson (FS156.001, FS156.004), Geoff Volckman (FS157.001, FS157.004, FS157.008), Kathleen Beveridge (FS158.001, FS158.004, FS158.008), Maurice Beveridge (FS159.001, FS159.004, FS159.008), Frans Volckman (FS160.001, FS160.004, FS160.008), Tom Murton (FS161.001, FS161.004, FS161.008), Maryann Volckman (FS162.001, FS162.004, FS162.008), Kylie Volckman (FS163.001, FS163.004, FS163.008), Barbara Bjerring (FS164.001, FS164.004, FS164.008), Brian Patrick Jones, (FS165.001, FS165.004, FS165.008), Bryan Rhodes (FS166.001, FS166.004, FS166.008), Frank Bjerring (FS167.001, FS167.004, FS167.008), Jane Garrett (FS168.001, FS168.004, FS168.008), Allwyn Gourley (FS169.001, FS169.004, FS169.008), Bevan Langford (FS170.001, FS170.004, FS170.008), Shaun Rhodes (FS171.001, FS171.004, FS171.008), Jack Simpson (FS172.001, FS172.004, FS172.008), Roger Gibson (FS173.001, FS173.004, FS173.008), Rachel Shearer (FS174.001, FS174.004, FS174.008), Gareth Gulebreten (FS175.001, FS175.004, FS175.008), Charlotte Aitken (FS176.001, FS176.004, FS176.008), Glen Kingan (FS177.001, FS177.004, FS177.008), Hayden Crossman (FS178.001, FS178.004, FS178.008), Susan Waide (FS179.001, FS179.004, FS179.008), Desirae Bradshaw (FS180.001, FS180.004, FS180.008), Andrew Bruning (FS181.001, FS181.004, FS181.008), Marty Syron (FS182.001, FS182.004, FS182.008), Kelvin Jeff Neighbours (FS183.001, FS183.004,

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986. In response to the various submission points³¹¹ that sought to amend the extent of the Karamea MINZ to include Lot 1 DP 483059, Mr Badham did not support the relief sought. This was because the submissions did not provide sufficient information to confirm that the land had a mining permit or resource consent to operate a mining activity.
987. The s42A Report acknowledged that there were a large number of further submissions³¹² that supported the submission made by Karamea Lime Company.

Rimu Channel Mineral Extraction Area

988. In response to Whyte Gold Limited's request to include additional land³¹³ at Rimu Channel in the MINZ, Mr Badham did not support the relief sought. This was because copies of the mining licences were not provided in the submission to enable the authorisations necessary to meet the zoning criteria to be confirmed.
989. In response to the submission points made by Rocky Mining Limited (S474.012 and S474.046) that sought to apply the MINZ over the full permit areas for the Wombat Creek and Rimu Channel exploration permits, Mr Badham did not support the relief sought. This was because the submitter had not provided evidence to confirm that mining permits, or resource consents had been granted for mineral extraction.
990. Mr Badham recommended reducing the spatial extent of the MINZ to be consistent with the zoning criteria.

Kumara Mineral Extraction Area

FS183.008), J & M Syron Farms (FS184.001, FS184.004, FS184.008), Michelle Joy Stevenson (FS185.001, FS185.004, FS185.008), Marnie Stevenson (FS186.001, FS186.004, FS186.008), Sophie Fox (FS187.001, FS187.004, FS187.008), Ed Tinomana (FS188.001, FS188.004, FS188.008), Dave Webster (FS189.001, FS189.004, FS189.008), Aidan Corkill (FS190.001, FS190.004, FS190.008), Shanae Douglas (FS191.001, FS191.004, FS191.008), Danielle O'Toole (FS192.001, FS192.004, FS192.008), Aimee Milne (FS193.001, FS193.004, FS193.008), Michael O'Regan (FS194.001, FS194.004, FS194.008), Neal Gallagher (FS195.001, FS195.004, FS195.008), Arthur Neighbours (FS196.001, FS196.004, FS196.008), Mat Knudsen (FS197.001, FS197.004, FS197.008), Brendon Draper (FS198.001, FS198.004, FS198.008), Matthew Thomas (FS199.001, FS199.004, FS199.008), Philip O'Connor (FS200.001, FS200.004, FS200.008), Tracy Moss (FS201.001, FS201.004, FS201.008), James Dunlop Stevenson (FS202.001, FS202.004, FS202.008), Murray Aitken (FS203.001, FS203.004, FS203.008), Joel Hands (FS204.001, FS204.004, FS204.008), Peter Hands (FS205.001, FS205.004, FS205.008), Patrick John Hands (FS206.001, FS206.004, FS206.008), Jackie O'Connor (FS207.001, FS207.004, FS207.008), Maurice Douglas (FS208.001, FS208.004, FS208.008), Gary Donaldson (FS209.001, FS209.004, FS209.008), Joy Donaldson (FS210.001, FS210.004, FS210.008), Selwyn Lowe (FS211.001, FS211.004, FS211.008), Sheryl Marie Rhind (FS212.001, FS212.004, FS212.008), Stewart James Rhind (FS213.001, FS213.004, FS213.008), Rosalie Sampson (FS123.001, FS123.004, FS123.008), Oparara Valley Project Trust (FS124.001, FS124.003, FS124.007), Eric Wayne Pratt (FS131.001), Eric Wayne Pratt (FS131.003), John Milne (FS225.001, FS225.004, FS225.008), Jo-Anne Milne (FS226.001, FS226.004, FS226.008), Jessie Gallagher (FS227.001, FS227.004, FS227.008), Cheryl Gallagher (FS228.001, FS228.004, FS228.008), Margaret Jane Milne (FS229.001, FS229.004, FS229.008) and Chris Lowe (FS238.001, FS238.004, FS238.008)

³¹¹ Karamea Lime Company (S614.175), Geoff Volckman (S563.149), Te Tai o Poutini Plan Committee (S171.024), Chris & Jan Coll (S558.500), Catherine Smart-Simpson (S564.158), Peter Langford (S615.175, S615.213), William McLaughlin (S567.545, S567.696), Chris & Jan Coll (S558.666), Chris J Coll Surveying Limited (S566.500, S566.666) and Laura Coll McLaughlin (S574.500, S574.666) and Brian Jones (S525.001)

³¹² Linda Brownie (FS130.001), Matthew Lone (FS132.001), Karamea Community Incorporated (FS125.016), William McLaughlin (FS148.016), Marty Syron (FS182.015), Kelvin Jeff Neighbours (FS183.015), J & M Syron Farms (FS184.015), Michelle Joy Stevenson (FS185.015), Marnie Stevenson (FS186.015), Sophie Fox (FS187.015), Susan Waide (FS179.015), Desirae Bradshaw (FS180.015), Maryann Volckman (FS162.015), Barbara Bjerring (FS164.015), Brian Patrick Jones (FS165.015), Bryan Rhodes (FS166.015), Frank Bjerring (FS167.015), Jane Garrett (FS168.015), Allwyn Gourley (FS169.015), Shaun Rhodes (FS171.015), Jack Simpson (FS172.015), Roger Gibson (FS173.015), Rachel Shearer (FS174.015), Gareth Guglebreten (FS175.015), Oparara Valley Project Trust (FS124.015), Rosalie Sampson (FS123.015), Chris Lowe (FS238.015), Karamea Lime Company (S614.213), Karamea Community Incorporated (FS125.017), William McLaughlin (FS148.017), Marty Syron (FS182.016), Kelvin Jeff Neighbours (FS183.016), J & M Syron Farms (FS184.016), Marnie Stevenson (FS186.016), Sophie Fox (FS187.016), Susan Waide (FS179.016), Desirae Bradshaw (FS180.016), Maryann Volckman (FS162.016), Barbara Bjerring (FS164.016), Brian Patrick Jones (FS165.016), Bryan Rhodes (FS166.016), Frank Bjerring (FS167.016), Jane Garrett (FS168.016), Allwyn Gourley (FS169.016), Shaun Rhodes (FS171.016), Roger Gibson (FS173.016), Rachel Shearer (FS174.016), Gareth Guglebreten (FS175.016), Oparara Valley Project Trust (FS124.016), Rosalie Sampson (FS123.016) and Chris Lowe (FS238.016)

³¹³ RS 6030 LOT 1 2 DP 3690 LOT 1 DP 3393 LOT 1 DP 389075 SEC 2 SO 12415 BLKS V VII MAHINAPUA SD BLKS I V KANIERE SD

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991. In response to the submission points³¹⁴ that sought to remove the MINZ from this area, Mr Badham supported the relief sought. This was because there was no existing authorisation for mineral extraction or processing within the Kumara MINZ, therefore zoning this area MINZ did not comply with the zoning criteria.
992. Mr Badham acknowledged the further submissions made by Phoenix Minerals Limited that opposed some of the submission points relating to this area.

Greenstone Mineral Extraction Area

993. In response to the submission point made by Phoenix Minerals Limited that sought to include additional areas at Callaghans and Greenstone/Kumera, Mr Badham did not support the relief sought.³¹⁵ This was because, despite the submission stating that the additional areas had mineral permits for mineral extraction, no evidence of these had been provided. Mr Badham also acknowledged that portions of the notified extent of the Greenstone MINZ had lawfully established activities authorised under resource consent, but again noted that these had not been provided in the submission.
994. In response to the submission point made by BRM Developments that sought to amend the MINZ to include areas at Callaghans and Kumara/Greenstone, Mr Badham did not support the relief sought. This was because the submission did not provide sufficient information to confirm the extent of land requested to be rezoned or whether the land in question had a permit or resource consent granted to operate a mining activity.
995. The s42A Report recommended that that the spatial extent of the Greenstone Mineral Extraction Area be reduced to comply with the zoning criteria, and the removed areas be rezoned.

Te Kuha Mineral Extraction Zone

996. In response to the submission point made by Karen Lippiatt that sought to remove the MINZ or BCZ from Te Kuha, Mr Badham supported the relief sought. This was because there was no evidence of authorisations to allow mineral extraction in this area.
997. Mr Badham supported the submission made by the Director General of Conservation (opposed in further submissions by Bathurst) that sought mapping be amended to remove either the MINZ or BCZ from areas that did not have current authorisation. The Director's submission advised the Te Kuha site did not have a current authorisation and the resource consent applications were currently subject to an appeal.
998. In response to the submission point made by Stevenson Mining Limited that sought to add the access road at Te Kuha to the MINZ, Mr Badham did not support the relief sought. This was because no specific site reference or map of the area of land to be rezoned had been provided and there were no authorisations for the identified area.
999. Mr Badham recommended removing the Te Kuha MINZ because it did not meet the zoning criteria and the reference to the Te Kuha Mine in the Overview of the BCZ, given that the

³¹⁴ Greenstone Retreat (S459.001, S459.015 and S459.002), Stephen Page (S270.005), Murray Stuart, Karen Jury and Rob Lawrence (S455.001)

³¹⁵ Only the Greenstone/Kumera part of the submission is considered in this section. The Callaghan component is considered under the 'New Mineral Extraction Areas' section.

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planning maps identify this area as a MINZ. He noted that these recommendations responded to the Director General's submission points.

Birchfield Ross Mineral Extraction Zone

1000. In response to Lynley Hargreaves' request to remove the MINZ from Ross (opposed in a further submission from Birchfields Ross Limited), Mr Badham did not support the relief sought because no detail was provided.
1001. In response to Brian Anderson's request to amend the zoning around Ross to provide for Rural Lifestyle Zone (opposed in a further submission from Birchfields Ross Limited), Mr Badham did not support the relief sought by the submitter because no detail was provided.
1002. In response to Birchfields Ross Limited's request to include additional areas at Mikonui in the MINZ, Mr Badham recommended that the submission be rejected. However, as the submission referred to numerous mining, exploration permits and resource consents for this area, Mr Badham accepted that there could be scope to accept the relief sought, but more information was required to confirm that the authorisations met the criteria set for determining the zone.
1003. Mr Badham noted the spatial extent of the notified MINZ exceeded that of the area lawfully established and therefore, recommended that the spatial extent of the Birchfield Ross MINZ be reduced accordingly, with the removed areas rezoned.

Koiterangi Mineral Extraction Zone

1004. In response to the submission point made by Koiterangi Lime Co Limited that sought to include the Koiterangi Lime Co quarry in the MINZ, Mr Badham acknowledged the submission.
1005. In response to a number of submission points³¹⁶ that sought to include additional land at Camelback Road, Kowhitirangi³¹⁷ in the MINZ, Mr Badham did not support the relief sought. This was because the submitter had not provided sufficient information to confirm that the land had a permit or resource consent to enable a mining activity on the subject site.

New Mineral Extraction Areas

1006. In response to the submission point made by WMS Group (HQ) Limited and WMS Land Co Limited that sought to amend the planning maps to include a MINZ over Okari Road, 9 Mile, Westland Mineral Sands Co. Ltd (Lot 4 DP 534034, Lot 12 DP 354487, Lot 5 DP 13269 and Lot 4 DP 13269, Cape Foulwind), Mr Badham acknowledged that there was an existing operational mine on the land. However, because the authorisations had not been provided in the submission, he recommended rejecting the submission.
1007. In response to the submission point made by Peter Haddock that sought to rezone the land at on the property Quadrello Holdings Ltd on Taylorville Road Coal Creek to MINZ (valuation 25420/375.07 Legal Desk PT Sect 121 SQ 119), Mr Badham did not support the relief sought.

³¹⁶ Shirley Godfrey (S390.001), Koiterangi Lime Co LTD (S577.124), Chris & Jan Coll (S558.667), Chris J Coll Surveying Limited (S566.667), Laura Coll McLaughlin (S574.502), Phil and Helen Cook (S600.005), Laura Coll McLaughlin (S574.667), Alvin & Kay Godfrey (S580.008), William McLaughlin (S567.697), Anna & Jeremy Hart (S582.005), Paula Jones (S590.005), Steve and Anne Staples (S584.005), Tim Burden (S585.005), Tane & Rachel Little (S586.005), Linda Elcock (S587.005), Marty & Nicky, Von Ah (S588.005) and Charmaine Michell (S589.005)

³¹⁷ Secs 2 and 3 SO11712 and Lot 1 and Pt Lot 2 DP 315

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This was because the submitter had not provided sufficient information to confirm that the land has any authorisation to operate mining activities.

1008. In response to the submission point made by Phoenix Minerals Limited that sought to include additional areas in the MINZ at Callaghans³¹⁸ and Greenstone/Kumera³¹⁹, Mr Badham did not support the relief sought. This was because the submitter had not provided information to confirm that the land had any authorisation to operate mining activities.

1009. In response to the submission point made by Westreef Services Limited that sought to rezone land commonly known as McPaddens Pit and the proposed expansion³²⁰ to MINZ, Mr Badham did not support the relief sought. This was because the submitter had not provided information to confirm that the land has any authorisation to operate mining activities.

Incomplete Zoning Requests

1010. Mr Badham acknowledged numerous submission points made in relation to the mapping of the MINZ and BCZ but considered these did not have sufficient information or clarity as to the relief sought to enable him to consider the submissions in detail. Accordingly, he recommended rejecting the submissions but invites the submitters to provide further information.

1011. The submission points and matters mentioned in these submission points were summarised as follows:

- (a) Additional MINZ where mining permits have been granted (TiGa Minerals and Metals), this is opposed by a number of further submissions³²¹;
- (b) “Seek to retain” wording was in numerous submissions (which was unclear), and other submissions sought to retain the MINZ as proposed³²²;
- (c) Straterra sought to ensure that important mines and quarries were not left out of the zone;
- (d) John Caygill sought to remove MINZ from public conservation land. A similar submission was received from Katherine Gilbert and it was supported by a further submission from Paul Elwell-Sutton;
- (e) Julie Madigan sought to retain the status quo from the Westland District Plan (i.e. no MINZ). This was supported by further submission from Lynley Hargreaves;

³¹⁸ LOT 5 DP 382020, SEC 1 SO 12395 BLKS XVI WALMEA SD, SEC 4 SO 12395 BLKS XVI WALMEA SD, WAIMEA EXOTIC FOREST LOT 1 DP 382020, SEC 15 SO 12171 WAIMEA INDIGENOUS FOREST, SEC 1927 BLK XVI WAIMEA SD, SECS 1771 1772 1849-1852 BLK XVI WAIMEA SD, SEC 16 SO 12171 WAIMEA INDIGENOUS FOREST

³¹⁹ Only the Callaghan component is considered in this section. The Greenstone/Kumera part of the submission is considered in a previous section.

³²⁰ Records of Title 111109, NL8B/740 and 511485 and within ROT 695049 as Lot 2 Deposited Plan 486827

³²¹ Katherine Crick (FS68.18), Wendy Whitehead (FS94.001), Annie Inwood (FS147.012), Annie Inwood (FS147.025), Suzanne Hill (FS72.012), Suzanne Hill (FS72.026), Melissa McLuskie (FS144.012) and Melissa McLuskie (FS144.026)

³²² Peter Langford (S615.212), Karamea Lime Company (S614.212), Catherine Smart-Simpson (S564.157), William McLaughlin (S567.695), Geoff Volckman (S563.148), Chris & Jan Coll (S558.665), Chris J Coll Surveying Limited (S566.665) and Laura Coll McLaughlin (S574.665), Terra Firma Mining Limited (S537.035)

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- (f) Forest and Bird sought to remove MINZ and BCZ and zone either GRUZ or NOSZ. This was opposed by further submission from Bathurst;
- (g) Inger Perkins sought to rezone MINZ areas where there were no resource consents in place. This attracted further submissions in support and opposition;
- (h) New Zealand Coal and Carbon Limited sought to remove the overlap of the Precinct from the MINZ for a particular property³²³;

Hearing and Submitter Evidence/Statements

Buller Coalfield Zone

- 1012. Ms Hunter reiterated Bathurst's request for all areas to be included in the BCZ where there were existing land use authorisations for mineral extraction and related activities. She acknowledged that the BCZ already covered most areas, but noted that there were some authorised areas not included on the maps. Her evidence indicated these locations and the relevant authorisation.
- 1013. Mr Mark Pitchfork spoke at the hearing in support of his further submission that supported submissions to delete the BCZ from the Plan³²⁴. Specifically, he opposed the BCZ being applied to land behind his house.
- 1014. Mr Campbell Robertson, for Bathurst, responded to Mr Pitchfork's concerns and clarified the area around his property was part of a ACML area for a road to access the terminal for the aerial ropeway. He confirmed there was no intention to mine the area, but that including the road in the BCZ would allow maintenance of the road

Barrytown/Paparoa Coal Field Mineral Extraction Area

- 1015. Ms Smith, for Terra Firma Mining Limited, set out the company's interests on the West Coast and specifically referred to the mining permit application (MPA) they made in July 2020 to re-open Spring Creek mine (an underground coal mine near Greymouth). She advised that the mining permit area of interest was 1,274 ha and was based on a Coal Mining License previously held by Solid Energy, located (generally) within the Paparoa Coal Field MINZ. Ms Smith noted Solid Energy had held a number of resource consents to operate the mine and the nearby coal processing plant until it was closed in 2017, and these consents were either transferred to Birchfield Coal Mines or surrendered. She explained that upon the issue of a mining permit and necessary resource consents they sought to re-establish mining operations. She considered the coal resource was significant in this location and there was good potential for it being mined in the future. Ms Smith sought to retain the MINZ where it included the Spring Creek MPA. Nevertheless, her evidence does not make it clear if the notified extent of the MINZ in this area actually achieves this.
- 1016. Mr McEnaney, for GDC, identified that Mr Badham had incorrectly analysed submission points relating to the Barrytown MINZ (for which resource consent had recently been sought) with the Paparoa Coal Field MINZ.

³²³ SEC 39 SO11207 TWN OF ROA BLK II MAWHERANUI SD (Valuation ID 254320700) and SEC 48 SO 11207 BLK II MAWHERANUI SD (Valuation ID 2543020701)

³²⁴ Recorded in the s42A Report in reference to the BCZ generally.

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Barrytown Flats Mineral Extraction Area

1017. Mr McEnaney confirmed GDC had recently granted the resource consent application referred to in the s42A Report that related to the Barrytown Flats, but noted that the appeal period was still open. He considered Barrytown MINZ should remain given the resource consents were granted and appropriate authorisations were now in place.
1018. Ms Marie Elder presented a statement that reiterated her request to remove the MINZ from the Barrytown Flats. She noted the recently granted resource consent to allow mining in this area had been appealed to the Environment Court. Ms Elder’s concerns primarily related to road safety and in particular the increase in heavy vehicles on SH6. She noted the road was very narrow in places and pointed to recent incidents involving heavy vehicles to highlight the inadequacy of the road to accommodate an increase in heavy vehicles. She also had concerns relating to pedestrians, cyclists, the visibility from driveways and the general state of the road infrastructure, all of which she expected would worsen if the MINZ was retained. She was also concerned about adverse effects on the quality of the life for residents due to noise; and effects on the natural environment, such as the risk to kiwi.
1019. Ms Katherine Crick presented a statement to the Panel on behalf of herself and disclosed that she was the chair of the Coast Road Resilience Group. Her statement reiterated her submission that sought to remove the MINZ from the Barrytown Flats.
1020. Ms Suzanne Hills presented a statement to the Panel that reiterated her submission opposing the MINZ on land at Barrytown Flats. Her statement identified that the MINZ Chapter preamble set out criteria for what land should be in the zone, and considered that in the absence of a resource consent the land at Barrytown Flats did not meet the criteria. She considered any land not meeting the criteria should not be zoned MINZ and also noted there were other areas that did not meeting the criteria.

Kumara Mineral Extraction Area

1021. Mr Murray Sturat, Ms Karen Jury and Mr Rob Lawrence spoke to their submission opposing the MINZ ‘*in the backyard*’ of Kumara. They considered the MINZ was in the wrong location and would not deliver RMA outcomes. They were concerned that the TTPP Committee had inappropriately used its authority to add MINZ without due process and against staff recommendations. In response to the Karamea Mineral Extraction Area
1022. Ms McKenzie, for Karamea Lime Company Limited, reiterated the submission point that Lot 1 DP 483059 should be included in the MINZ. She referred to resource consents (RC2020-0013) issued by the WCRC that enable the KLC quarry to operate and advised that these were renewed in 2020 for a period of 35 years. She also confirmed that the quarry operated under existing use rights in terms of the BDC and noted the quarry was established in its current form decades before the Buller District Plan became operative.
1023. In response to the s42A Report recommendation to not include Lot 1 DP 483059 in the MINZ due to the lack of information confirming that authorisations exist to enable mineral extraction activities on the land parcel, Ms McKenzie advised that she had reviewed the consent documents issued by the WCRC. She noted the consent documents did not refer to legal descriptions of the land, but that the consent conditions relate to Lot 1 DP 483059; and

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the staff report also referred to this legal description, which she considered confirmed that all three lots should be in the MINZ.

1024. Following questions from the Panel regarding the omission of Lot 1 DP 483059 from the consent documentation, Ms McKenzie provided additional information following her appearance. This included correspondence between the TTPP planner (Lois Easton) and Laura Coll McLaughlin (assisting Karamea Lime Company) post notification of the TTPP when the omission was discovered; and meeting committee papers prior to the notification of the TTPP that discussed the inclusion of Lot 1 DP 483059.

1025. Ms McKenzie also confirmed that Lot 1 DP 483059 was not included in the NZPAM minerals permit because the minerals permit only applied to the Crown owned reserve at the Karamea Lime Quarry. She noted that a minerals permit was not required over Lot 1 DP 483059 for the extraction of Lime, as this was only necessary when the minerals were reserved by the Crown, and that in the case of Lot 1 DP 483059, the land was not subject to any mineral reservations.

Birchfield Ross Mineral Extraction Area

1026. Ms Hargreaves drew the Panel's attention to the differences between the existing authorisations and the notified MINZ area in Ross and questioned the differences. She noted the current mining at Ross was not in the MINZ and some of the MINZ land included land that had no existing mining permits. She noted gold mining operations come and go, and were temporary activities. She considered the land should be zoned GRUZ to provide for land use activities after mining. She questioned why temporary activities operating under resource consent, such as gold and coal mining, needed to be zoned MINZ but acknowledged this may be appropriate for longer term activities such as the Ross Lime works and rock quarries.

Koiterangi Mineral Extraction Zone

1027. Ms Shirley Godfrey provided a statement to the Panel that included copies of a Mining Permit and resource consent for the Koiterangi Lime Company Limited

1028. Mr William McLaughlin provided a bundle of documents to the Hearings Panel to demonstrate the Koiterangi Lime Quarry has authorisation to operate.

New Mineral Extraction Areas

1029. Ms McKenzie, for WMS Group, reiterated the submission to have the Cape Foulwind mining operation rezoned MINZ. She attached copies of resource consents to her evidence issued from both BDC and WCRC to support the request. She advised the WCRC consent was a replacement consent that enables filling within the same land parcel but beyond the originally consented area. She acknowledged the consent area covered an area within the allotments set out in the submission, but noted that it was common practice for zoning to be applied to property boundaries rather than the specific consent area.

1030. Ms McKenzie also reiterated the submission point to include the proposed Mananui Operation in the MINZ. She advised that this submission point had not receive a submission reference and had not been addressed in the s42A Report. She noted that the area related to a mineral sand mine for which resource consent has been sought from the West Coast Regional Council by Westland Mineral Sands Co Limited to operate for 16 years. She advised

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the resource consent was still being processed, but requested to have the site included in the MINZ, despite not currently meeting the criteria for the zone.

1031. Mr Lile, for Westreef, reiterated the request to have the land known as McPadden’s Pit³²⁵ rezoned MINZ. He advised that this site had been the subject of resource consent for quarrying purposes for a long time and within the last six months (at the time of writing), Westreef had obtained resource consent³²⁶ to expand the quarry area. He considered the quarry therefore had the necessary authorisations to justify the MINZ applying to the site.

Incomplete Zoning Requests

1032. Ms Snoyink, for Forest and Bird, reiterated the request to delete the MINZ and BCZ from the Plan. She noted concern that some of the notified MINZ and BCZ were on public conservation land, some areas did not accord with the proposed definition for ‘*lawfully established*’ and some areas were speculative. She requested that where lawfully established mining activities occurred on private land, that it be zoned GRUZ, and where they are on public conservation land that it be zoned OSZ. The Panel note this differs from the submission which sought that public conservation land be zoned NOSZ.

Reporting Officer Reply Evidence

General

1033. Mr Badham (and his colleague) undertook a comprehensive review of information provided to him from the Councils, Bathurst and other submitters who presented relevant information. He acknowledged the information provided was extensive and noted that it had been challenging to correlate the information with the MINZ and BCZ mapping in the notified version of the pTTPP. He advised the naming conventions for the sites across the MINZ and BCZ were not consistent across the documents. Notwithstanding the difficulties identified, Mr Badham considered 24 locations where mining extraction areas were either proposed or had been requested; and reviewed his s42A Report recommendations based on the additional information received. Based on this information, Mr Badham made recommendations to retain, amend, reduce or delete zoning currently proposed on many of those sites.
1034. Mr Badham continued to identify significant information gaps relating to the extent of the MINZ and considered a further opportunity for input from submitters may be justifiable given the circumstances and in the broader interests of fairness.
1035. In response to Mr Badham’s concerns, the Panel issued Minute 57 and provided an opportunity for submitters to provide further information on the proposed MINZ where amendments, reductions or deletions of zoning had been recommended by Mr Badham in his Right of Reply.
1036. Mr Badham’s recommendations from the Right of Reply and any further information received in response to Minute 57 are set out below, categorised in the same manner as the Right of Reply.

³²⁵ RT 111109, NL8B/740 and 511485, and Lot 2 DP 486827 within RT 695049

³²⁶ RC230068 (BDC) and RC-2022-1334-01 (WCRC)

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BCZ 1 – Denniston Plateau

1037. Appendix 1a of the Right of Reply sets out a detailed review of the various authorisations relating to this site as received from BDC, WCRC and Bathurst. Based on the resource consents, CML and the ACML it was confirmed that the majority of the notified BCZ at Denniston Plateau has authorisation to operate mining activity. However, it identified small areas of inconsistency where Mr Badham recommended **amendments** to align the BCZ boundaries with the areas subject to the existing authorisations.

BCZ 2 – Stockton Mine

1038. Appendix 1b of the Right of Reply sets out a detailed review of the various authorisations relating to this site as received from BDC, WCRC and Bathurst. Based on the resource consents, CML and the ACML it was confirmed that the majority of the notified BCZ at Stockton Mine has authorisation to operate mining activity.

1039. The Reply acknowledged the presentation made by Mr Pitchfork at the hearing, but noted that Mr Pitchfork had not clearly determined that the relevant authorisations did not extend in that area.

1040. Notwithstanding this, Mr Badham identified small areas of inconsistency and recommended **amendments** to align the BCZ boundaries with the areas subject to the existing authorisations.

MINZ 6 – Paparoa Coal Field

1041. Appendix 1h of the Right of Reply sets out a detailed review of the various authorisations relating to this site as received from GDC and WCRC. The authorisations relied on to determine the extent of this area include resource consents provided by the Councils, and several CML and ACML. The review of these determined that a portion of the notified MINZ for the Paparoa Coal Field and some adjacent areas had authorisation to operate mining activities.

1042. Mr Badham commented that this location was one of the most complex with the greatest volume of information, which had been difficult to reconcile and understand.

1043. In response to Ms Smith's evidence on behalf of Terra Firma, Mr Badham did not support retaining the MINZ over the area encompassing the MPA being sought for Spring Creek mine. This was because there were no existing CML, ACML or resource consents that applied to the area and therefore there was no information to demonstrate any lawfully established mineral extraction and processing activity in the area.

1044. Mr Badham recommended **amendments** to reduce the notified Paparoa Coal Field MINZ to align with the existing resource consents, CML and ACML.

1045. In response to Minute 57, Terra Firma provided further information in support of retaining the MINZ for the Spring Creek mine so that it aligned with the MPA. The information provided referred to the CML held by the previous operator that had an expiry date of 2033, but was surrendered by Solid Energy in 2018.

1046. Terra Firma acknowledged that they do not hold any current authorisations that fall within the Spring Creek MPA (nor were they aware of any other parties that might), and confirmed it understood the criteria used to determine the MINZ identified in the Plan. Notwithstanding

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this, they considered the Spring Creek mine was a unique case that should be supported by retaining the MINZ zoning. The information provided by Terra Firma list the following reasons to support the retention of the MINZ:

- a. Internationally rare coal
- b. Shovel ready project
- c. Mining permit application status
- d. Known, large resource
- e. Identified on the Critical Minerals List
- f. Strong West Coast support
- g. Strong government drive for mining activities
- h. Small environmental footprint
- i. Implications of removing MINZ
- j. Overall uniqueness

1047. Terra Firma also provided a letter dated 24 June 2020 from the Mayors and Chairs of the West Coast Councils, Development West Coast and Te Rūnanga o Makaawhio and Te Rūnanga o Ngāti Waewae supporting the reopening of the Spring Creek mine.

MINZ 1 – Barrytown

1048. Appendix 1c of the Right of Reply confirmed that the necessary resource consents sought by TiGa Minerals to undertake mining activities on the Barrytown Flats had been granted by the Environment Court (following an appeal) on 2 October 2024.

1049. On the basis that the mining activity was now authorised by way of resource consent the Right of Reply recommended **amendments** to the boundary of the MINZ to align with the areas subject to resource consent.

1050. In response to Minute 57, further information was received from Ms Marie Elder, Ms Sharon Langridge, Mr Ross Wildbore, Ms Deborah Langridge and Ms Suzanne Hills. All these submitters provided further information to reiterate their opposition to the MINZ being imposed on the Barrytown Flats. Their concerns were generally the same and related to the future of the land should the sand mining project (for which resource consent is held) not go ahead, and what might be able to take place on the property following the life of the resource consent.

1051. Ms Sharon Langridge and Mr Wildbore also expressed concern as to the necessity for the MINZ given the recently granted resource consent and the purported temporary nature of the mining activity. Ms Hills questioned the ability for the land to be used for more traditional rural uses once the mining had been completed (said to be between 4 to 7 years based on the resource consent conditions) given the proposed rules for the MINZ.

MINZ 9 – Ianthe Forest

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1052. Appendix 1k of the Right of Reply sets out a detailed review of the various authorisations relating to this site as received from WCRC. This exercise confirmed that a portion of the notified MINZ for lanthe Forest had authorisation to operate mining activity.
1053. No additional information was provided by the submitters relating to this area of the MINZ.
1054. The Right of Reply recommended **amendments** to reduce the notified lanthe Forest MINZ to align with the area subject to RC-2021-0161.
1055. No further information about this area was received in response to Minute 57.

MINZ 16 – Karamea Lime Quarry

1056. Appendix 1r of the Right of Reply sets out a detailed review of the various authorisations relating to this site received through evidence on behalf of the Karamea Lime Company, WCRC and BDC. 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 mining activity.
1057. The Right of Reply recommended **amendments** to include Lot 1 DP 483059 within the MINZ.
1058. No further information about this area was received in response to Minute 57.

MINZ 11 – Rimu Channel

1059. Appendix 1m of the Right of Reply sets out a detailed review of the various resource consents relating to this site received from WCRC. These consents identified that only a portion of the notified MINZ at Rimu Chanel had authorisation to operate mining activity.
1060. The Right of Reply recommended **amendments** to reduce the notified MINZ to align with the area subject to the existing resource consents (RC-2017-0092, RC-2019-0141, RC-2020-0076 and RC-2022-0128).
1061. No further information about this area was received in response to Minute 57.

MINZ 5 – Kumera/Greenstone

1062. Appendix 1g of the Right of Reply sets out a detailed review of the various resource consents relating to this site received from WCRC and GDC. Two resource consents were provided and identified an area within the notified MINZ at Kumara/Greenstone that confirmed authorisation to operate mining activity. No CML or ACML was provided to support any activities within this area.
1063. The Right of Reply recommended **amendments** to reduce the notified MINZ at Kumera/Greenstone to align with the areas subject to the existing resource consents (RC-2023-0008 and RC-2023-0025).
1064. No further information about this area was received in response to Minute 57.

MINZ 24 – Te Kuha

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1065. Appendix 1x of the Right of Reply sets out a detailed review of the various resource consents relating to this site received from WCRC and BDC. BDC provided a copy of the Environment Court decision issued on 19 April 2023 that quashed the Commissioners decision granting resource consent for the Te Kuha mine in 2017.
1066. The Right of Reply recommended **deleting** the notified MINZ at Te Kuha given there are no resource consents that provide authorisation to operate mining activities in this location.
1067. No further information about this area was received in response to Minute 57.

MINZ 12 – Ross Gold Fields

1068. Appendix 1n of the Right of Reply sets out a detailed review of the various resource consents relating to this site received from WCRC. This confirmed that there were three sites within the notified MINZ at Ross which have authorisation to operate a mining activity and that the remaining notified area did not have any valid authorisation. However, it acknowledged that no information (in the form of CML, ACML or resource consent) had been provided.
1069. The Right of Reply recommended **amendments** to reduce the notified MINZ at Ross Gold Fields to align with the areas subject to the existing resource consents provided.
1070. No further information about this area was received in response to Minute 57.

MINZ 8 – Camelback Quarry

1071. Appendix 1j of the Right of Reply sets out a detailed review of the information provided at the hearing and noted that information provided from WCRC was not relevant to the site.
1072. Information provided by submitters confirmed Sections 2-3 Survey Office Plan 11712 (which were adjacent to the notified MINZ at Camelback Quarry) have authorisation to operate mining activity. Neither the resource consent nor Mining Permit demonstrate an authorisation to operate within the notified MINZ area.
1073. The Right of Reply recommended **amendments** to change the MINZ at Camelback Quarry to only include the areas subject to the existing resource consent.
1074. No further information about this area was received in response to Minute 57.

New Mineral Extraction Areas

1075. The Right of Reply did not discuss the WMS Group submission to include a MINZ at either Cape Foulwind or Mananui.
1076. The Right of Reply did not discuss the Phoenix Minerals Limited submission to include MINZ at Callaghans.
1077. The Right of Reply did not discuss the Westreef Services Limited submission to include MINZ at McPadden’s Pit.
1078. No further information was received about these areas in response to Minute 57.

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Remaining notified areas of MINZ

1079. The Right of Reply also considered the remaining areas of MINZ that were notified in the pTTPP, where no specific submissions or evidence was received.

MINZ 2 – Dunganville

1080. Appendix 1d of the Right of Reply sets out a detailed review of the notified MINZ at Dunganville and noted the information provided from GDC and WCRC.

1081. Seven resource consents related to alluvial gold mining were provided from the WCRC, one of which had lapsed. The consents confirmed that some areas within and in the vicinity of the notified MINZ at Dunganville have authorisation to operate mining activity.

1082. The Right of Reply recommended **amendments** to change the MINZ at Dunganville to only include the areas subject to the existing resource consents detailed in Appendix 1d of the Right of Reply.

1083. No further information about this area was received in response to Minute 57.

MINZ 3 - Inchbonnie

1084. Appendix 1e of the Right of Reply sets out a detailed review of the notified MINZ at Inchbonnie and noted that no relevant information was provided from either GDC or WCRC.

1085. The Right of Reply recommended the notified MINZ at Inchbonnie be **removed** given the lack of information about this area.

1086. No further information about this area was received in response to Minute 57.

MINZ 4 – Kiwi Quarry

1087. Appendix 1f of the Right of Reply sets out a detailed review of the notified MINZ at Kiwi Quarry and noted that no relevant information was provided from either GDC or WCRC.

1088. The Right of Reply noted a submission was received from Nicholas Johnston (S14.003) that sought to reinstate the land and forest destroyed at Kiwi Quarry. This submission was recorded in the s42A Report in relation to the MINZ Whole Chapter considerations, and Mr Badham recorded that in his opinion it was unfeasible to achieve the relief sought through the pTTPP provisions.

1089. Given the lack of information about this area, the Right of Reply recommended the notified MINZ at Kiwi Quarry be **removed**.

1090. No further information about this area was received in response to Minute 57.

MINZ 7 - Stillwater

1091. Appendix 1i of the Right of Reply sets out a detailed review of the notified MINZ at Stillwater and noted information provided from GDC regarding the site.

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1092. A resource consent (LU1422/06) relating to the coal mining activity at Stillwater was granted by GDC in 2006 and establishes that a portion of the notified MINZ has authorisation to operate mining activity.
1093. The Right of Reply recommended **amendments** to change the MINZ at Stillwater to reduce the notified area to reflect the area covered by the existing resource consent detailed in Appendix 1i of the Right of Reply.
1094. No further information about this area was received in response to Minute 57.

MINZ 10 – Okuru Quarry

1095. Appendix 1l of the Right of Reply sets out a detailed review of the notified MINZ at Okuru Quarry and noted no relevant information was provided from WCRC
1096. Given the lack of information about this area, the Right of Reply recommended that the notified MINZ at Okuru Quarry be **removed**.
1097. No further information about this area was received in response to Minute 57.

MINZ 13 - Echo

1098. Appendix 1o of the Right of Reply sets out a detailed review of the notified MINZ at Echo and noted information provided from BDC and WCRC.
1099. Three resource consents related to coal mining were provided by WCRC, along with a Mineral Permit. Three resource consents were provided by BDC that relate to coal mining at Echo.
1100. Further information sourced from the NZPM GIS database for Mineral Permits also confirmed the extent of CML37160 in relation to the notified MINZ at Echo.
1101. The authorisations confirm that some areas within the notified MINZ at Echo have authorisation to operate mining activity. The Right of Reply noted that Mr Badham had not received a copy of the current CML, ACML or resource consent to confirm that the remaining land had authorisation to operate.
1102. The Right of Reply recommended **amendments** to change the MINZ at Echo to only include the areas subject to the existing resource consents detailed in Appendix 1o of the Right of Reply.
1103. No further information about this area was received in response to Minute 57.

MINZ 14 Giles Creek

1104. Appendix 1p of the Right of Reply sets out a detailed review of the notified MINZ at Giles Creek and noted information provided from BDC and WCRC regarding the site, including three resource consents from BDC relating to mining activities.
1105. Further information sourced from the NZPM GIS database for Mineral Permits also confirmed the extent of CML37120 in relation to the notified MINZ at Giles Creek.

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1106. The authorisations confirm that some areas within the notified MINZ at Giles Creek have authorisation to operate a mining activity. The Right of Reply noted that Mr Badham had not received a copy of the current CML, ACML or resource consent to confirm that the remaining land had been authorised to operate.
1107. The Right of Reply recommended **amendments** to change the MINZ at Giles Creek to only include the areas subject to the existing resource consents detailed in Appendix 1p of the Right of Reply.
1108. No further information about this area was received in response to Minute 57.

MINZ 15 – Grey Valley Distribution Centre

1109. Appendix 1q of the Right of Reply sets out a detailed review of the notified MINZ at Grey Valley and advised information had been provided from BDC and WCRC, including two resource consents for the construction and operation of a coal stockpile and a railway loadout facility at Grey Valley.
1110. The Right of Reply recommended **retaining** the MINZ at Grey Valley Distribution as notified because it aligned with the consented areas in the relevant resource consents.
1111. No further information about this area was received in response to Minute 57.

MINZ 17 – Karamea Quarry

1112. Appendix 1s of the Right of Reply sets out a detailed review of the notified MINZ at Karamea Quarry and advised no relevant information was provided from either BDC or WCRC.
1113. Given the lack of information about this area, the Right of Reply recommended that the notified MINZ at Karamea Quarry be **removed**.
1114. No further information about this area was received in response to Minute 57.

MINZ 18 – Mai Mai Siding

1115. Appendix 1t of the Right of Reply sets out a detailed review of the notified MINZ at Mai Mai and noted information was provided from BDC, including a resource consent for the establishment and operation of a coal loadout facility in the general location of the notified MINZ.
1116. The Right of Reply recommended **amendments** to change the MINZ at Mai Mai to slightly reduce the notified area to only include the area subject to the existing resource consent detailed in Appendix 1t of the Right of Reply.
1117. No further information about this area was received in response to Minute 57.

MINZ 19 – New Creek

1118. Appendix 1u of the Right of Reply sets out a detailed review of the notified MINZ at New Creek and advised information was provided from BDC and WCRC, including one resource consent from WCRC and two resource consents from BDC that relate to coal mining activities. It noted

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one consent had lapsed and the other granted a right of way over land in favour of New Creek Mine Limited.

1119. The consents confirmed that some areas within the notified MINZ at New Creek have authorisation to operate a mining activity. The Right of Reply noted that Mr Badham had not received a copy of the current CML, ACML or resource consent to confirm that the remaining land had been authorised to operate.
1120. The Right of Reply recommended either **removing or significant amendments** to change the MINZ at New Creek to only include the areas subject to the existing resource consents detailed in Appendix 1u of the Right of Reply.
1121. No further information about this area was received in response to Minute 57.

MINZ 20 – Reefton Distribution Centre

1122. Appendix 1v of the Right of Reply sets out a detailed review of the notified MINZ at the Reefton Distribution Centre and noted information provided from BDC and WCRC, including resource consents from both authorities for the operation of the Reefton Coal Handling Facility as a stockpile, blending and loadout facility for coal.
1123. The extent of the consented areas and an ACML provided aligned with the notified MINZ at the Reefton Distribution Centre.
1124. The Right of Reply recommended **retaining** the MINZ at the Reefton Distribution Centre because it aligned with the consented area in the relevant resource consents.
1125. No further information about this area was received in response to Minute 57.

MINZ 21 – Snowy River Goldmine

1126. Appendix 1w of the Right of Reply sets out a detailed review of the notified MINZ at Snowy River and noted information provided from BDC and WCRC, including a WCRC resource consent that related to the operation of an underground gold mine known as Blackwater Mine that was surrendered in full in 2014 and two BDC resource consents.
1127. RC130025, issued in May 2014, grants rights to develop and operate an underground gold mine. However, the Right of Reply noted that the extent of the consented mining area was hard to determine despite the consent including legal descriptions.
1128. RC220060, issued January 2023, grants rights in to operate and maintain a processing plant and associated infrastructure to process extracted ore from the underground mine at the Snowy River Mine site. The consented area relates to a small part of the notified MINZ area at Snowy River.
1129. The consents confirmed that a small area within the notified MINZ at Snowy River have authorisation to operate a mining activity. The Right of Reply noted that Mr Badham had not received a copy of the current CML, ACML or resource consent to confirm that the remaining land had been authorised to operate.

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1130. The Right of Reply recommended either removing or significant amendments to change the MINZ at Snowy River to only include the areas subject to the existing resource consents detailed in Appendix 1w of the Right of Reply.
1131. In response to Minute 57 further information was received from Mitchell Daysh on behalf of Tasman Mining Limited who own and operate the Snowy River Mine. The further information sets out Tasman Mining’s decision to not submit on the pTTPP as they determined that the zoning was appropriate and aligned with the information they had provided to the Councils during the development of the proposed plan. It also identified that no submissions were received that requested any changes to the zoning in this location.
1132. The further information included a current Mining Permit, an Exploration Permit and resource consents from both BDC and WCRC that demonstrate authorisations were in place to undertake mining activities at Snowy River.
1133. The further information provided from Mitchell Daysh on behalf of Tasman Mining Limited confirms that they wish to have the MINZ retained as notified in this location.

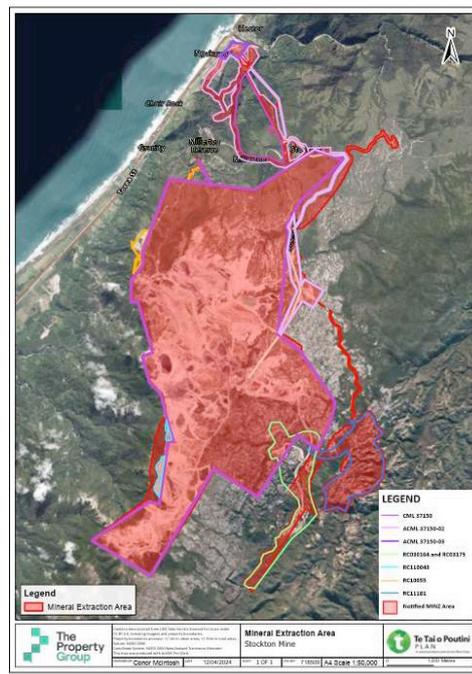
Hearing Panel’s Evaluation

1134. In relation to **BCZ-1**, the Panel are satisfied that the areas identified by Mr Badham at Appendix 14 in his Right of Reply, Appendix 1a, represents authorised areas for mining on the Denniston Plateau, with the exception that access roads identified by Bathurst in response to Minute 57 are also appropriate to include in the zoned area.



1135. In relation to **BCZ-2**, the Panel are satisfied that the areas identified by Mr Badham at Appendix 11 in his Right of Reply, Appendix 1b, represents authorised areas for mining on the Stockton Plateau, with adjustment as identified in response to Minute 57 regarding the Cypress area boundary.

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1136. In relation to **MINZ-1**, the Panel accepts the evidence of Mr Badham regarding the extent of the area authorised for sand mining at Barrytown flats, but do not consider the activity to be discrete, long term mineral extraction activity. The Panel considers that the area concerned would benefit from flexibility of land use associated with GRUZ, rather than MINZ, over the life of the Plan.
1137. In relation to **MINZ-2**, the Panel accepts the evidence of Mr Badham regarding the extent of the areas authorised for alluvial gold mining around Dunganville, but do not consider the activities to be discrete, long term mineral extraction activities. The Panel consider that the areas concerned would benefit from flexibility of land use associated with GRUZ, rather than MINZ, over the life of the Plan.
1138. In relation to **MINZ-3**, the Panel accepts the evidence of Mr Badham that he was unable to identify authorisation for mineral extraction activity occurring at Inchbonnie quarry. However, the Panel accepts the quarry exists and has the nature of a discrete, long term mineral extraction activity. The Panel does not have evidence required to adjust the boundary of the MINZ and therefore recommends retaining the area of zoning as notified.
1139. In relation to **MINZ-4**, the Panel accepts the evidence of Mr Badham that he was unable to identify authorisation for mineral extraction activity occurring at Kiwi Quarry. However, the Panel accept the quarry exists and has the nature of a discrete, long term mineral extraction activity. The Panel does not have evidence required to adjust the boundary of the MINZ and therefore recommends retaining the area of zoning as notified.
1140. In relation to **MINZ-5**, the Panel accepts the evidence of Mr Badham regarding the existing areas authorised for alluvial gold mining at Kumara and Greenstone, but do not consider the activities to be discrete, long term mineral extraction activities. The Panel considers that the areas concerned would benefit from flexibility of land use associated with GRUZ, rather than MINZ, over the life of the Plan.

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1141. In relation to **MINZ-6**, the Panel accepts the evidence of Mr Badham regarding the existing areas authorised for mineral extraction activities within the Paparoa Coal Field, and notes that the nature of authorised activities include discrete, long term mineral extraction within parts of the zoned area. The Panel consider that the area is suited for zoning MINZ, on the basis of the evidence received regarding the longevity of activities authorised in the area, and the evidence of Terra Firma that outlines the intended uses of high quality coal from the area of the Spring Creek Mine (e.g. solar panels and surgical equipment). The Panel are satisfied that existing authorised areas and the area identified by Terra Firma can be included in the zone, on the understanding that mineral extraction activity is anticipated to be the primary land use in these areas. The Panel also consider that the notified area of zoning should be retained given concerns raised by New Zealand Coal and Carbon Ltd in response to Minute 57.
1142. In relation to **MINZ-7**, the Panel accepts the evidence of Mr Badham regarding existing authorisation for mineral extraction activity at Stillwater. The Panel observe evidence of additional activity within the area zoned at the time of notification, and note concerns raised by New Zealand Coal and Carbon Ltd in response to Minute 57. The Panel are satisfied that activities in the notified area of zoning are, and have been, in the nature of discrete, long term mineral extraction activities, such that the recommendation of the Panel is to retain the zoned area as notified.
1143. In relation to **MINZ-8**, the Panel accepts the evidence of Mr Badham regarding existing authorisation for mineral extraction activity at Camelback Quarry. The Panel consider the activity to constitute discrete, long term mineral extraction activity. The Panel note that if the area were amended as recommended by Mr Badham, a significant area of quarry activity would appear to be excluded. The Panel recommend amending the area of zoning to include both the notified area and the area identified by Mr Badham as having authorisation in Appendix Two of his Right of Reply Appendix 1j. The Panel also consider that the zoned area should incorporate all areas that have been subject to mining, as there appears to be quarry areas outside the boundaries of the notified area and the area in Mr Badham’s Appendix 1j. Including all areas that are, or have been, subject to mineral extraction activity, will ensure that matters pertaining to rehabilitation are applicable over the full area.



1144. In relation to **MINZ-9**, the Panel accepts the evidence of Mr Badham regarding existing authorisation for alluvial gold mining activities at Ianthe Forest/Matahi. The Panel do not consider the authorised activities to be in the nature of discrete, long term mineral extraction activities, and therefore consider that the areas concerned would benefit from flexibility of land use associated with GRUZ, rather than MINZ, over the life of the Plan.

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1145. In relation to **MINZ-10**, the Panel accepts the evidence of Mr Badham that he was unable to identify authorisation for mineral extraction activity occurring at Okuru Quarry. However, the Panel accept the quarry exists and has the nature of a discrete, long term mineral extraction activity. The Panel note that the notified area of zoning does not appear to extend fully over the area of existing activity, which is considered by the Panel to be important in order that matters pertaining to rehabilitation are applicable over the full area of activity.



1146. In relation to **MINZ-11**, the Panel accepts the evidence of Mr Badham regarding the existing areas authorised for alluvial gold mining around Rimu Channel, but do not consider the activities to be discrete, long term mineral extraction activities. The Panel consider that the areas concerned would benefit from flexibility of land use associated with GRUZ, rather than MINZ, over the life of the Plan.
1147. In relation to **MINZ-12**, the Panel accepts the evidence of Mr Badham regarding the existing areas authorised for alluvial gold mining around the Ross Gold Fields, but do not consider the activities to be discrete, long term mineral extraction activities. The Panel consider that the areas concerned would benefit from flexibility of land use associated with GRUZ, rather than MINZ, over the life of the Plan.
1148. In relation to **MINZ-13**, the Panel accepts the evidence of Mr Badham regarding the existing areas authorised for coal mining around the Echo area, however, removing the zoned areas to the southwest of the notified zone would appear to remove access points to the areas of activity, so the Panel consider that these should remain. The Panel consider that the areas where no authorisations are in place to the east and southeast in the notified area, as shown in Appendix 12 of Mr Badham’s Right of Reply Appendix 1o, should be retained given concerns raised by New Zealand Coal and Carbon Ltd in response to Minute 57.

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authorised for activity should be incorporated in to the MINZ, in addition to the area already included at the time of notification. The Panel are satisfied that the quarry constitutes a discrete, long term mineral extraction activity.



1152. In relation to **MINZ-17**, the Panel accepts the evidence of Mr Badham that he was unable to determine authorisations for Karamea Quarry within the notified area of zoning. The Panel consider that, in the absence of more detailed information about the extent of the quarry activity, and the nature of the land incorporated into the notified area of zoning, the area would benefit from flexibility of land use associated with GRUZ, rather than MINZ, over the life of the Plan.
1153. In relation to **MINZ-18**, the Panel accepts the evidence of Mr Badham regarding the area of existing authorisations at Mai Mai, however, the preference of the Panel is to retain the zoned area as notified, which the Panel are satisfied constitutes an area associated with discrete, long term mineral extraction activities.
1154. In relation to **MINZ-19**, the Panel accepts the evidence of Mr Badham regarding the area of existing authorisations at New Creek Mine and is satisfied that this constitutes an area associated with discrete, long term mineral extraction activities. However, the Panel considers that the notified area of zoning should be retained given concerns raised by New Zealand Coal and Carbon Ltd in response to Minute 57.
1155. In relation to **MINZ-20**, the Panel accepts the evidence of Mr Badham regarding the authorisations for the Reefton Distribution Centre. The Panel consider that activities in the area correspond with discrete, long term mineral extraction activities, and therefore also agree with Mr Badham that the zoned area should be retained as notified.
1156. In relation to **MINZ-21**, the Panel accepts the evidence of Mr Badham regarding the authorisations for Snowy River. The Panel consider that activities in the area correspond with discrete, long term mineral extraction activities. The Panel note that aerial photography appears to show areas of mineral extraction activity outside the area of existing authorisations identified by Mr Badham, in and around Waiuta and Hukawai. The Panel acknowledge the evidence of Tasman Mining Ltd in response to Minute 57. The Panel consider it appropriate to incorporate areas around Waiuta and Hukawai within the zone, and that discrete, long term mineral extraction activities are anticipated in the notified area as the primary land use, such that no amendment to the MINZ area as notified is required.
1157. In relation to **MINZ-22**, the Panel accepts the evidence of Mr Badham regarding the absence of authorisations for Te Kuha. The Panel has no evidence upon which to support the extent of

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the notified area of zoning and therefore agree with Mr Badham that the area should be removed from MINZ.

1158. In relation to new areas proposed to be added to MINZ, the Panel do not support addition of the authorised areas of sand mining at Cape Foulwind or Mananui to this zone, on the basis that these activities are not discrete, long term mineral extraction activities and the areas of land would benefit from flexibility of land use associated with GRUZ, rather than MINZ, over the life of the Plan. For similar reasons, the Panel do not support addition of the authorised areas of alluvial gold mining at Callaghans and Kumara identified by Phoenix Minerals Limited.
1159. On the basis of exchange with Mr Lile during the hearing process, the Panel also do not support inclusion of McPaddens Pit in MINZ, particularly because Mr Lile indicated an interest in flexibility of land use and the Panel therefore consider it appropriate that the area be zoned GRUZ rather than MINZ.
1160. The Panel support inclusion of the gravel extraction quarry on Taylorville Road, Coal Creek, as identified in the submission of Peter Haddock (S417.002) on the basis that this constitutes a discrete, long term mineral extraction activity.

Hearing Panel’s Recommendation

1161. For the reasons outlined above, and subject to our consideration of Part 2 of the RMA, the Panel recommends the following changes to the **Planning Maps**:

(NB: The referencing is the same as in the Right of Reply)

Area reference	Recommendation
BCZ Mapping	
BCZ 1 - Denniston Plateau	Amend the zoned area to map the boundaries of authorised mineral extraction activity shown in Appendix 14 to the Reporting Officer’s Right of Reply, Appendix 1a, and access roads in the response to Minute 57, and any areas excluded from BCZ are to adopt the adjacent zoning
BCZ 2 – Stockton Mine	Amend the zoned area to map the boundaries of authorised mineral extraction activity shown in Appendix 11 to the Reporting Officer’s Right of Reply, Appendix 1b, and any areas excluded from BCZ adopt the adjacent zoning.
MINZ Mapping	
MINZ 1 – Barrytown	Change the area from MINZ to GRUZ
MINZ 2 – Dunganville	Change the area from MINZ to GRUZ
MINZ 3 – Inchbonnie Quarry	Retain notified area of zoning
MINZ 4 – Kiwi Quarry	Retain notified area of zoning

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MINZ 5 – Kumera Greenstone	Change the area from MINZ to GRUZ
MINZ 6 – Paparoa Coal Field	Retain notified area of zoning
MINZ 7 – Stillwater	Retain notified area of zoning
MINZ 8 – Camelback Quarry	Amend zone boundary to include the area marked in blue in Appendix 1j of the Right of Reply, and all areas shown as mined in the aerial photography
MINZ 9 – Ianthe Forest	Change the area from MINZ to GRUZ
MINZ 10 - Okuru Quarry	Amend zone boundary to include all areas shown as mined in the aerial photography, as per Appendix 1l of the Right of Reply
MINZ 11 – Rimu Channel	Change the area from MINZ to GRUZ
MINZ 12 – Ross Gold Fields	Change the area from MINZ to GRUZ
MINZ 13 – Echo	Retain notified area of zoning
MINZ 14 – Giles Creek	Amend zone boundary to exclude areas to the east that have no associated authorisations, as shown in Appendix 1p of the Right of Reply, and any areas excluded from MINZ adopt the adjacent zoning
MINZ 15 – Grey Valley Distribution	Retain notified area of zoning
MINZ 16 – Karamea Lime Quarry	Amend zone boundary to include area that has an associated authorisation, as shown in Appendix 1r of the Right of Reply
MINZ 17 – Karamea Quarry	Change the area from MINZ to GRUZ
MINZ 18 – Mai Mai	Retain notified area of zoning
MINZ 19 – New Creek	Retain notified area of zoning
MINZ 20 – Reefton Distribution Centre	Retain notified area of zoning
MINZ 21 – Snowy River Goldmine	Retain notified area of zoning
MINZ 22 – Te Kuha	Change the area from MINZ to GRUZ

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New Areas

Taylorville Road/Coal Creek Include the area of land subject of submission point S417.002



Dean Chrystal
Hearings Panel - Chair



Sharon McGarry
Hearings Panel Member



Maria Bartlett
Hearings Panel Member



Paul Rogers
Hearings Panel Member

Date: 19 September 2025

APPENDIX 1 – RECOMMENDATIONS ON PLAN PROVISIONS

<u>Term</u>	<u>Definition</u>
Lawfully Established	<p>means buildings, structures and activities provided for by one of the following:</p> <ol style="list-style-type: none"> 1. permitted through a rule in a 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 in Section 10 of the RMA); or <p>In the case of mineral extraction it also includes an activity permitted at the date that this Plan was notified through a Coal Mining Licence or an Ancillary Coal Mining Licence issued under the Coal Mines Act (1979); and</p> <p>does not include where the resource consent or license has either expired or lapsed.</p>
Mineral Exploration	<p>has the same meaning as in the Crown Minerals Act 1991 (as set out below)</p> <p>means any activity undertaken for the purpose of identifying mineral deposits or occurrences and the feasibility of mining particular deposits or occurrences of 1 or more minerals and includes any drilling, dredging or excavations (whether surface or subsurface) that are reasonably necessary to determine the nature and size of a mineral deposit.</p>
Mineral Extraction	<p>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.</p>
Mineral Extraction Plan	<p>means a management plan for a mineral extraction site which includes the information set out in Appendix Seven.</p>
Mineral Prospecting	<p>is the same as the definition in the Crown Minerals Act 1991 (and is outlined below) means:</p> <ol style="list-style-type: none"> a. any activity undertaken for the purpose of identifying land likely to contain mineral deposits or occurrences; and b. includes the following activities: <ol style="list-style-type: none"> i. geological, geochemical, and geophysical surveying; ii. aerial surveying; iii. taking samples by hand or hand held methods; and

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	iv. taking small samples offshore by low-impact mechanical methods.
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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 Aotearoa / New Zealand/~~Aotearoa me Te Waipounamu~~. Minerals found on the Te Tai o Poutini / 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 Te Tai o Poutini / West Coast/~~Te Tai o Poutini~~.

The MINZ - Mineral Extraction Zone covers areas where there are discrete, long term mineral extraction activities, which enables management of associated effects, including reverse sensitivity effects. ~~that are currently authorised. This authorisation is from three different mechanisms and includes:~~ Areas in the zone include minerals that support climate change adaptation and transition to a low emissions economy.

~~4. Coal mining licences under the Coal Mines Act (1979);~~

~~5. Ancillary coal mining licences under the Coal Mines Act (1979); and~~

~~6. Resource consents issued under the Resource Management Act (1991).~~

*Because of its size and significance, and particular operational requirements, the BCZ - Buller Coalfield Zone is a separate Special **Purpose** 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 **Purpose** 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 ~~NOISE and LIGHT in particular~~ **District-Wide Matters** may be relevant to activities undertaken in the MINZ - Mineral Extraction Zone, **with the exception of provisions in the Earthworks Chapter.***

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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.

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 ~~minimises~~**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.

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 **discrete, long term** mineral extraction 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.

MINZ – P3 To ensure that after mineral extraction **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.

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:

- 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 **adverse effects** impacts on **natural character and** significant indigenous vegetation and significant habitats of indigenous fauna;
 - i. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;
 - j. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;
 - k. Undertaking remediation alongside extraction operations; and
 - l. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.

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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.
MINZ-P65	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: <ol style="list-style-type: none"> Ensuring Poutini Ngāi Tahu input <u>into</u> any resource consenting processes; Requiring ongoing liaison and communication where Poutini Ngāi Tahu <u>cultural resources values</u> may be affected by mineral extraction, processing or rehabilitation activities; Recognising the ownership of the pounamu resource lies with Poutini Ngāi Tahu <u>Te Rūnanga o Ngāi Tahu</u>; and Enabling the kaitiakitanga responsibilities of Poutini Ngāi Tahu.
MINZ-P76	Manage conflicts between mineral extraction activities and other land uses by ensuring that: <ol style="list-style-type: none"> Performance standards to minimise impacts on the <u>maintain</u> amenity, rural character and natural values of adjacent areas are met; and Activities that are incompatible with the effects of mineral extraction and ancillary activities are not established in the MINZ - Mineral Extraction Zone.
MINZ-P87	Co-ordinate the approach to mineral extraction activity <u>resource</u> consents with the West Coast/Te Tai o Poutini Regional Council, particularly where water resources and soil conservation are affected.

Mineral Extraction Zone 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.

Permitted Activities

MINZ - R1 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

- Written Notice is provided to the relevant ~~District~~ Council ~~5~~ 10 working days ahead of ~~work~~ any Mineral Prospecting or Mineral Exploration being undertaken;
- ~~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;~~

2. 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);³²⁷

~~5. 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~~³²⁸

~~43. The site shall be **is progressively** rehabilitated as far as practicable to its original condition prior to the activity occurring, with rehabilitation being completed no more than three months after Mineral Prospecting or Mineral Exploration ceases.~~

Advice Notes:

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.

Activity status where compliance not achieved: Controlled

MINZ-R2 Mineral Extraction and Processing

Activity Status Permitted

Where:

- ~~1. The mineral extraction and processing are lawfully established at the date the Plan becomes operative;~~
- ~~2. Where the site is active, or intended to be active within the next 12 months:

 - ~~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:

 - ~~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;~~

³²⁷ Buller District Council S538.609

³²⁸ Buller District Council S538.609

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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;~~
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 relevant district council;~~
7. ~~Noise meets the Permitted Activity Standards in Rule NOISE R7; and~~
8. ~~Light and glare meet the Permitted Activity standards in Rule LIGHT R4.~~

Advice Note:

1. ~~Only active mineral extraction sites, or those expected to be active within 12 months are required to prepare a Mineral Extraction Management Plan, Annual Work Plan or Environmental Monitoring Report.~~
2. ~~Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM R7.~~
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.~~
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.~~

Activity status where compliance not achieved: Controlled

MINZ-R3 Activities ancillary to lawfully established ~~m~~Mineral ~~e~~Extraction and Mineral pProcessing

Activity Status Permitted

Where:

1. ~~This The activities includes the maintenance and operation of all roads, parking, buildings, water treatment facilities, storage facilities, railway loadout areas and structures existing that are lawfully established at the date of notification of the Plan [insert date];~~
2. ~~Maximum building height above ground level is 10m;~~
3. ~~2. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;~~
3. ~~There is a maximum of 30 heavy vehicle movements per day (excluding internal movements within the mineral extraction site);~~
4. ~~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;~~
5. ~~A bond is in place with the relevant district council;~~
6. ~~3. Noise meets the Permitted Activity Standards in Rule NOISE - R75; and~~
7. ~~4. Light and glare meet the Permitted Activity standards in Rule LIGHT - R4.~~

Advice Note:

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.

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Activity status where compliance not achieved: Controlled

MINZ-R4 Conservation, Recreation and Research Activities

Activity Status Permitted

Where:

1. Maximum building height above ground level is 10m; and
2. Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries.

Activity status where compliance not achieved: Discretionary

MINZ-R5 Grazing of Animals

Activity Status Permitted

Advice Note:

- ~~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.~~

Activity status where compliance not achieved: N/A

Controlled Activities

MINZ-R6 Mineral Prospecting and Mineral Exploration, ~~Mineral Extraction and Processing Activities~~ and Ancillary Activities not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This does not occur within:
 - i. An area of indigenous vegetation greater than 5000m² ~~in size that has not been assessed for its significance;~~ or
 - ii. **An area of significant indigenous biodiversity; and**
2. This includes all earthworks associated with the ~~mineral extraction~~ activity; and
3. This includes ancillary activities, buildings, structures and infrastructure required to enable ~~the~~ mineral extraction activity.

Matters of control are:

- 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 heritage 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;

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- 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.

Advice Note:

- ~~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.~~

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

MINZ-R7 Mineral Prospecting, Mineral Exploration ~~Extraction~~ and Ancillary Activities not meeting Permitted or Controlled Activity Standards, and Mineral Extraction and Mineral Processing Activities

Activity Status Restricted Discretionary

Where:

1. This includes all earthworks associated with the ~~mineral extraction~~ activity; and
2. This includes ancillary activities, buildings, structures and infrastructure required to enable the mineral extraction activity.

Discretion is restricted to:

- 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.

Advice Note:

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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.

Activity status where compliance not achieved: N/A

Discretionary Activities

MINZ - R8 Conservation, research and recreation activities not meeting Permitted Activity Standards

Activity Status Discretionary

Activity status where compliance not achieved: N/A

MINZ - R109 Any activity not provided for in another rule in the zone

Activity Status ~~Non-complying~~ Discretionary

Activity status where compliance not achieved: N/A

Non-complying Activities

MINZ - R910 Residential Activities

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Buller Coalfield Zone

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).

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

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

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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 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 BCZ~~ - **Buller Coalfield Zone, with the exception of earthworks.**

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.

BCZ – O1	Mineral extraction activities in the BCZ – Buller Coalfield Zone are enabled by inclusion of a special purpose zone that recognises national and regional significance, the 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 minimises 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.
BCZ-P1	To provide for the current existing lawfully established mineral extraction and processing activities in the BCZ - Buller Coalfield Zone and the opportunities for reasonable growth and expansion to meet future demands, while managing adverse effects on the environment.
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 all mine sites in the BCZ - Buller Coalfield Zone are rehabilitated to best practice environmental standards and to provide for future use and activities appropriate to the area.
BCZ-P4	Maintain the quality of the environment, landscape, ecological values, Poutini Ngāi Tahu cultural values, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by: <ol style="list-style-type: none"> Utilising management, monitoring, rehabilitation and mine closure plans as a key tool; Managing dust, noise, vibration, access and lighting to maintain amenity values and avoid significant adverse effects;

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 and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

	<ul style="list-style-type: none"> c. Managing traffic generation impacts on the operation, maintenance and safety of the transport network and avoiding significant adverse effects; d. Managing and avoiding adverse effects impacts on significant indigenous vegetation and significant indigenous fauna habitat and associated ecological values and avoiding and mitigating significant adverse effects on indigenous biodiversity; e. Managing and avoiding adverse effects on Poutini Ngāi Tahu cultural values; 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	<p>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.</p>

Buller Coalfield Zone Rules	
<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 is provided in General Approach.</p>	
Permitted Activities	
BCZ-R1	Mineral Prospecting and <u>Mineral</u> Exploration
Activity Status Permitted	
<p>Where:</p>	
<ol style="list-style-type: none"> 1. <u>Written Notice</u> is provided to the Buller District Council at least 5 10 working days ahead of work any Mineral Prospecting or Mineral Exploration 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; 2. <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 BCZ - Buller Coalfield Zone)</u>; 4. 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 	

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4. The site shall be is progressively rehabilitated as much far as is practicable to its original condition prior to the activity occurring, with rehabilitation being completed no more than three months after Mineral Prospecting and Mineral Exploration ceases;

Advice Note:

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.

Activity status where compliance not achieved: Controlled

BCZ-R2 Mineral Extraction and Processing

Activity Status Permitted

Where:

1. ~~The mineral extraction processing is lawfully established at the date of the Plan becoming operative;~~
2. ~~Where the site is active, or intended to be active within the next 12 months:~~
 - 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 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;~~
2. ~~During mineral extraction activity, progressive rehabilitation of all disturbed areas is undertaken in accordance with the rehabilitation programme in the Mineral Extraction Management Plan;~~
3. ~~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;~~
4. ~~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;~~

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 and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

5. ~~A bond is in place with the Buller District Council;~~
6. ~~Noise meets the Permitted Activity Standards in Rule NOISE – R10; and~~
7. ~~Light and glare meet the Permitted Activity standards in Rule LIGHT – R4.~~

~~Advice Notes:~~

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.~~

~~Activity status where compliance not achieved:~~ Controlled

BCZ-R32 Activities ancillary to lawfully established ~~m~~Mineral ~~e~~Extraction and ~~M~~ineral ~~p~~rocessing

Activity Status Permitted

Where:

This **The activities** includes **the** maintenance and operation of all roads, parking, buildings, coal haul roads, aerial ropeway, water treatment facilities, railway loadout **areas** and structures existing at the date of notification of the Plan **that are lawfully established.**

1. ~~Maximum building height above ground level is 15m;~~
2. ~~Buildings are setback a minimum of 10m from the road boundary and 10m from internal boundaries;~~
3. ~~There is a maximum of 50 heavy vehicle movements per day (excluding heavy vehicle movements within the site);~~
4. ~~There shall be no offensive or objectionable dust nuisance at or beyond the zone boundary as a result of the activity;~~
5. ~~A bond is in place with the Buller District Council;~~
6. ~~Noise meets the Permitted Activity Standards in Rule NOISE – R10; and~~
7. ~~Light and glare meet the Permitted Activity standards in Rule LIGHT – R4.~~

~~Advice Notes:~~

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.~~

~~Activity status where compliance not achieved:~~ Controlled

BCZ-R43 Conservation, recreation and research activities

Activity Status Permitted

Where:

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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

Controlled Activities

BCZ-R54 Mineral Prospecting and Exploration, ~~Mineral Extraction and Processing~~ and Ancillary Activities not meeting Permitted Activity Standards

Activity Status Controlled

Where:

1. This does not occur within:
 - i. An area of indigenous vegetation greater than 5000m² ~~in size that has not been assessed for its significance;~~ or
 - ii. **or area of significant indigenous biodiversity.**
2. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and
3. This includes all earthworks associated with the ~~mineral extraction and ancillary~~ activities.

Matters of control are:

- a. Management of access, parking and traffic generation effects from the site;
- b. Noise, glare, light, dust and vibration management;
- c. Hours of operation;
- d. Hazardous substances and waste management;
- e. Extent and design of earthworks;
- f. Effects on ecological values including any threatened fauna or their habitats; Management of effects on natural character, landscape and indigenous biodiversity
- g. Design and location of ancillary buildings, structures and infrastructure;
- ~~h. Overburden management;~~
- ~~i. Monitoring, reporting and community liaison requirements;~~
- ~~j. Financial contributions and any requirement for bonds; and~~
- ~~k. Site rehabilitation and mine closure requirements.~~
- l. Historic heritage and Poutini Ngāi Tahu values

~~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.~~

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activities

BCZ-R65 Mineral Extraction and Processing and Mineral Prospecting and Exploration and Ancillary Activities not meeting Controlled Activity Standards

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 and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

Activity Status Restricted Discretionary

Where:

1. This includes ancillary activities, buildings, structure and infrastructure required to enable the mineral prospecting, exploration, extraction or processing activity; and
2. This includes all earthworks associated with the mineral extraction and ancillary activities.

Discretion is restricted to:

- a. Management of access, parking and traffic generation effects 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~~ **and Poutini Ngāi Tahu values;**
- f. Extent and design of earthworks and indigenous vegetation clearance;
- g. ~~Effects on ecological values including any threatened fauna or their habitats~~ **Management of effects on natural character, landscape and indigenous biodiversity;**
- 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.

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.

Activity status where compliance not achieved: N/A

Non-complying Activities

BCZ-R76 ~~Residential Activities, Commercial Activities or Any activity not provided for in another rule in the zone~~

Activity Status Non-complying

Activity status where compliance not achieved: N/A

Open Space Zone

OSRZ-P14	<p>Provide for mMineral e<u>Extraction, Mineral Prospecting and Mineral Exploration</u> activities within the OSZ – Open Space Zone where:</p> <ol style="list-style-type: none"> a. Impacts on open space and recreation values of the site are minimised; b. This is provided for within any Open Space Management Plan for the area; c. a. Adverse effects on open space and recreation values and the environment are avoid, mitigated, remedied, offset or compensated managed;
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- ~~b.~~ Sites are rehabilitated at the end of the when mineral extraction activities cease to enable the future land uses and activities to be used for an appropriate activity to the area.
- ~~c.~~ **Areas and values identified in Schedules One to Eight and the Overlay Chapters are protected;**
- ~~e.~~ **d. Significant ecological values are protected and indigenous biodiversity is maintained.**

Permitted Activities

OSZ-R11 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a prospecting or exploration permit from NZPAM;
- ~~2.1.~~ **Written** notice is provided to the relevant District Council Consent Authority 10 working days prior to ~~the~~ **any works mineral prospecting or mineral exploration** commencing;
- ~~3.2.~~ 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;**
- ~~4.3.~~ The site shall be **is progressively** rehabilitated as far as is practicable to its original condition **prior to the activity occurring, with rehabilitation being completed no more than three months after mineral prospecting and mineral exploration ceases;** and
- 4. No more than 5,000m³ of material is excavated in a calendar year per site.**
- ~~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 Note:

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.
- 4. Any vegetation clearance associated with mining activities is subject to the rules in the Ecosystems and Indigenous Biodiversity Chapter.**

Activity status where compliance not achieved: ~~Restricted~~ Discretionary

Restricted Discretionary Activities

OSZ-R19 Mineral Extraction ~~Activities~~ and Mineral Prospecting and Mineral Exploration not meeting Permitted Activity Standards

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Activity Status ~~Restricted~~ Discretionary

Where:

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]~~

Discretion is restricted to:

- 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.~~

~~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.~~

Activity status where compliance not achieved: Discretionary N/A

Discretionary Activities

~~OSZ R22 Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards~~

Activity Status Discretionary

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.~~

Activity status where compliance not achieved: N/A

Natural Open Space Zone

Non-complying Activities

NOSZ-R16 Mineral Prospecting, Mineral Exploration and Mineral Extraction Activities

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Activity Status Non-complying

Activity status where compliance not achieved: N/A

Rural Zones

RURZ – 05	<p>To support provide for the use and extraction of mineral resources mineral prospecting, mineral exploration and mineral extraction activities located within the rural environment, while:</p> <ol style="list-style-type: none"> Recognising that mineral resources are widespread; and these activities can be appropriate in a range of locations within the rural environment; and Ensuring that provided adverse effects are minimised managed; and Ensuring that rehabilitation of land occurs following mineral extraction; mineral extraction can be appropriate in a range of locations the completion of these activities. <p>Mineral Prospecting, Mineral Exploration and Mineral Extraction</p>
RURZ-P18	<p>Recognise that mineral resources are fixed in location and enable mineral prospecting, mineral exploration and mineral extraction activities provided adverse effects are avoided, remedied or mitigated.</p>
RURZ-P19	<p>Manage conflicts between mineral extraction activities and other land uses by ensuring that:</p> <ol style="list-style-type: none"> Standards to manage adverse effects minimise impacts 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 mineral extraction activities.
RURZ-P20	<p>Enable rural production activities to utilise aggregate resources by providing for farm quarries where:</p> <ol style="list-style-type: none"> These are not located within areas identified within Schedules One – Eight; and Significant ecological values are protected and indigenous biodiversity is maintained.
RURZ-P21	<p>Require proposals for new mineral extraction activities to provide adequate information on:</p> <ol style="list-style-type: none"> the establishment and operation of the mineral extraction activity to enable an assessment of environmental effects; measures to reduce and/or avoid, remedy or mitigate adverse effects; and rehabilitation of the mineral extraction area to the condition prior to activity occurring when mineral extraction activity ceases.
RURZ-P22	<p>Sites used for mineral prospecting, mineral exploration and mineral extraction activities should be rehabilitated after the activities cease to enable the future land uses and to be used for other activities appropriate to the area.</p>

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RURZ-P23	Co-ordinate the approach to mineral prospecting, mineral exploration and mineral extraction activity resource 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.
RURZ-P25	Maintain the quality of the environment and amenity of areas surrounding the mineral extraction activities as far as practicable by: <ul style="list-style-type: none"> a. Utilising management, mitigation, 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. Avoiding or mitigating impacts adverse effects on significant indigenous vegetation and significant habitats of indigenous fauna and maintaining indigenous biodiversity; e. Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity; f. Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale; g. Undertaking progressive remediation to address effects during extraction operations; and h. Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.

General Rural Zone Rules

Permitted Activities

GRUZ-R11 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. ~~This is authorised under a prospecting or exploration permit from NZPAM;~~
- 2. 1. Written Notice** is provided to the relevant District Council Consent Authority 10 working days prior to the **any Mineral Prospecting or Mineral Exploration** works commencing;
- ~~2. 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;~~
- 2. Any earthworks associated with Mineral Prospecting or Mineral Exploration are undertaken more than 20m from a site boundary;**

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3. The site shall be is progressively rehabilitated as far as is practicable to its original condition prior to activity occurring, with rehabilitation being completed no later than three months after Mineral Prospecting or Mineral Exploration ceases; and

~~4. 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.~~

4. No more than 5,000m³ of earthworks is undertaken in a calendar year per site.

Advice Note:

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.
4. **Any vegetation clearance associated with mining activities is subject to the rules in the Ecosystems and Indigenous Biodiversity Chapter.**

Activity status where compliance not achieved: Restricted Discretionary

GRUZ-R12 Mineral Extraction

Activity Status Permitted

1. ~~Less~~ **No more** than 20,000m³ of material is ~~disturbed or removed~~ **excavated** within a ~~12 month period~~ **calendar year**; ~~or~~

2. ~~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;

3. The site is progressively rehabilitation as far as practicable to its condition prior to the activity occurring, with rehabilitation being completed no later than 6 months of the mineral extraction activity ceasing; and

~~a.~~4. 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 any Significant Natural Area identified in Schedule Four; or
- iii. The riparian margins of any stream, river, lake, or wetland;
- iv. A Historic Heritage site identified in Schedule One; or
- ~~v. A Site or Area of Significance to Māori identified in Schedule Three;~~
- vi. 250m of a residential building **sensitive activity** on any RESZ – Residential Zone or RURZ – Rural Zone **an adjoining site; and**
- i. There are no **earthworks** stockpiles within 20m of the property boundary;
- j. The maximum stockpile height is 7m;

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and Future Urban Zone - Te Takiwā Tāone mō Raurangi

- k. There shall be no offensive or objectionable dust nuisance as a result of the activity at or beyond the property boundary;
- l. There are a maximum of 10 heavy vehicle movements and 30 light vehicle movements per day generated by the activity;
- m. Vehicle crossings and access meet the design standards as set out in Appendix One Transport Performance Standards;
- n. Hours of operation are limited to 7am to 7pm;
- o. Noise levels meet the Permitted Activity Standards in Rule NOISE -R5; and
- p. Light meets the Permitted Activity standards in Rule LIGHT - R4.

Advice Notes:

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 or Site or Area of Significance to Māori 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.

Activity status where compliance not achieved:

~~Controlled where this is a previously mined area identified in Schedule Ten.~~

~~Otherwise Restricted Discretionary~~

Restricted Discretionary

GRUZ-R18 ~~Mineral Extraction and~~ Mineral Prospecting and Exploration not meeting Permitted Activity standards

Activity Status ~~Controlled~~ Restricted Discretionary

~~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; or
 - iv. A Historic Heritage site, or
 - v. ~~A Site or Area of Significance to Māori;~~
 - vi. 250m of a residential buildings sensitive activity on any RESZ—Residential Zone, SETZ—Settlement Zone or RLZ—Rural Lifestyle Zone on an adjoining site.

Matters of ~~control~~ discretion are:

- a. Management of access, parking, traffic generation ~~and transport of minerals from the site;~~
- b. Noise, glare, light, dust, blasting and vibration management;

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- c. Hours of operation;
- d. Hazardous substances and waste management;
- e. Historic **heritage** and Poutini Ngāi Tahu **values** cultural heritage requirements;
- f. Extent and design of earthworks and indigenous vegetation clearance;
- g. Effects on any threatened **and at risk** fauna or flora, or their habitats;
- h. ~~Design and location of ancillary buildings, structures and infrastructure;~~
- i. ~~Landscape measures~~ **Measures to mitigate landscape effects;**
- j. ~~Maintaining public access;~~
- k. Effects on riparian margins and water quality;
- l. ~~Monitoring, reporting and community liaison requirements;~~
- m. ~~Financial contributions and any requirement for bonds; and~~
- n. Site rehabilitation and mine closure requirements.

Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays or Site or Area of Significance to Māori is subject to Rule SASM - R7.

Activity status where compliance not achieved: Restricted-Discretionary **N/A**

Discretionary Activities

GRUZ-R25 Mineral Extraction Activities not meeting Permitted Activity Standards

Activity Status ~~Restricted~~ Discretionary

Where:

1. ~~The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, a Significant Natural Area, a Site or Area of Significance to Māori, or an area of High or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas].~~

Discretion is restricted to:

- a. ~~Management of access, parking and traffic generation;~~
- b. ~~Noise, glare, light, dust, blasting and vibration management;~~
- c. ~~Hours of operation;~~
- d. ~~Hazardous substances and waste management;~~
- e. ~~Historic and Poutini Ngāi Tahu cultural heritage requirements;~~
- f. ~~Extent and management of earthworks and indigenous vegetation clearance;~~
- g. ~~Effects on any threatened fauna or flora or their habitats;~~
- h. ~~Design and location of buildings, structures and infrastructure;~~
- i. ~~Landscape measures;~~
- j. ~~Maintaining public access;~~

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- k. ~~Effects on riparian margins and water quality;~~
- l. ~~Monitoring, reporting and community liaison requirements;~~
- m. ~~Financial contributions and any requirement for bonds; and~~
- n. ~~Site rehabilitation and mine closure requirements.~~

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM-R7.~~

Activity status where compliance not achieved:

~~Refer to relevant Overlay Chapter rules where mineral extraction is proposed in these areas. N/A~~

~~GRUZ-R32 Mineral Prospecting and Exploration and Mineral Extraction Activities not meeting Restricted Discretionary Activity Standards~~

~~Activity Status Discretionary~~

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM-R7.~~

~~Activity status where compliance not achieved: N/A~~

Rural Lifestyle Zone

Rural Lifestyle Zone Rules

Permitted Activities

RLZ-R11 Mineral Prospecting and Mineral Exploration

Activity Status Permitted

Where:

1. This is authorised under a prospecting or exploration permit from NZPAM;
- ~~2.~~ **1. Written notice is provided to the relevant District Council 10 working days ahead of work prior to any Mineral Prospecting or Mineral Exploration works commencing being undertaken;**
- ~~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;
- 2. Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary;**
- ~~4.~~ **3. The site shall be is progressively rehabilitated as far as is practicable to its original condition prior to activity occurring, with rehabilitation to be completed no later than three months after Mineral Prospecting and Mineral Exploration ceases; and**
- ~~5.~~ **4. 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.**
- 5. No more than 5,000m³ of material is excavated in a calendar year.**

Advice Notes:

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 and Future Urban Zone - Te Takiwā Tāone mō Raurangi**

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.

4. Any vegetation clearance associated with mining activities is subject to the rules in the Ecosystems and Indigenous Biodiversity Chapter.

Activity status where compliance not achieved: Restricted Discretionary

Restricted Discretionary Activity

RLZ-R15 Mineral Prospecting and Exploration not Meeting Permitted Activity Standards and Mineral Extraction Activities

Activity Status ~~Restricted~~ Discretionary

Where:

- ~~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].~~

Discretion is restricted to:

- ~~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 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.~~

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM -R7.~~

Activity status where compliance not achieved: Discretionary N/A

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Settlement Zone

Settlement Zone Rules	
Permitted Activities	
SETZ-R15	Mineral Prospecting and Mineral Exploration
Activity Status Permitted	
Where:	
<ol style="list-style-type: none"> 1. This is authorised under a prospecting or exploration permit from NZPAM; 2.1. Written notice is provided to the relevant District Council 10 working days prior to the work any Mineral Prospecting or Mineral Exploration commencing; 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; 2. Any earthworks associated with mineral prospecting or mineral exploration are undertaken more than 20m from a site boundary; 3. The site shall be is progressively rehabilitated generally as far as is practicable to its original condition, with rehabilitation to be completed no later than three after Mineral Prospecting or Mineral Exploration ceases; and 4. 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. 4. No more than 5,000m³ of earthworks is undertaken in a calendar year per site. 	
Advice Notes:	
<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. 4. Any vegetation clearance associated with mining activities is subject to the rules in the Ecosystems and Indigenous Biodiversity Chapter. 	
Activity status where compliance not achieved: Restricted Discretionary	
Restricted Discretionary Activities	
SETZ-R23	Mineral Prospecting and Exploration not meeting Permitted Activity Standards and Mineral Extraction Activities
Activity Status Restricted Discretionary	
<ol style="list-style-type: none"> 1. The activity does not occur within an Outstanding Natural Landscape, Outstanding Natural Feature, a Historic Heritage site, or a Site or Area of Significance to Māori, or an area of High 	

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~~or Outstanding Coastal Natural Character [refer to the relevant Overlay Chapter rules in relation to activities in these areas].~~

Discretion is restricted to:

- ~~1. Management of access, parking, traffic generation and transport of minerals from the site;~~
- ~~2. Noise, glare, light, dust, blasting and vibration management;~~
- ~~3. Hours of operation;~~
- ~~4. Hazardous substances and waste management;~~
- ~~5. Historic and cultural heritage requirements;~~
- ~~6. Extent and design of earthworks and indigenous vegetation clearance;~~
- ~~7. Effects on any threatened fauna and flora or their habitats;~~
- ~~8. Design and location of ancillary buildings, structures and infrastructure;~~
- ~~9. Landscape measures;~~
- ~~10. Maintaining public access;~~
- ~~11. Effects on riparian margins and water quality;~~
- ~~12. Monitoring, reporting and community liaison requirements;~~
- ~~13. Financial contributions and any requirement for bonds; and~~
- ~~14. Site rehabilitation and mine closure requirements.~~

~~Advice Note: Mineral Extraction within the Pounamu and Aotea Overlays is subject to Rule SASM –R7.~~

~~**Activity status where compliance not achieved:** Refer to relevant Overlay Chapter rules where the activity will occur in these areas. N/A~~

Appendix Seven: Mineral Extraction Management Plan Requirements

~~Outline of Content Requirements for a Mineral Extraction Management Plan~~

- ~~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~~

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- 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 land uses
- 4. — Key issues to be managed
 - i. — Heritage and Culture (address all that are relevant)
 - c. — Any archaeological or historic heritage values
 - d. — Poutini Ngāi Tahu Cultural landscape values
 - ii. — Acid Mine Drainage Management (where relevant)
 - d. — Prevention and minimisation measures
 - e. — Treatment and Control measures
 - f. — Monitoring, maintenance and contingency programme
 - iii. — Erosion and Sediment Control
 - g. — Drawings and specifications of erosion control measures
 - h. — Sizing and location of sediment controls (eg diversions, silt fences etc)
 - i. — Management of sediment retention ponds (where relevant)
 - j. — Decommissioning of sediment control structures
 - k. — Chemical treatment programme for sediment laden water (where relevant)
 - l. — Monitoring, maintenance and contingency programme
 - iv. — Waste Rock/Overburden Management
 - d. — Waste rock placement methods and procedures
 - e. — Slope stability
 - f. — Monitoring and maintenance
- 5. — Specific Management Plans
 - i. — Hazardous Substances & Spill Contingency Management Plan

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- 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 Plan

1. **The following matters, where relevant, must be addressed in any Mineral Extraction Management Plan that supports a resource consent application:**
 - 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 on these features;**

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- 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.

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

Schedules

Delete Schedule Nine: Lawfully Established Mineral Extraction and Processing Areas
Deleting Schedule Ten: Previously Mined Locations in the Rural and Open Space and Recreation Zones

Planning Maps

Area reference	Recommendation
BCZ Mapping	
BCZ 1 - Denniston Plateau	Amend the zoned area to map the boundaries of authorised mineral extraction activity shown in Appendix 14 to the Reporting Officer’s Right of Reply, Appendix 1a, and access roads in the response to Minute 57, and any areas excluded from BCZ are to adopt the adjacent zoning
BCZ 2 – Stockton Mine	Amend the zoned area to map the boundaries of authorised mineral extraction activity shown in Appendix 11 to the Reporting Officer’s Right of Reply, Appendix 1b, and any areas excluded from BCZ adopt the adjacent zoning.
MINZ Mapping	
MINZ 1 – Barrytown	Change the area from MINZ to GRUZ
MINZ 2 – Dunganville	Change the area from MINZ to GRUZ
MINZ 3 – Inchbonnie Quarry	Retain notified area of zoning
MINZ 4 – Kiwi Quarry	Retain notified area of zoning

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MINZ 5 – Kumera Greenstone	Change the area from MINZ to GRUZ
MINZ 6 – Papanoa Coal Field	Retain notified area of zoning
MINZ 7 – Stillwater	Retain notified area of zoning
MINZ 8 – Camelback Quarry	Amend zone boundary to include the area marked in blue in Appendix 1j of the Right of Reply, and all areas shown as mined in the aerial photography
MINZ 9 – Ianthe Forest	Change the area from MINZ to GRUZ
MINZ 10 - Okuru Quarry	Amend zone boundary to include all areas shown as mined in the aerial photography, as per Appendix 1l of the Right of Reply
MINZ 11 – Rimu Channel	Change the area from MINZ to GRUZ
MINZ 12 – Ross Gold Fields	Change the area from MINZ to GRUZ
MINZ 13 – Echo	Retain notified area of zoning
MINZ 14 – Giles Creek	Amend zone boundary to exclude areas to the east that have no associated authorisations, as shown in Appendix 1p of the Right of Reply, and any areas excluded from MINZ adopt the adjacent zoning
MINZ 15 – Grey Valley Distribution	Retain notified area of zoning
MINZ 16 – Karamea Lime Quarry	Amend zone boundary to include area that has an associated authorisation, as shown in Appendix 1r of the Right of Reply
MINZ 17 – Karamea Quarry	Change the area from MINZ to GRUZ
MINZ 18 – Mai Mai	Retain notified area of zoning
MINZ 19 – New Creek	Retain notified area of zoning
MINZ 20 – Reefton Distribution Centre	Retain notified area of zoning
MINZ 21 – Snowy River Goldmine	Retain notified area of zoning
MINZ 22 – Te Kuha	Change the area from MINZ to GRUZ
New Areas	
Taylorville Road/Coal Creek	Include the area of land subject of submission point S417.002