

In the Environment Court of New Zealand
Christchurch Registry

ENV-2025-CHC-

I Mua I Te Koti Taiao o Aotearoa
Ōtautahi Rohe

Under the Resource Management Act 1991 (the 'Act')

In the matter of an appeal under clause 14(1) of the First Schedule to the Act

Between **Bathurst Resources Limited and BT Mining Limited**
Appellant

And **Buller District Council**
First Respondent

Grey District Council
Second Respondent

Westland District Council
Third Respondent

Notice of Appeal by Bathurst Resources Limited and BT Mining Limited against decisions on the proposed Te Tai o Poutini Plan

Dated 8 December 2025

DENTONS

18 Viaduct Harbour Avenue P +64 9 302 2680
Private Bag 92101 F +64 9 302 2681
Auckland 1142 DX CP220011
Solicitors: Christina Sheard / Josh Pierson
E christina.sheard@dentons.com / josh.pierson@dentons.com

To: The Registrar
Environment Court
Christchurch

- 1 Bathurst Resources Limited (**'Bathurst'**) and BT Mining Limited (**'BT'**) appeal against part of the decision (the **'Decision'**) of the Buller District Council, Grey District Council, and Westland District Council (**'Respondents'**) on the proposed Te Tai o Poutini Plan (**'TTPP'**). Bathurst and BT are collectively referred to as 'Bathurst' throughout this appeal.
- 2 Bathurst made submissions (S491) and further submissions (FS89) on the TTPP.
- 3 Bathurst is not a trade competitor for the purposes of section 308D of the Act.
- 4 Bathurst received notice of the Decision on 10 October 2025.
- 5 The Decision was made by the Respondents.
- 6 The parts of the Decision being appealed are the decisions to reject or accept only in part a number of the matters raised in Bathurst's submissions.

About Bathurst

- 7 Bathurst is a New Zealand registered ASX listed company and is New Zealand's leading coal producer. Its operations throughout New Zealand provide coal for:
 - a Local steel making;
 - b Electricity generation;
 - c Domestic dairy and food processing industries; and
 - d Export to international steel makers.
- 8 Bathurst along with Talleys Energy Limited, is a shareholder of BT, which was incorporated to acquire and run the business and assets of the Stockton, Rotowaro, and Maramarua mines (**'Mines'**).
- 9 On 31 August 2017, BT purchased the Mines from Solid Energy New Zealand Limited (**'Solid Energy'**) after it was placed into liquidation in 2015. BT is the permit holder and permit operator of the Mines and has appointed Bathurst as the mine operator. Bathurst provides the necessary technical and managerial skills required for the operation of mining activities.

- 10 Bathurst and BT directly employ over 620 people and through this direct employment, make a significant contribution to the economic wellbeing of the West Coast, Southland, and Waikato Regions. Bathurst and BT currently own the Stockton, Escarpment, and Cascade mines in the Buller Region, with Stockton currently being the only operative mine. Two further mines, the Mt William North and Coalbrookdale Mines, are proposed to be developed in the future.
- 11 There is a long history of coal mining in the West Coast dating back to the 1860s, with more coal being produced from the region than any other in New Zealand. Mining continues to play a significant role in the economy for the West Coast Region and Buller District. Mining in the Buller comprises 20% of the district's GDP, and accounts for 10.4% of jobs. On the West Coast more broadly, mining contributes 8.4% of the GDP and 3.8% of jobs.
- 12 Bathurst currently employs a total of 317 direct employees and 71 contracts (388 in total) people in the Buller District as well as:
- a An additional 50 jobs outside of the Buller area;
 - b Procurement of goods and services from local and regional businesses. Bathurst spent approximately \$75.8 million dollars with approximately 127 businesses in the West Coast in the 12 month period ending 31 March 2024; and
 - c Payment of returns to Government in the form of taxes, which totalled \$8.05 million for Stockton mine in the 12 month period ending 31 March 2024.
- 13 Currently, the Stockton Mine has approximately 10 years' worth of recoverable coal reserves, which Bathurst is seeking to develop along with other mining operations across the wider Buller coalfield. This comprises both the Denniston Plateau to the south and Stockton Plateau to the north.
- 14 For these reasons, the TTPP must appropriately recognise the significance of the existing mining infrastructure and the mining and mineral resources on the West Coast and the Buller Plateau to the local, regional, and national economies.
- 15 The West Coast is unique in that it has coal deposits that are significant on a national scale. The overall purpose of the relief sought by Bathurst and BT is to enable existing and future coal mining of those regionally and nationally significant coal deposits. While Bathurst and BT generally support the TTPP and many of the amendments made by the Decision, there are some provisions that

have the potential to jeopardise the ability to access the coal deposits for the benefit of the various districts and the West Coast region.

General reasons for the appeal

- 16 Bathurst's relief seeks to ensure that the TTPP:
- a Will promote the sustainable management of the natural and physical resources in the West Coast, and will be consistent with Part 2 and other provisions of the RMA;
 - b Will meet the reasonably foreseeable needs of future generations;
 - c Will enable social, economic and cultural well-being of the people of the West Coast;
 - d Will give effect to the West Coast Regional Policy Statement ('**RPS**'); and
 - e Is the most appropriate way to achieve the objectives of the TTPP, in terms of section 32 of the RMA.
- 17 In addition to the general reasons raised above, Bathurst also appeals the Decision for the specific reasons set out below.

Specific reasons for the appeal

Strategic Directions

- 18 Bathurst generally supports the Minerals Extraction Strategic Directions. However, MIN-P5 only refers to avoiding, remedying or mitigating the adverse effects of mineral extraction activities. Minerals extraction activities should be able to utilise all types of environmental effects management methods, including the use of environmental offsets, compensation and/or take into account other ecological benefits.
- 19 Bathurst also submitted on objective NENV-O3 which has been redrafted in the decisions version as NENV-P1. Bathurst considers that the locational, functional or operational requirements that constrain mineral extraction activities should be recognised within the NENV objectives and policies. This approach is consistent with other higher order documents, such as the National Policy Statement for Indigenous Biodiversity ('**NPSIB**').
- 20 NENV-P1 and NENV-P2 are poorly drafted and should be redrafted to reflect the intent that:

- a Significant areas and features should be protected as far as practicable by avoiding or managing adverse effects from new subdivision and development;
- b Established activities (including currently authorised minerals extraction activities) are provided for within and outside significant areas and features;
- c Activities that contribute to the West Coast's social, economic, cultural and environmental wellbeing are recognised and provided for in significant areas and features if they have a functional and operational need to traverse and locate within a significant area of feature and apply the effects management hierarchy (including not just infrastructure but also minerals extraction activities).

Relief sought

21 Amend MIN-P5 as follows:

- a To the extent that is practicable, avoid, remedy or mitigate adverse effects of mineral extraction activities on the West Coast/ Te Tai o Poutini's significant natural and cultural features...
- b Where it is not practicable, due the functional or operational needs of the mineral extraction and associated activities to avoid, remedy or mitigate adverse effects of mineral extraction activities, ensure the adverse effects are offset, compensated or addressed through ecological benefits.

22 Amend the NENV objectives to recognise the need to provide for the social, economic, and cultural wellbeing of people and communities, including minerals extraction activities.

23 Amend NENV-P1 and NENV-P2 to ensure that:

- a Established activities (including currently authorised minerals extraction activities) are provided for within and outside significant areas and features;
and
- b Activities that contribute to the West Coast's social, economic, cultural and environmental wellbeing are recognised and provided for in significant areas and features if they have a functional and operational need to traverse and locate within a significant area of feature and apply the effects management hierarchy (including not just infrastructure but also minerals extraction activities).

Buller Coalfields Zone and Minerals Extraction Zone as standalone chapters

- 24 This appeal requests various amendments to the ECO, NC, NFL CE, and TRN chapters of the TTPP in order to ensure that minerals extraction activities are adequately provided for in the Buller Coalfields Zone ('**BCZ**') and the Minerals Extraction Zone ('**MINZ**'). The BCZ and MINZ would be much easier to administer, and the rules that apply to minerals extraction activities within these special purpose zones would be much clearer, if all of the rules relating to the BCZ and MINZ were contained in the chapters. The purpose of the BCZ and MINS is to enable minerals extraction activities but the ECO, NC, NFL CE, and TRN provisions, have the potential to severely constrain minerals extraction as currently drafted. This result is also completely at odds with the section 32 assessment which highlights the economic significance (and associated social benefits) of minerals extraction on the West Coast.

Relief sought

- 25 Amend the BCZ and MINZ chapters to ensure that all rules relating to minerals extraction activities within those special purpose zones are contained within those chapters.

Buller Coal Zone

- 26 Bathurst supports the intent of the BCZ which is to "enable the existing authorised activity to continue, including further development of the mines and coal processing within the zone". Bathurst seeks to ensure that the TTPP provides an efficient pathway for the continuation and expansion of mining within the BCZ.
- 27 BCZ-P1 states that the TTPP will provide for existing lawfully established mineral extraction and processing activities in the BCZ. However, there is no permitted activity rule for existing activities authorised by Bathurst's current coal mining licences ('**CMLs**') and ancillary coal mining licences ('**ACMLs**') to continue past their expiry date. In addition, the definition of 'lawfully established' specifically excludes licences which have expired.
- 28 The section 32 evaluation recognised the economic importance of minerals extraction to districts and the need to ensure the smooth transition of CMLs and ACMLs into the TTPP as a high priority to support social and economic wellbeing on the West Coast. The BCZ was intended to mirror, and provide for the

continuation of existing licences, permits and/or resource consents in this zone which covers the existing Stockton Mine. However, the rules do not achieve that outcome.

Relief sought

- 29 Reinsert Schedule 9 (in line with the version submitted at the TTPP hearings) and replace all referenced in the BCZ to 'lawfully established' activities to the activities listed in Schedule 9. The same amendment should be made in other sections of the TTPP where the defined term 'lawfully established' is used in relation to minerals activities. Alternatively, the definition of 'lawfully established' could be amended to make it clear that the term 'lawfully established' covers all minerals activities regardless of whether the resource consent or licence has expired.
- 30 Amend BCZ-P1 to make it clear that mining activities authorised at the date of the notification of the TTPP (as shown in Schedule 9) are to be enabled including beyond the expiry of those authorisations.
- 31 Amend BCZ-P4(d) to delete the words "and avoiding" and replace reference to "avoiding and mitigating significant adverse effects" with "managing the effects on indigenous biodiversity in accordance with the effects management hierarchy".
- 32 Amend BCZ-R1 to provide for Mineral Prospecting Minerals Exploration and Minerals Extraction and Processing authorised by existing CMLs and ACMLs on the date of the notification of the TTPP.
- 33 Delete BCZ-R4 as this rule is overly onerous and does not make any sense in the context of BCZ-R1. BCZ-R1 makes minerals exploration, prospecting and ancillary activities a permitted activity subject to providing notice to the Council, being less than 20m from the boundary of another zone and providing the site is progressively rehabilitated. BCZ-R1 does not contain any standards relating to indigenous vegetation. BCZ-R4 which provides that prospecting and exploration on sites up to 5000m² of indigenous vegetation cover or in an area of significant indigenous biodiversity are a controlled activity.
- 34 Add a new rule making minerals exploration, prospecting and ancillary activities not complying with the standards in BCZ-R1 a controlled activity.
- 35 Add a new rule making minerals extraction, processing and ancillary activities that are authorised by an existing coal mining licence and/or ancillary coal mining licence at of the date of the notification of the TTPP a permitted activity provided that they continue to comply with the conditions of those licences.

- 36 Add a new rule providing that minerals extraction and processing activities not complying with the conditions of an existing coal mining licence and/or ancillary coal mining licence or permit at of the date of the notification of the TTPP a controlled activity.
- 37 Amend BCZ-R5 to:
- a Delete reference to mineral prospecting and mineral exploration;
 - b Apply to Mineral Extraction and Processing and ancillary activities not authorised under an existing coal mining licence and/or ancillary coal mining licence at of the date of the notification of the TTPP.

Changes to the boundary of the BCZ

- 38 Bathurst’s submission sought the amendment of the planning maps to cover all areas where it holds existing land use authorisations for mineral extraction and related activities. The BCZ already covers most of these areas, but a few areas have been missed in the planning maps. This is shown in the maps attached as **Annexure D** of this appeal. There is no reason why these areas should not be included in the BCZ and it would appear that their omission is an error in the mapping exercise.

Relief sought

- 39 Amend the boundary of the BCZ as shown on the maps in **Annexure D** of this appeal.

Mineral extraction zone (‘MINZ’)

- 40 Bathurst supports MINZ-O1 which seeks to enable mineral extraction activities in the MINZ recognising their scale and operational characteristics and the contribution that these activities make to the economic and social wellbeing of the region and districts.
- 41 Many of provisions for minerals activities in the MINZ broadly mirror the provisions that apply to the BCZ. Bathurst considers that the TTPP should provide an efficient and effective pathway for the continuation and expansion of mining within the MINZ. Bathurst requests the same (or equivalent) amendments to those provisions as outlined above in relation to the BCZ for the same reasons.

Relief sought

- 42 Amend MINZ-P1 to:
- a Delete the words “discrete, long term”.
 - b Make it clear that mining activities authorised at the date of the notification of the TTPP are to be provided for in an enduring way;
- 43 Amend MINZ-R1 to provide for Mineral Prospecting Minerals Exploration and Minerals Extraction and Processing authorised by existing CMLs and ACMLs on the date of the notification of the TTPP (including beyond the expiry of those licences).
- 44 Amend MINZ-R2 to include activities and structures that are authorised at the date of the notification of the TTPP.
- 45 Amend MINZ-R5 to delete Standard 1 (area of indigenous vegetation greater than 5000m² or an area of significant indigenous biodiversity).

Ecosystems and Indigenous Biodiversity ('ECO') Chapter

- 46 The ECO Chapter applies to minerals activities in both the BCZ and the MINZ. Bathurst seeks amendments to the ECO Chapter to ensure that:
- a The mineral extraction activities expressly enabled in the BCZ and the MINZ are able to be carried out;
 - b There is adequate provision for established minerals activities currently being carried out by existing coal mining licences and ancillary coal mining licences to be carried out under the ECO provisions;
 - c That both the functional need and operational need of minerals activities are recognised and provided for;
 - d Where adverse effects occur from minerals activities, the focus is on the application of the effects management hierarchy is provided for through policy;
 - e The National Policy Statement for Indigenous Biodiversity ('**NPS:IB**') that came into force after the notification of the TTPP is given effect to within the ECO Chapter in line with the Bathurst submission.

Relief sought

47 Bathurst requests the following relief in relation to the ECO Chapter:

a Delete ECO-O2.

b Amend ECO-O3 as follows:

To manage the adverse effects of subdivision, use and development within significant indigenous vegetation and significant habitats of indigenous fauna in accordance with the effects management hierarchy to achieve an overall no net loss in significant indigenous biodiversity values across Te Tai o Poutini/the West Coast.

c Amend ECO-P2 to make it clear that it only covers activities not covered by ECO-P3.

d Amend ECO-P7, ECO-P8 and ECO-P10 to make it clear that these policies do not apply to activities covered by ECO-P3.

e Amend the ECO Chapter rules to provide a permitted activity rule as follows:

Indigenous vegetation clearance and disturbance inside and outside SNAs within the BCZ and MINZ

Activity Status: Permitted

Where:

- 1. It is associated with either a permitted or controlled activity in accordance with Rule BCZ -X and X or Rule MINZ-X and-X.*

Indigenous vegetation clearance and disturbance inside and outside SNAs within the BCZ and MINZ

Activity Status: Restricted Discretionary

Where:

- 1. It is associated with a restricted discretionary activity in accordance with Rule BCZ-X and MINZ-X; and*

- 2. The effects management hierarchy is applied.*

- 48 Alternatively, Bathurst requests that minerals activities in the BCZ and MINZ are exempted from the ECO Chapter and the rules outlined above are included in the BCZ and MINZ.

Coastal Environment Chapter

- 49 Part of Bathurst's Ngakawau Coal Handling Facility is located within the Coastal Environment Overlay. The Facility is essential to the Stockton operations as it serves as a terminal to the aerial ropeway stockpile area for coal products and a loading facility for rail or truck transportation to Lyttelton Port for export purposes. Ancillary support activities are also located within this area, including maintenance and other mechanical workshops. The coal is conveyed from the plateau via an aerial ropeway. The aerial ropeway and other infrastructure at the site were established around the 1950s. However, certain buildings related to the Stockton operation predate this period, some originating before the 1900s. However, their use has always been in relation to the coal processing requirements for the Stockton mine. Accordingly, Bathurst requests that the Coastal Environment Overlay is drawn back off the Ngakawau Coal Handling Facility.
- 50 If that relief is not granted, then Bathurst notes that the current activities and structures at the Ngakawau Coal Handling Facility are authorised under the ACML 3715002. In line with Bathurst's appeal in relation to the BCZ zone, Bathurst requests that all of the structures and activities currently carried out at the Facility are enabled as permitted activities within the Coastal Environment Overlay (including after the expiry of the ACML).

Relief sought

- 51 Draw back the Coastal Environment Overlay off the Ngakawau Coal Handling Facility.
- 52 Alternatively, if the above relief is not granted, make it clear that the rules applying to the Coastal Environment Overlay do not apply to the Ngakawau Coal Handling Facility.

Transport Chapter and vehicle movement rules

- 53 The trip generating activity rules in TRN Table 4 of the Transport Chapter apply to the BCZ. The BCZ covers Stockton mine which is currently operating. Bathurst requests that the traffic generation rules in the Transport Chapter do not apply to minerals extraction activities in the BCZ.
- 54 In particular, using an “equivalent car movements” (‘ECM’) method of calculating trips is not workable for mining operations that have a large number of workers on site who travel by car as well as heavy vehicle movements.

Relief sought

- 55 Amend TRN Table 4 so that it does not apply to permitted activities in the BCZ and minerals activities in the GRUZ and Open Space Zone (including activities authorised under CMLs and ACMLs at the date of notification of the TTPP, even where they have subsequently expired).

Historic heritage chapter

- 56 Bathurst requested the amendment of HH-P7 as follows:

Demolition and destruction of historic heritage items identified in Schedule One will not be allowed unless it can be demonstrated, ~~through investigation and assessment by a suitably qualified heritage professional that:~~

c. ... has been fully considered. A suitably qualified heritage professional may be required to undertake an assessment where it is deemed necessary by the Consent Authority having regard to the nature and condition of the protected heritage item.

- 57 This amendment has not been made. Bathurst is concerned that requiring an independent assessment by a suitably qualified heritage professional in all cases irrespective of the circumstances or condition of the structure is inefficient and will incur additional unnecessary costs. There are instances where it is obvious that a historic structure is not safe, nor reasonably able to be repaired. The additional burden of obtaining a report is not necessary where the matter could be determined by a council consenting planner (or a building condition report).

Relief requested

- 58 Amend HH-P7 as follows:

Demolition and destruction of historic heritage items identified in Schedule One will not be allowed unless it can be demonstrated, ~~through investigation and assessment by a suitably qualified heritage professional that:~~

c. ... has been fully considered. A suitably qualified heritage professional may be required to undertake an assessment where it is deemed necessary by the Consent Authority having regard to the nature and condition of the protected heritage item.

Natural character of waterbodies and activities on the surface of water

- 59 Objective NC-O3 and NC-P3 recognise the need for activities, buildings and structures that have a functional need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.
- 60 Bathurst seeks amendments to NC-O3 and NC-P3 to refer to the 'operational' requirements of activities (including mineral extraction activities) in addition to 'functional' requirements. NC-O3 should also be amended to refer to 'managing' adverse effects' rather than ensuring adverse effects are 'minimised'. NC-P3 should refer to 'managing' adverse effects rather than stating that the buildings should not 'adversely affect' the natural character of the riparian margin. It would also be appropriate to amend NC-O1 to refer to management of effects in accordance with the effects management hierarchy.
- 61 Bathurst also seeks amendments to the NC rules to ensure that their approach is consistent with that in the BCZ and MINZ whereby exiting permitted minerals extraction activities are provided for both in terms of existing minerals extraction activities authorised by CML and ACMLs but also new activities that have a functional or operational need to be in the margins of waterbodies that have high natural character.

Relief sought

- 62 Amend NC-O3 and NC-P3 to provide for activities that have an operational need to locate in the margins of waterbodies that have high natural character.
- 63 Amend NC-O1 and NC-O2 to provide for minerals extraction activities that have an operational need to locate in the margins of waterbodies that have high natural character.

Noise chapter

- 64 Bathurst seeks an amendment to Noise-R2(8) to clarify which rail activities exempted from meeting zone noise standards. Specifically, Bathurst requests clarification that the activity of ‘shunting’ at sidings is exempted from the noise rules.
- 65 Noise-R2(8) provides an exemption from zone noise standards for "trains operating on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations..." but excludes the testing (when stationary), maintenance, loading or unloading of trains". The current wording may create some ambiguity as to whether shunting falls within the exempted activity of "trains operating" at "railway sidings", or the excluded activity of "loading or unloading of trains".
- 66 Bathurst requests that Noise-R2(8) is amended to explicitly clarify that ‘shunting’ is included within the exemption.

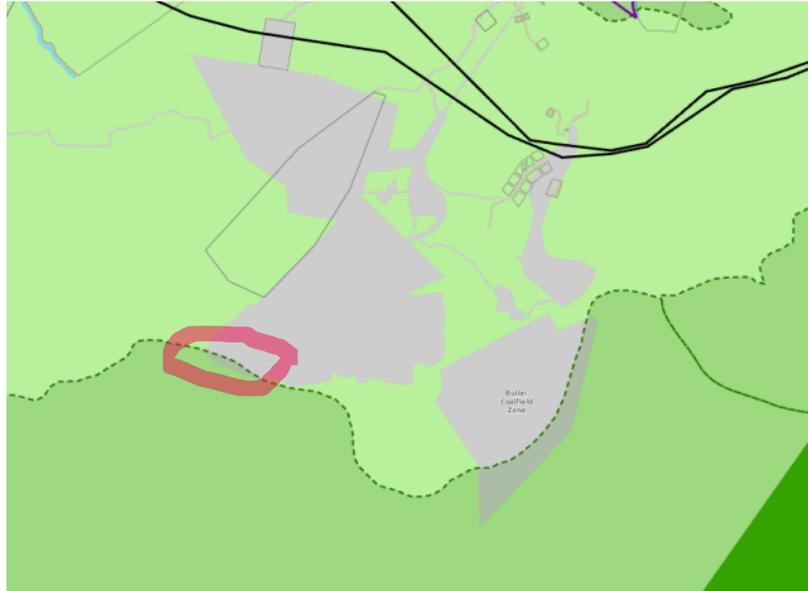
Relief sought

- 67 Amend Noise-R2(8) to explicitly include shunting operations at railway yards and sidings within the exemption from zone noise standards, as follows:

Trains operating on rail lines (public or private) and crossing bells within road reserve, including at railway yards, railway sidings or stations (and including shunting operations at these locations). However, this exemption does not apply to the testing (when stationary), maintenance, loading or unloading of trains.

Natural Features and Landscapes Chapter

- 68 The Outstanding Natural Landscape (‘**ONL**’) overlay extends into the BCZ in the location shown in red on the map below.



- 69 There is no planning or geomorphic justification for including this part the BCZ as an Outstanding Natural Landscape. The purpose of this zone is to enable minerals extraction activities. Bathurst requests the deletion of the ONL from the BCZ. The relief sought by Bathurst is consistent with the decision in *West Coast Environmental Network Inc v Royal Forest and Bird Society of New Zealand Incorporated* [2013] NZEnvC 047 where based on expert landscape and geomorphology evidence, the Environment Court concluded that there were too many human interventions present on the Plateau to meet the threshold of naturalness required for an ONL and confirmed that the Plateau does not qualify as an ONL. The extent of the Plateau confirmed by the Court followed the geomorphological edge of the plateau indicated by the extent of the BCZ in this location.
- 70 If the relief above is not granted, then Bathurst requests the following amendments:
- a Amend NFL-P2 to clarify that activities, buildings and structures authorised by coal mining licences or ancillary coal mining licences at the date of notification of the TTPP shall be provided for in the ONLs.
 - b Amend NFL-R1 to provide for activities, buildings and structures authorised by coal mining licences or ancillary coal mining licences at the date of notification of the TTPP as a permitted activity in ONLs.
 - c Amend NFL-R10 (earthworks not meeting permitted activity standards) to include minerals extraction activities in the BCZ or MINZ.

Open Space and Recreation Zones

- 71 84% of the West Coast’s mineral deposits are located in the public conservation estate. Areas of the Buller Plateau where historic mineral extraction activities have occurred, and where significant mineral resources are still present, have been included in the Open Space and Recreation Zones (**‘OSRZ’**).
- 72 OSRZ–O1 (previously OSRZ-O2) seeks to recognise the different functions, values and purposes of open space on the West Coast by providing for three Open Space and Recreation zones. OSRZ-O1(c) states that the Open Space Zone (**‘OSZ’**) provides for a wide range of values including passive and active recreation, ‘mineral extraction’, local purposes and pastoral farming. ‘Minerals extraction’ is a defined term in the TPP and does not cover exploration, or prospecting. OSRZ-O1(c) should be expanded to cover exploration, prospecting and ancillary activities in line with OSRZ which provides for all three types of activities.
- 73 Bathurst generally supports the reference to minerals activities in OSRZ-P9 but requests that this provision is amended to delete the words “[p]rovided that natural values can be protected” and the replacement of wording recognising that effects on the OSRZ will be managed in accordance with the effects management hierarchy.
- 74 Bathurst also supports OSRZ-P15 insofar as it provides for minerals activities where in the OSZ where the adverse effects managed, sites are rehabilitated and the areas in Schedules 1 to 8 are protected. However, Bathurst does not support the parts of OSRZ-15 that require:
- a The values in the overlay chapters to be protected;
 - b Significant ecological values to be protected; and
 - c Indigenous biodiversity to be maintained.
- 75 OSRZ-P15 should also be amended to refer to managing the effects of activities in accordance with the effects management hierarchy.
- 76 Bathurst submitted in support of OSZ – R10 permitting prospecting and exploration in the Open Space Zone subject to come changes to the standards in that rule. Exploration and prospecting activities are sufficiently small scale that it is appropriate to retain a permitted activity status. However, imposing an

excavation limit of 5,000m³ 'per site' is an arbitrary figure and is unworkable where large areas are held in a single certificate of title. Standard 5 in OSZ-R10 also makes no sense as it relates to Rifle Range Protection Areas.

Relief sought

77 Amend OSZ-P15 as follows:

Provide for Mineral Extraction, Mineral Prospecting and Mineral Exploration and associated activities within the OSZ - Open Space Zone where:

- a Adverse effects on open space and recreation values and the environment are managed;
- b Sites are rehabilitated when mineral extraction activities cease to enable future land uses and activities appropriate to the area;
- c Areas and values identified in Schedules One to Eight are protected and the areas and values in the Overlay Chapters are ~~protected~~ managed in accordance with the effects management hierarchy;
- d Significant ecological values are protected and indigenous biodiversity is ~~maintained~~ managed in accordance with the effects management hierarchy.

78 Amend rule OSZ-R10 to delete standards (4) earthworks limits and (5) rifle range protection areas.

General Rural Zone ('GRUZ')

79 The location of mineral resources does not necessarily exactly coincide with the boundary of the BCZ and MINZ. Prospecting and extraction activities may already be occurring in the GRUZ or minerals deposits may become known in rural locations. RURZ-O5 provides for minerals activities, recognises that the resources are widespread and can be appropriate in a range of locations within the rural environment. RURZ-P20 to P25 also provide for minerals activities in the rural zones. Several aspects of these provisions require amendment to refer to managing the effects of minerals activities in accordance with the effects management hierarchy.

80 Bathurst also seeks similar changes to the Rural Zones objectives and the RURZ rules as those sought in relation to the BCZ, MINZ and OSZ. In line with the changes requested in relation to those zones, Bathurst seeks that:

- a Existing activities authorised by Bathurst's current coal mining licences and ancillary coal mining licences and other authorisations are able to continue as a permitted activity past their expiry date (as set out in Schedule 9).
- b GRUZ-R10 is amended to delete the reference to the arbitrary earthworks limit.
- c GRUZ-R11 is amended to delete references to various arbitrary limits
- d Including maximum stockpile limits, earthworks and excavation limits and heavy vehicle movements. These thresholds are completely arbitrary.
- e Amend GRUZ-R25 so that minerals extraction activities not meeting the permitted activity status default to a restricted discretionary activity (rather than a discretionary activity).

Relief sought

- 81 Amend RURZ-O5(b) to add reference to managing effects in accordance with the effects management hierarchy.
- 82 Amend RURZ-P20 to refer to managing effects in accordance with the effects management hierarchy.
- 83 Delete RURZ-P23 which specifies information requirements rather than specifying matters that are appropriate to address in a policy. Alternatively, if RURA-P23 is to be retained, then add amend (b) to refer to managing effects in accordance with the effects management hierarchy.
- 84 Amend GRUZ-10 to delete permitted activity standard (3) earthworks limits.
- 85 Amend GRUZ-11 to delete permitted activity standards (1) excavation limits, (2) land disturbance limits, (6) stockpiles and (8) heavy vehicle movements.
- 86 Amend GRUZ-R25 so that minerals extraction activities not meeting the permitted activity status default to a restricted discretionary activity (rather than a discretionary activity).

General relief sought

- 87 Bathurst seeks relief to address the general and specific reasons for the appeal outlined above. In addition:

- a That the TTPP be amended in a similar or other way as may be appropriate to address the matters raised in this appeal; and
- b Any other similar, consequential, alternative, or other relief as is necessary to address the issues raised in this appeal or otherwise raised in the submissions and further submissions.

Attached Documents

88 Bathurst attaches the following documents to this notice:

- a **Appendix A:** A copy of its submissions and further submissions on the TTPP; and
- b **Appendix B:** A list of names and addresses of persons to be served with this notice of appeal; and
- c **Appendix C:** The relevant parts of the decision.
- d **Appendix D:** Map showing the changes requested to the BCZ.

Dated 8 December 2025



Christina Sheard

Counsel for Bathurst Resources Limited and BT Mining Limited

Address for service of the Appellant:

Dentons

18 Viaduct Harbour Avenue

Private Bag 92101

Auckland 1142

Telephone: +64 9 302 2680

Fax: +64 9 302 2681

Email: christina.sheard@dentons.com

Contact person: Christina Sheard

Advice to recipients of copy of notice of appeal

How to become party to proceedings

You may be a party to the appeal if you made a submission or a further submission on the matter of this appeal.

To become a party to the appeal, you must,—

- within 15 working days after the period for lodging a notice of appeal ends, lodge a notice of your wish to be a party to the proceedings (in form 33) with the Environment Court and serve copies of your notice on the relevant local authority and the appellant; and
- within 20 working days after the period for lodging a notice of appeal ends, serve copies of your notice on all other parties.

Your right to be a party to the proceedings in the court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991.

You may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

How to obtain copies of documents relating to appeal

The copy of this notice served on you does not attach a copy of the part of the decision appealed. These documents may be obtained, on request, from the appellant.

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.

Appendix A Bathurst and BT's submission and further submission on the Proposed Plan

SUBMISSION ON: Proposed Te Tai o Poutini Plan

Te Tai o Poutini Plan Submissions

PO Box 66, Greymouth 7840

By email: info@tpp.nz

Name of submitter: **Bathurst Resources Limited and BT Mining Limited**

This is a submission on the Te Tai O Poutini Plan Proposed Plan (**Plan**).

Address for Service

Bathurst Resources Limited/BT Mining Limited

PO Box 5963

Lambton Quay

Wellington 61445

campbell.robertson@bathurst.co.nz / joshua.leckie@laneneave.co.nz

Bathurst Resources Limited and BT Mining Limited will not gain an advantage in trade competition through this submission.

Bathurst Resources Limited and BT Mining Limited wish to be heard at a hearing and do not want to present a joint case.

Background

1. Bathurst Resources Limited (including BT Mining Limited of which Bathurst is a 65% joint venture owner) (**Bathurst**) is New Zealand's leading coal producing company with operations throughout New Zealand providing coal for local steel making, delivering energy for electricity generation and to domestic dairy and food processing industries and exporting high quality metallurgical coal to international steel makers. We anticipate ending this financial year having mined around 2.1m tonnes of coal.
2. Bathurst is a New Zealand registered ASX listed resource company with the majority of its shareholders being overseas investors. All Bathurst's mining operations are in New Zealand. The Bathurst group employs over 570 people directly and makes a significant contribution to the economic wellbeing of the regions of the West Coast, Canterbury, Southland and the Waikato through this direct employment (\$48m p/a) as well as taxes, coal royalties, energy resources levy and equipment and supply purchases. It is generally accepted that the flow-on economic effect in a community is 3.2 jobs for each mine job.

3. Responsible resource use lies behind all of Bathurst's activities and its approach to sustainable development and management of its social and environmental performance. This means everything the company does is guided by a commitment to shareholders, employees, local communities, and, importantly, the environment. Bathurst's commitment is backed by significant investment of time and money to ensure social and environmental impacts are managed from design and planning through to production and eventually rehabilitation of mining sites.
4. Our ultimate aim is to ensure that Bathurst's operations enable society to meet its present needs without compromising the ability of future generations to meet their needs.
5. Bathurst has a Health, Safety, Environment and Community management framework to guide the company's decisions on responsible resource use and the impact of its activities. The framework is in accordance with international standards to enable continuous improvement of Bathurst policies, standards, and procedures to minimise risk to mine workers and the environment.

Customers for New Zealand Coal

6. Bathurst mines and sells coal to the New Zealand dairy and meat industries for processing of their products and to schools and hospitals for heat generation. We also sell coal to New Zealand Steel at Glenbrook for steelmaking and for electricity generation at the Huntly Power Station (to provide electricity supply security particularly for the Auckland market). In addition, we mine and sell coal from our West Coast mines to steelmakers in Japan, India, South Korea, and Australia. The high quality of New Zealand's coking coal (which means less coal is used for the same output) reduces net global emissions from steel making.
7. Clearly, we are driven by demand from our customers. While there are no economic alternatives to the use of coal it will continue to be used, or the industries that use coal in New Zealand will relocate to other parts of the world.

Location of Mining

8. The coal resource is fixed in location and must be extracted where it is located. All our mines operate as open cast mines which means that overburden (material that is not coal) is removed to access the coal seam. The coal is then extracted, and the overburden replaced. Mining is by its very nature an activity that moves along the landscape as the coal seam(s) are followed and extracted.
9. While authorisations may be in place for existing operations, some of these authorisations are due for renewal in the near future, the provisions in the Plan will necessarily impact on the ability for Bathurst to continue with its existing operations and also impact on the ability to continue with the long term plan for mining in these areas, particularly in the context of access to further resources where mining permits (rights to the resource) have already been granted through a statutory process.
10. As would be expected, mines are generally located in rural areas and earthworks to remove overburden and to extract the coal will inevitably intersect with vegetation and fauna including indigenous biodiversity, ephemeral streams and wetlands and watercourses. In addition, while mining is taking place it will be necessary to divert water, including watercourses, and to discharge clean and treated water to adjacent watercourses.

Bathurst Operations in the Buller District

11. Coal mining has had a long and distinguished history in the Buller district since coal was first discovered in the area in 1846 by Thomas Brunner and Charles Heaphy. The first mine is thought to have opened in the area in 1864 although early attempts to mine coal proved uneconomical due to high transport costs and the nature of the coal (friable and steeply dipped). In 1877 the railway from Westport to Ngakawau was opened and wharves were built at Westport. The first serious attempts to mine coal in the Buller District was made by Westport Colliery in 1878 at Banbury Mine, Denniston, while the first coal from Stockton was extracted by the Westport-Stockton Coal Company in 1908. From this time, coal mining and its associated infrastructure developments, including roads, railways, and the port, became the foundations of the town of Westport.
12. In 1944 a large-scale development programme was initiated at Stockton by State Coal Mines (previously Westport-Stockton Coal Company). This included the construction of a 7.7 km aerial ropeway to transport the coal from the plateau to the railway at Ngakawau in 1953. Prior to World War II all coal was produced by underground methods but since 1975 opencast mining has accounted for 95% of production. State Coal Mines led to Solid Energy New Zealand Ltd (or Coal Corporation of New Zealand Ltd as it was originally known) and the sale of its assets concluded in 2017 to BT Mining Ltd.
13. Mining in the Buller and elsewhere on the West Coast has underpinned the development of the local economy.
14. Bathurst currently owns three mines in the Buller Region (Stockton, Escarpment and Cascade) with Stockton currently being the only operating mine. There are two further consented mines that are not yet operating (Mt William North and Coalbrookdale). In addition, Bathurst holds either mining permits, mining licences, ancillary mining licences, exploration or prospecting permits over significant coal resources over large areas of land within the Buller region. Bathurst also holds ancillary authorisations for ancillary activities to mining, including transportation and load out facilities and has permit applications over other areas. These areas are all part of Bathurst long-term business plan for ensuring continuity of coal supply over the next 20 years.
15. Maps of all these areas are provided in Attachment 1. The reference to JORC Coal Resource Polygon, is the Australasian Code for Reporting of Exploration Results, Mineral Resources and Ore Reserves ('the JORC Code'). This a professional code of practice that sets minimum standards for Public Reporting of Minerals Exploration Results, Mineral Resources and Ore Reserves.
16. The JORC Code provides a mandatory system for the classification of Minerals Exploration Results, Mineral Resources and Ore Reserves according to the levels of confidence in geological knowledge and technical and economic considerations in Public Reports. Bathurst is required under the rules of the ASX to report all resources using the JORC Code. For the sake of completeness, we note that the NZSX also uses the JORC Code.

General Comment

17. Bathurst firstly wants to express support for the work that the Councils have done to develop a plan that properly recognises the significance of mining and mineral resources on the West Coast, and the Buller in particular, to the local, regional and national economies.

18. In particular Bathurst's supports the Mineral Extraction and Buller Coalfield Zones and we wish to ensure that the rest of the Plan is not only consistent with the intended objectives and provisions of those zones but also does not restrict anticipated activities from occurring within those zones. To the extent that we have not specifically captured any inconsistencies below in our more specific submissions, we make an overall submission for all necessary changes to the Plan to ensure that the permissions and rights intended to be granted by the Mineral Extraction and Buller Coalfield Zones are able to be fully implemented at least for the life of the Plan.

Plan Section: Definitions

Provision: Lawfully Established

Position: Amend the definition in relation to mineral extraction and associated activities.

Reasons: To avoid any doubt the wording needs some amendment so that activities lawfully established under the provisions of a Coal Mining Licence continue to be lawful and permitted activities even after that licence has expired. Also, the definition needs to include activities lawfully established under the associated Ancillary Coal Mining Licences (also issued under the Coal Mines Act) which enable important ancillary activities such as the aerial ropeway linking Stockton to Ngakawau. These form an integrated part of mineral extraction activities and need to be specifically referenced to avoid any doubt about their inclusion.

Decision Sought: Amend the definition of Lawfully Established as follows:

means activities permitted through a rule in a plan, a resource consent, a national environmental standard or by an existing use right (as provided for in Section 10 of the RMA). In the case of mineral extraction it also includes an ongoing activity that was established under the provisions of a Coal Mining Licence or Ancillary Coal Mining Licence issued under the Coal Mines Act (1979).

Provision: Mineral Extraction

Position: Amend the definition

Reasons: Not all these activities occur at the same site. The suggested amendment will ensure that all aspects of the activity are covered.

Decision Sought: amend the definition of Mineral Extraction as follows:

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.

Plan Section: Strategic Directions – MIN Mineral Extraction – Te Tango Kohuke

Position: Support this Section

Reasons: These strategic objectives set a clear direction and intention for the West Coast and support the significant contribution that the mineral extractive sector makes to the social, economic and environmental wellbeing of the West Coast and New Zealand.

Decision Sought: Retain the strategic objectives with the exception of MIN-O6 (as per below)

MIN – O6

Position: Amend MIN-O6 (a)

Reason: Include the full effects hierarchy in the objective

Decision Sought: Amend Min-O6(a) as follows;

To:

- (a) Avoid, remedy, mitigate, offset or compensate the adverse effects of mineral extraction activities on the West Coast/Te Tai o Poutini's significant natural and cultural features, sites and heritage, and amenity values, including:

Plan Section: NENV Natural Environment – Te Taiao

NENV-03

Position: Amend NENV-03 (b)

Reasons: There may be instances where activities with a functional or operational need may also need to be located with a significant area. Currently the Objectives only recognise infrastructure, however broadening this objective to include other activities that have a functional and operational need for their location such as mineral extraction will ensure that this objective is consistent with (and does not prevent) the intended outcomes of the mineral extraction objectives.

Decision Sought: amend NENV-03 as follows:

To recognise:

- a. The substantial contribution to the protection of natural environment values that is made by the existence of public conservation land in protecting significant areas, habitats and features;
- b. The need for infrastructure activities with a functional or operational need to sometimes be located in significant areas; and
- c. The need to support the ethic of stewardship and to consider the positive effects of the conservation estate in achieving the requirements of the RMA.

Plan Section: TRN Transport – Te Tūnuku

TRN- R12

Position: Amend TRN- R12

Reasons: Need to make this rule and Table TRN 6 explicitly clear that the reference to vehicle movements is to and from the site and not within the site.

Decision Sought: amend Table TRN 6 as follows:

Mining and Quarrying >30 heavy vehicle movements to or from the site per day

Plan Section: Historic Heritage – Ngā Tūku Ihotanga

HH P7

Position: Amend HH P7

Reasons: Bathurst owns Sec 2 SO 14864 Blk VI Kawatiri SD (10A/582). The house on this section is in a very poor condition and not suitable for repair. It is unsafe to enter and in no way possible to restore without significant cost. It seems unreasonable and unnecessary to require an investigation and assessment from a suitably qualified professional at considerable cost for all heritage items identified on the schedule when this is not always necessary to obtain the necessary information.

Decision Sought: amend HHP7 as follows:

Demolition and destruction of historic heritage items identified in Schedule One will not be allowed unless it can be demonstrated, ~~through investigation and assessment by a suitably qualified heritage professional~~ that:

- a. The extent of the work required to retain the heritage items is of such a scale that the heritage values and integrity of the heritage item would be significantly compromised;
- b. The costs to retain or repair the heritage item would be unreasonable;
- c. All other viable alternatives, including relocation and repositioning have been fully considered.

A suitably qualified professional may be required to undertake an assessment where it is deemed necessary by the Consent Authority having regard to the nature of the protected heritage item.

Plan Section: Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora

ECO-O2

Position: Amend ECO-O2

Reasons: Bathurst supports the general intent of ECO-O2 but also seeks that this could be further clarified by recognising existing lawfully established activities and the special purpose zones (BCZ and MINZ). In addition the effects hierarchy should be considered. This means that biodiversity offsets or environmental compensation are also measures that may be undertaken to maintain or enhance biodiversity and these may occur at other sites than the area in question. This is consistent with the trading up principles inherent with Biodiversity Offsetting and compensation.

This approach is also consistent with the NPS-IB exposure draft (3.11(2)(ii)) where mineral extraction is explicitly provided for within an SNA.

Decision Sought: amend ECO-O2 as follows:

To provide for appropriate subdivision, use and development within areas of significant indigenous vegetation and significant habitats of indigenous fauna or within the special purpose Buller Coalfield and Mineral Extraction Zones (BCZ, MINZ) or where the values of the area can be maintained or enhanced, offset or compensated for.

ECO-P2

Position: Amend ECO-P2

Reason: Similar to Bathurst’s position on ECO-O2 this policy, along with recognising lawfully established activities, and for completeness the Policy should also recognise the intent of the Mineral extraction and Buller Coal fields Zones, and the functional need requirements. Also there needs to be an “or” inserted at the end of line (d) for clarity.

Decision Sought: amend ECO-P2 as follows:

Allow activities within areas of significant indigenous vegetation or significant habitats of indigenous fauna where:

- a. This is for a lawfully established activity; or
- b. It is for a Poutini Ngāi Tahu cultural purpose; or
- c. This is undertaken on Poutini Ngāi Tahu or Te Rūnanga o Ngāi Tahu land in accordance with an Iwi/Papatipu Rūnanga Management Plan; or
- d. The activity has a functional need to be located in the area; or
- e. The activity is an anticipated activity within the BCZ or MINZ zone; or
- f. The activity has a functional or operational need to be located in that area; or
- e. The activity has no more than minor adverse effects on the significant indigenous vegetation or fauna habitat.

ECO-P6

Position: Amend ECO-P6

Reason: The use of the term “avoid” needs to be qualified with the ability to apply the effects hierarchy, that may in some instances result in a better outcome for biodiversity where an offset or compensation approach is taken.

Decision Sought: amend ECO-P6 as follows:

When assessing consents for subdivision, use and development, ~~avoid activities which will:~~ apply the effects hierarchy to avoid, remedy, mitigate, offset or compensate the effects of activities to:

- a. ~~Prevent~~ Enable an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;
- b. Result in no a degradation of the threat status, no more than a minor measurable loss of indigenous cover or disruption to ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and
- c. Result in a no material reduction in the ongoing viability of the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a -nationally critical, nationally endangered and nationally vulnerable.

ECO-P8

Position: Amend ECO-P8

Reason: P8(d) uses the term “Preserve protected wildlife” however this is inconsistent with RMA s(6) which limits the term preserve to s(6)(a) which relates to natural character.

Decision Sought: amend ECO-P8 as follows:

Maintain indigenous habitats and ecosystems across the West Coast/Te Tai o Poutini by:

- a. Maintaining, and where appropriate enhancing or restoring the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;
- b. Minimising adverse effects on, and providing access to, areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;
- c. Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;
- d. ~~Preserving protected wildlife; and~~ Protecting significant habitats of indigenous fauna, and
- e. Recognising the benefits of active management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.

ECO-R1

Position: Amend ECO-R1

Reason: Consistent with Bathurst’s other submission points on this section, this rule needs to acknowledge the lawfully established activities in, and the objectives of, the Mineral Extraction and Buller Coalfields Zones (MINZ, BCZ) by enabling indigenous vegetation clearance in those specifically identified areas. where there is a functional or operational need for an activity to occur there.

Decision Sought: amend ECO-R1 as follows:

Activity Status Permitted

Where:

1. It is outside of a scheduled Significant Natural Area as identified in Schedule Four;
2. It is clearance permitted by the Natural Character and the Margins of Waterbodies Rule NC – R1; or
3. It is necessary for one of the following purposes:
 - i. It is an anticipated activity within the following zones, BCZ or MINZ; or
 - ii. There is a functional or operational need; or
 - iii.

ECO-R7

Position: Amend ECO-R7

Reason: Consistent with Bathurst’s other submission points on this section, this rule needs to acknowledge the lawfully established activities in, and the objectives of the Mineral Extraction and Buller Coalfields Zones (MINZ, BCZ) by enabling indigenous vegetation clearance in those specifically identified areas where there is a functional or operational need for the activity to occur there.

Decision Sought: amend ECO-R7 as follows:

Activity Status Discretionary

Advice Note:

1. Where assessing resource consents for indigenous vegetation clearance under this rule, assessment against the objectives and policies of the MINZ, and BCZ zones, and ~~of both~~ the Ecosystems and Biodiversity Chapter, and Natural Features and Landscapes Chapters will be required.
2. This rule also applies to plantation forestry activities, where this provision is more stringent than the NES – PF.

Plan Section: NFL – Natural Features and Landscapes – Ngā Āhua me ngā Horanuku Aotūroa

NFL – P1

Position: Amend NFL-P1

Reason: The list of activities in (a) is not exhaustive, the suggested amendment will make it clear that existing land uses and lawfully established activities includes mining activities and in particular within the MINZ and BCZ zones and where there is a functional or operational need for the activity to occur there.

Decision Sought: amend NFL-P1 as follows:

Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they do not adversely affect the values that contribute to a natural feature or landscape being outstanding and are for:

- a. Existing land uses and lawfully established activities including mineral extraction, mineral exploration, and , anticipated activities in the BCZ and MINZ, existing network utilities, energy activities, agricultural, horticultural, and pastoral activities;
- b. Conservation activities;

NFL – P5

Position: Amend NFL-P5

Reason: The list of considerations needs to consider existing lawfully established activities.

Decision Sought: amend NFL-P5 by adding a (k)as follows:

Minimise adverse effects on outstanding natural landscapes and outstanding natural features by considering the following matters when assessing proposals for land use or subdivision:

...

(k) The extent to which an activity or structure is lawfully established.

NFL-R10

Position: Amend NFL-R10

Reason: The list of considerations needs to consider existing functional or operation need, lawfully established activities, and activities within the MINZ and BCZ zones.

Decision Sought: amend NFL-R10 as follows:

Where:

These are for:

- a. Earthworks within the MINZ or BCZ; or
- b. There is a functional or operational need for the activity to occur at this location; or
- c. ...

Plan Section: NC Natural Character and Margins of Waterbodies - Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

Position: Amend NC-O3

Reason: To include operational as well as functional need.

Decision Sought: amend NC-O3 as follows:

To provide for activities which have a functional or operational need to locate in the margins of lakes, rivers and wetlands in such a way that the impacts on natural character are minimised.

NC-P2

Position: Amend NC-P2

Reason: To broaden the consideration of lawfully established structures, to include all lawfully established activities.

Decision Sought: Amend NC-P2 (e) as follows:

Provide for indigenous vegetation removal and earthworks within riparian margins of lakes, rivers and wetlands where significant adverse effects on natural character are minimised as far as practicable and:

...(e) It is to undertake legally established activities or -for the repair and maintenance of legally established structures; or

NC-P3

Position: Amend NC-P3(a)

Reason: include operational need along with functional need.

Decision Sought: Amend NCP3(a) as follows:

Provide for buildings and structures within riparian margins of lakes, rivers and wetlands where these:

- a. Have a functional or operational need for their location; and

NC-R1

Position: Amend NC-R1

Reason: To broaden the consideration of lawfully established structures, to include all lawfully established activities. This change is consistent with the amendment sought for NC-P2

Decision Sought: Amend NC-R1(e) as follows:

- (e) To undertake legally established activities or for the maintenance and repair of lawfully established structures; or

NC-R2

Position: Amend NC-R2

Reason: To include structures that are associated with lawfully established activities and have an operational or functional need to be placed in this location.

Decision Sought: Amend NC-R2 by inclusion of a new provision as follows:

- h. Associated with a lawfully established activity, and have an operational or functional need to be in that location.

Plan Section: CE - Coastal Environment - Te Taiao o te Takutai

CE – O3

Position: Amend CE-O3

Reason: There are activities and structures either currently located or required to be located in the Coast Environment, including for example parts of the Ngakawau Coal Loadout facility. The suggested amendments recognise the operational need as well as the full effects hierarchy.

Decision Sought: Amend CE-O3 as follows:

To provide for activities which have a functional or operational need to locate in the coastal environment in such a way that the impacts on natural character, landscape, natural features, access and biodiversity values are ~~minimised~~ avoided, remedied, mitigated, offset or compensated.

CE-R4

Position: Amend CE-R4

Reason: There is some inconsistency with this rule and BCZ- R3. The Ngakawau Coal Loadout facility at Ngakawau is within the BCZ and the Coastal Environment overlay. BCZ-R3 has more restrictive clauses for building heights and setbacks that would likely result in the existing structures not meeting the permitted activity status, if they were required to be re-consented on expiry of the ACML. There appear two options either amend CE – R4 (2)(a) to include the BCZ, along with the other zones, or amend BCZ – R3 to be consistent with CE – R4 so that the existing structures remain permitted.

Decision Sought: Amend CE – R4(2)(a) as follows:

(2) These:

- a. Comply with the rules for buildings and structures within the relevant zone, except that within the GRUZ - General Rural Zone, RLZ - Rural Lifestyle and SETZ - Settlement Zone, MINZ Minerals Extraction Zone and BCZ - Buller Coalfields Zone:

Plan Section: EW - Earthworks - Te Huke Whenua

EW-R1

Position: Amend EW-R1

Reason: BCL supports the intent of this rule but is concerned with the requirement to comply with EW-R1(2). This provision needs to be either clarified or removed when considered in the context of mining as not all material moved on a mine-site meets the definition of “cleanfill”. Mitigation methods are in place to manage the effects from overburden moved during standard mining operations.

Decision Sought: Amend EW-R1 by including an additional Advice Note as follows:

Advice Notes:

1. Clause 2 does not apply to mining activities in the BCZ, MINZ, General Rural Zones or Open Space Zone where a Mineral Extraction Plan is prepared in accordance with Appendix Seven.
2.

EW-R3

Position: Amend EW-R3

Reason: This rule is currently structured so that the only earthworks permitted in the rural zone are for ancillary earthworks associated with certain activities or for activities less than 500m². There needs to be greater provision for earthworks where there is a functional or operational need for those earthworks or where they are associated with a lawfully established activity (that is outside of the BCZ or MINZ).

Decision Sought: Amend EW-R3 as follows:

Where:

1. All standards in Rule EW - R1 are complied with; and

2. The activity is associated with a lawfully established activity, or
3. :....

Plan Section: OSRZ Open Space and Recreation Zones - Objectives and Policies Ngā Mokowā Pōaha me ngā Takiwā Hākinakina - Ngā Whāinga me ngā Kaupapa Here

Position: Amend the OSZ Boundaries in the Buller Plateau.

Reason: The Denniston Plateau is zoned Open Space Zone (OSZ), however the purpose of the OSZ - Open Space Zone is to “provide open spaces that are used predominantly for a range of passive and active leisure and recreational activities, along with limited associated facilities and structures.”

This is inconsistent with the general purposes of the Denniston Plateau, and inconsistent with the neighbouring Upper Waimangaroa Valley that is zoned General Rural. While acknowledging the openness and predominantly natural character of this zone, mining activities currently are taking place within these zones and further mining is planned within the area. Bathurst considers that the Denniston Plateau would be more appropriately zoned as RURZ or BCZ.

The BCZ is restricted to areas consented or otherwise approved for land use consent, there are areas within the wider Buller Coalfields OSZ and RURZ that have been historically disturbed and mined. RURZ - P24 states “When mineral resources of regional or national significance are identified, consider including these areas within the MINZ - Mineral Extraction Zone.” Regionally and nationally significant coal resources are present across large areas of the Denniston Plateau.

Decision Sought: Add the Upper Waimangaroa Valley and Denniston Plateau to the BCZ

OSRZ - O2

Position: Amend OSRZ-O2

Reason: Notwithstanding the concerns raised above about the mapping of this zone in the Buller Plateau, this zone also needs to take into account the wide variety of uses both historic and current on the Buller Plateau. The zone should not be arbitrarily applied based on the tenure of the land. This objective needs to recognise the contribution of mineral extraction and to be consistent with other objectives to enable the mineral extraction to continue to occur in this zone.

Decision Sought: Amend OSRZ-O2 (c) as follows:

The OSZ - Open Space Zone with a very wide range of values including passive and active recreation, mineral extraction, local purposes and pastoral farming.

OSRZ- P14

Position: Amend OSRZ-P14

Reason: BCL supports the approach to enable mining (mineral extraction) in the OSZ. However this policy needs to be amended to:

1. Include exploration and prospecting activities consistent with the definitions in Part 1 of the Plan;
2. avoid duplication Clause (a) is a subset of (c) and also inconsistent with RMA terminology;

3. remove the requirement to consider an open space management plan as this is a requirement independent of the RMA process. It is a requirement of the Conservation Act process;
4. Structure (c) to be consistent with the structure of s5(2)(c) of the RMA.

Decision Sought: Amend OSRZ-P14 as follows:

Provide for mineral extraction, exploration and prospecting 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 avoided, remedied, mitigated, ~~remedied~~, offset or compensated;
- d. Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.

OSRZ – R11

Bathurst supports the intent of this rule.

Plan Section: RURZ Rural Zones - Objectives and Policies - Ngā Whāinga me ngā Kaupapa Here

RURZ – O5

Bathurst supports this objective.

RURZ- P18 to RURZ – P25

Position: Amend the heading

Reason: Ensure that this section applies to minerals extraction, exploration and prospecting

Decision Sought: Amend the heading as follows:

Mineral Extraction, Exploration and Prospecting

RURZ - P18

Position: Amend RURZ – P18

Reason: Include the full effects hierarchy

Decision Sought: Amend RURZ P18 as follows

Recognise that mineral resources are fixed in location and enable mineral extraction activities provided adverse effects are avoided, remedied or mitigated, offset or compensated.

RURZ - P24

Position: Amend RURZ - P24

Reason: Where this policy applies to areas on the BCZ, it would be more appropriate to include these areas in this zone, rather than the MINZ.

Decision Sought: Amend RURZ – P24 as follows:

RURZ - P24 When mineral resources of regional or national significance are identified, consider including these areas within the MINZ - Mineral Extraction Zone, or the BCZ - Buller Coalfields Zone, whichever is more appropriate and relevant.

RURZ - P25

Position: Amend RURZ - P25(d)

Reason: Include provision for offsetting and compensation.

Decision Sought: Amend RURZ – P25(d) as follows:

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

1. Avoiding, ~~or~~ mitigating, remedying or offsetting or compensating impacts on significant indigenous vegetation and significant habitats of indigenous fauna;

GRUZ-R18 and GRUZ – R32

Position: Amend referencing:

Reason: The rule states that Activity status where compliance not achieved is Restricted Discretionary. However, Exploration and Prospecting is included as a discretionary activity (R32) there are no restricted discretionary rules for minerals exploration and prospecting.

Decision Sought:

Remove GRUZ – R32 and include a new rule in the restricted discretionary status for minerals exploration and prospecting.

Plan Section: BCZ - Buller Coalfield Zone - Te Takiwā Waro o Kawatiri

Bathurst supports the inclusion of this zone and its retention in its entirety.

Overlays

BCZ - R2 Mineral Extraction and Processing

Position: Bathurst supports this rule on the provision provided that our amendments to the definition of “Lawfully Established” are accepted.

BCZ – R3

Position: Amend BCZ-R3

Reason: Bathurst has concern with some of the specific provisions of this rule and would prefer a more general approach whereby the activities that are lawfully established at the time of notification should be able to continue. This would extend to the location and height of buildings, and setbacks from roads, as some of our existing buildings do not comply with these provisions. There is also conflict as some of these buildings are within the Coastal Overlay that has different controls for buildings and setbacks and Bathurst seek equivalent enablement and protection for its activities within the overlay framework. These concerns, and a solution are provided in our submission point for CE-R4.

Decision Sought: Remove BCZ- R3 (2) and (3)

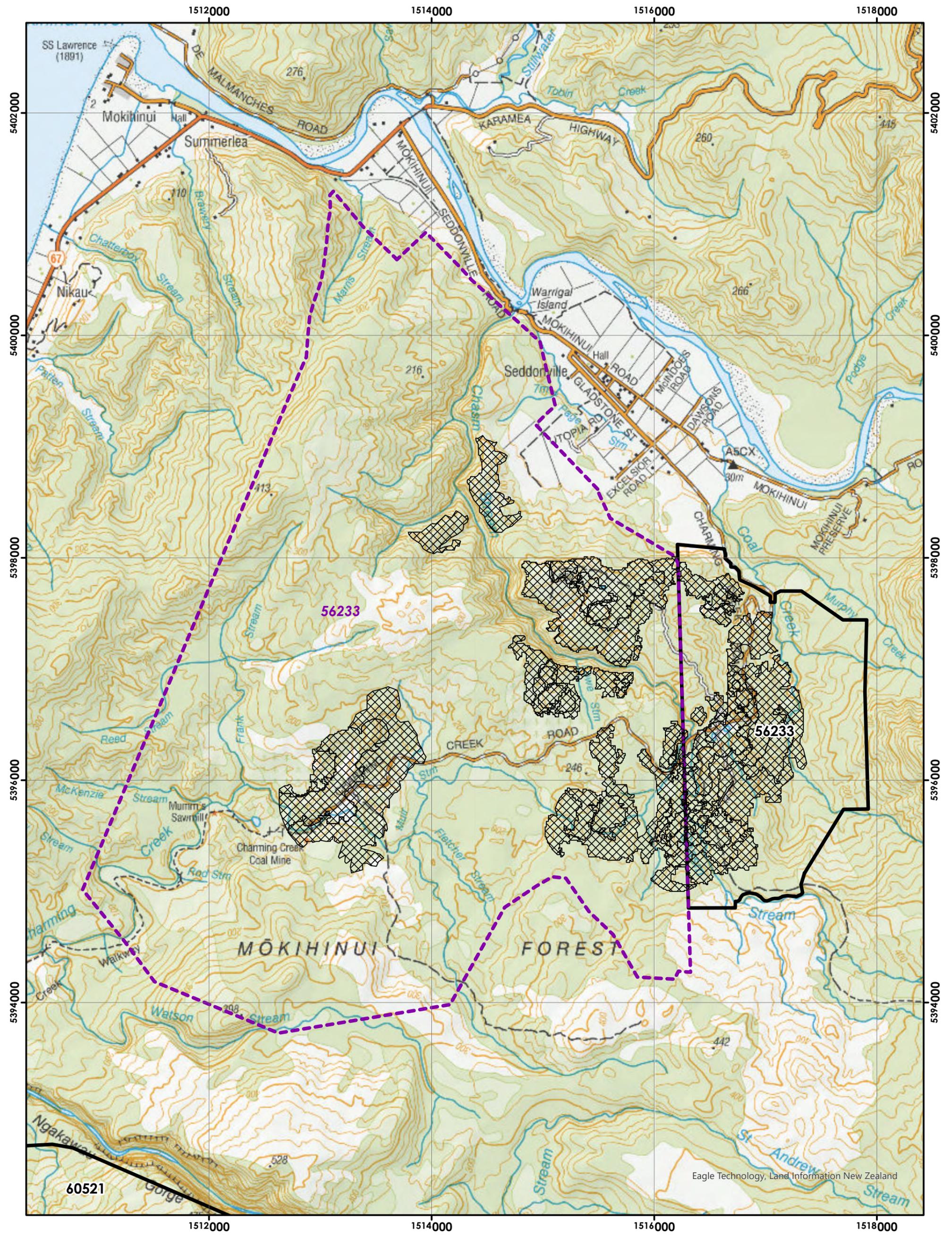
BCZ – R5

Position: Amend BCZ-R5

Reason: The intent of the BCZ is as set out in the objectives, is to enable mining to continue within this special purpose mining zone. BCZ- R5(1)(i) creates significant impediments to achieving the purpose of the zone. Effects on indigenous vegetation are already managed through BCZ-P5.

Decision Sought: Remove BCZ- R5(1)(i)

Attachment One:



NZGD 2000 Transverse Mercator

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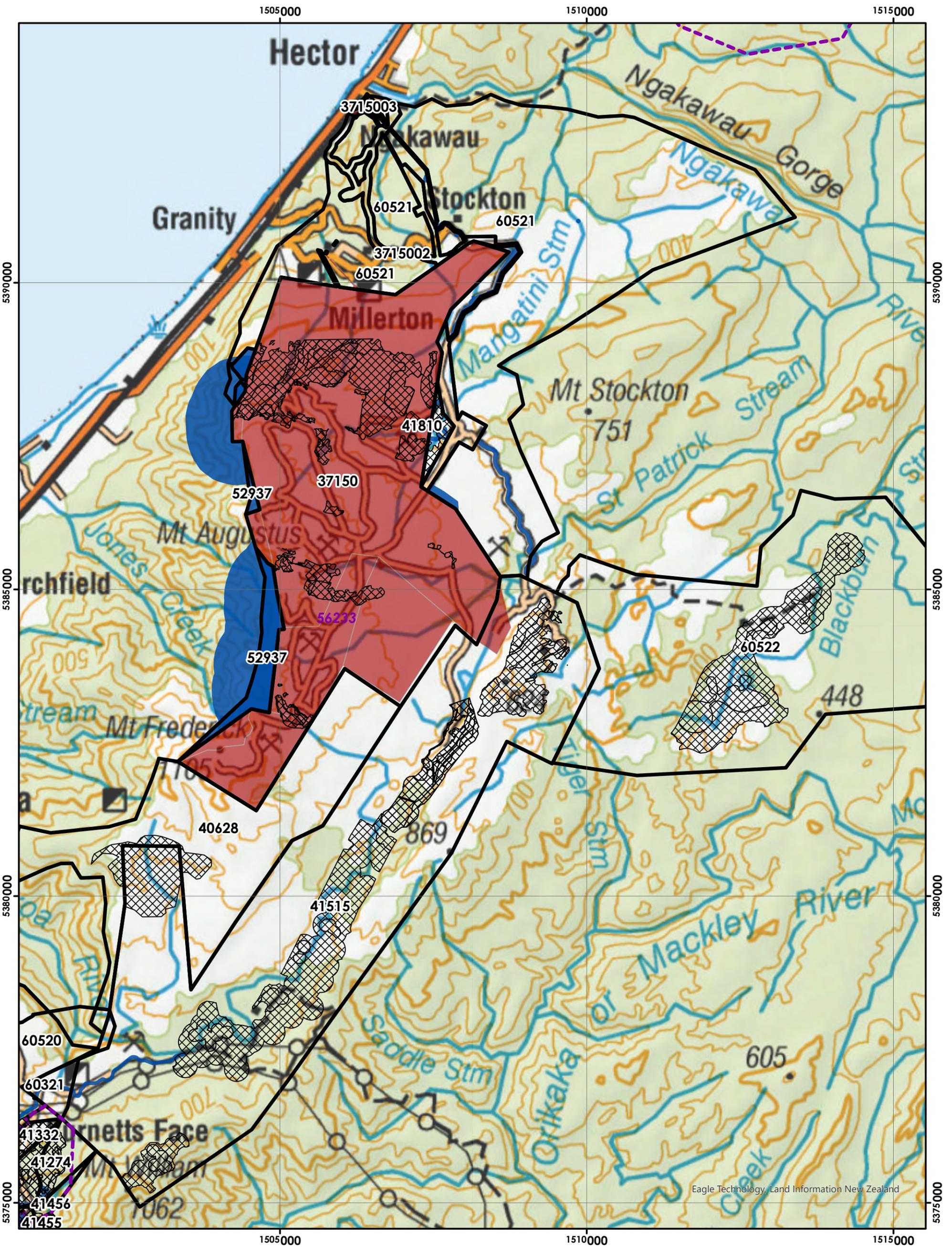
- Legend**
- JORC Coal Resource Polygon
 - BRL Permit Application
 - BRL Mineral/Coal Licence/Permit

Seddonville Prospect
Bathurst Areas of Interest
 SCALE: 1:30,000 A3
 DATE: 11 November 2022
 DRAWN BY: CanardR
 DRAWING NUMBER: 01454-1



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NZGD 2000 Transverse Mercator

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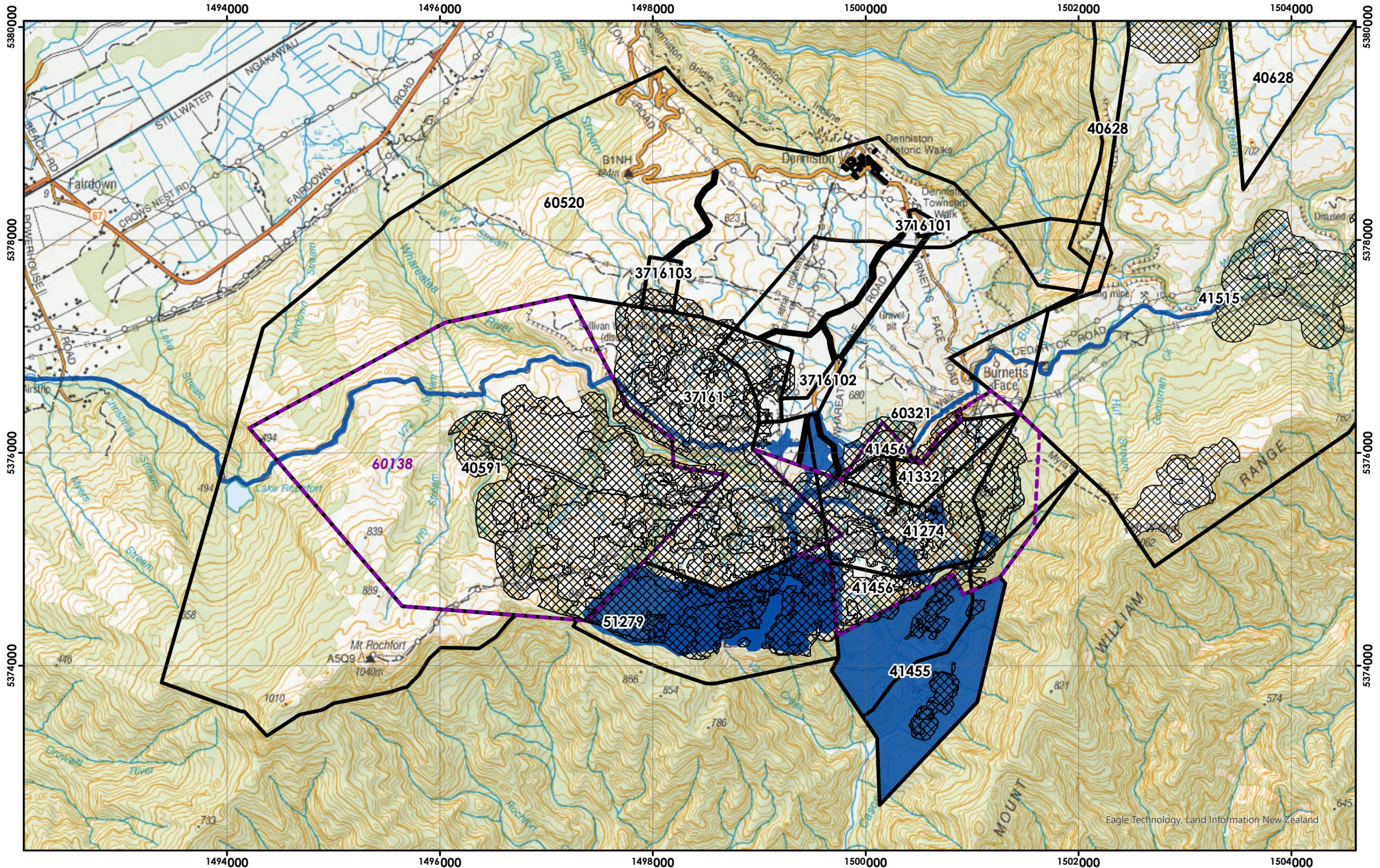


- Legend**
- JORC Coal Resource Polygon
 - BRL Permit Application
 - BRL Mineral/Coal Licence/Permit
 - Bathurst/DOC Concession or AA or Resource Consent
 - Bathurst Property

Seddonville Prospect
Bathurst Areas of Interest
 SCALE: 1:55,000 A3
 DATE: 11 November 2022
 DRAWN BY: CanardR
 DRAWING NUMBER: 01454-1



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NZGD 2000 Transverse Mercator

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- Legend**
- JORC Coal Resource Polygon
 - Bathurst/DOC Concession or AA or Resource Consent
 - BRL Permit Application
 - BRL Mineral/Coal Licence/Permit
 - Bathurst Property

Denniston Plateau
Bathurst Areas of Interest

SCALE: 1:32,500 A3
 DATE: 11 November 2022
 DRAWN BY: CanardR
 DRAWING NUMBER: 01454-3



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FURTHER SUBMISSIONS ON: Proposed Te Tai o Poutini Plan

Te Tai o Poutini Plan Submissions

PO Box 66, Greymouth 7840

By email: info@tppp.nz

Name of submitter: **Bathurst Resources Limited and BT Mining Limited**

This is a further submission on Submissions lodged on the Te Tai o Poutini Proposed Plan (**Plan**).

Address for Service

Bathurst Resources Limited/BT Mining Limited

PO Box 5963

Lambton Quay

Wellington 61445

campbell.robertson@bathurst.co.nz / joshua.leckie@laneneave.co.nz

Bathurst Resources Limited and BT Mining Limited will not gain an advantage in trade competition through this submission.

Bathurst Resources Limited and BT Mining Limited wish to be heard at a hearing and do not want to present a joint case.

Further submission Qualifier

Bathurst Resources Limited (BRL) and BT Mining Limited (BT) have an interest in the proposal that is greater than the interest the general public has.

Further Submission qualifier reason

Resources Limited (BRL) and (BT) hold resource consents and other authorisations, namely Coal Mining Licences, Ancillary Coal Mining Licences, Mining Permits, Exploration Permits, Prospecting Permits, and authorisations from the respective landowners (predominantly the Crown), Wildlife Act Authorisations and Concessions to undertake mining and mining related activities within the West Coast Region, particularly the Buller.

The proposed provisions of the proposed Te Tai o Poutini Plan will affect BRL and BT's ability to undertake these operations. Submissions by other parties, would if adopted either benefit or hinder BRL and BT's ability to undertake and continue its operations in the Region.

Further Submissions

The attached table includes all of Bathurst Resources Limited further submission points.

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Zones - Nga Takiwa	BCZ	Bathurst Resources Limited and BT Mining Limited (S491)	S491	S491.000	Support	Amend	Analysis did not include submission point that BRL supports the inclusion of the BCZ – Buller Coalfield Zone – Te Takiwa Waro o Kawatiri and its retention in its entirety
Strategic Direction	NENV-03	Bathurst Resources Limited and BT Mining Limited (S491)	S491	S491.009	Support	Amend	Recorded decision requested is not the same as submission. In b “infrastructure” should be deleted
Ecosystems and Indigenous Biodiversity	ECO-02	Bathurst Resources Limited and BT Mining Limited (S491)	S491	S491.012	Support	Amend	Recorded decision requested is not the same as submission. “appropriate” was requested to be to be deleted.
Planning Maps and Overlays	Rezoning Requests	Bathurst Resources Limited and BT Mining Limited (S491)	S491	S491.034	Support	Amend	The original submission was based on the assumption that the areas of the Buller Coalfields Zone as provided to the Council were included in the plan. However, there are some mapping inconsistencies in the notified plan and some active mining and infrastructure areas have been excluded from the BCZ. These need to be rectified for consistency.
Rural Zones	RURZ-P25	Bathurst Resources Limited and BT Mining Limited (S491)	S491	S491.045	Support	Amend	Recorded decision requested is not the same as submission. “or” was requested to be deleted in 1 Avoiding, or mitigating,
Planning Maps and Overlays	Planning Maps and Overlays	Buller District Council (S538)	S538	S538.087	Support	Amend as requested	Support this position as it is consistent with the intent of BRL's submission
Ecosystems and Indigenous Biodiversity	ECO - P7	Buller District Council (S538)	S538	S538.203	Support	Amend as requested	Support this position as it is consistent with BRL's submission

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Rules	Buller District Council (S538)	S538	S538.208	Support	Amend as requested	Support this position as it is consistent with BRL's submission
Earthworks	Earthworks Objectives	Buller District Council (S538)	S538	S538.312	Support	Retain Original	Support this position as it is consistent with the intent of BRL's submission
Earthworks	Earthworks Policies	Buller District Council (S538)	S538	S538.313	Support	Retain Original	Support this position as it is consistent with the intent of BRL's submission
Buller Coalfield Zone	Buller Coalfield Zone Policies	Buller District Council (S538)	S538	S538.582	Support	Retain Original	Support this position as it is consistent with BRL's submission
Buller Coalfield Zone	Buller Coalfield Zone Objectives	Buller District Council (S538)	S538	S538.583	Support	Retain Original	Support this position as it is consistent with BRL's submission
Mineral Extraction Zone	Mineral Extraction Zone Objectives	Buller District Council (S538)	S538	S538.607	Support	Retain Original	Support this position as it is consistent with the intent of BRL's submission
Mineral Extraction Zone	Mineral Extraction Zone Policies	Buller District Council (S538)	S538	S538.668	Support	Retain Original	Support this position as it is consistent with the intent of BRL's submission
Strategic Direction	Strategic Direction Overview	Department of Conservation (S602)	S602	S602.024	Oppose	Retain Original	Oppose the last suggested addition, unnecessary and goes beyond accepted interpretation
Strategic Direction	Min - O2	Department of Conservation (S602)	S602	S602.027	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Strategic Direction	Strategic Direction - NENV - O1	Department of Conservation (S602)	S602	S602.029	Oppose	Retain Original	Contrary to BRL submission and intent of the plan

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Ecosystems and Indigenous Biodiversity	ECO-04	Department of Conservation (S602)	S602	S602.065	Oppose	Retain Original	Contrary to BRL submission and intent of the Objective
Ecosystems and Indigenous Biodiversity	ECO-02	Department of Conservation (S602)	S602	S602.066	Oppose	Retain Original	Contrary to BRL submission and intent of the Objective
Ecosystems and Indigenous Biodiversity	ECO - P2	Department of Conservation (S602)	S602	S602.068	Oppose	Retain Original	Contrary to BRL submission and intent of the Policy
Ecosystems and Indigenous Biodiversity	ECO - P6	Department of Conservation (S602)	S602	S602.070	Oppose	Retain Original	Contrary to BRL submission and intent of the Policy
Ecosystems and Indigenous Biodiversity	ECO - P7	Department of Conservation (S602)	S602	S602.071	Oppose	Retain Original	Contrary to BRL submission and intent of the Policy
Ecosystems and Indigenous Biodiversity	ECO - P9	Department of Conservation (S602)	S602	S602.073	Oppose	Retain Original	Contrary to BRL submission and intent of the Policy
Ecosystems and Indigenous Biodiversity	ECO-R1	Department of Conservation (S602)	S602	S602.075	Oppose	Retain Original	Changes the intent of the Rule
Coastal Environment	CE-P6	Department of Conservation (S602)	S602	S602.148	Oppose	Retain Original	Contrary to BRL submission and intent of the Policy
Coastal Environment	CE-R5	Department of Conservation (S602)	S602	S602.151	Oppose	Retain Original	Changes the intent of the Rule
Coastal Environment	Coastal Environment Rules	Department of Conservation (S602)	S602	S602.165	Oppose	Do not include additional rule	Requested change is too restrictive (non-complying) and contrary to the general objectives and policies
Open Space and Recreation Zones	Overview	Department of Conservation (S602)	S602	S602.181	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Open Space and Recreation Zones	OSRZ- O1	Department of Conservation (S602)	S602	S602.182	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Planning Maps and Overlays	Open Space Zone	Department of Conservation (S602)	S602	S602.192	Oppose	Retain Original	Contrary to BRL submission and intent of the plan

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Planning Maps and Overlays	Open Space Zone	Department of Conservation (S602)	S602	S602.197	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Mineral Extraction Zone	Mineral Extraction Zone	Department of Conservation (S602)	S602	S602.220	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Planning Maps and Overlays	Mineral Extraction Zone	Department of Conservation (S602)	S602	S602.221	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Buller Coalfield Zone	BCZ-P4	Department of Conservation (S602)	S602	S602.222	Oppose	Retain Original	Contrary to BRL submission and intent of the policy
Buller Coalfield Zone	BCZ-R5	Department of Conservation (S602)	S602	S602.224	Oppose	Retain Original	Contrary to BRL submission and changes the intent of the rule
Buller Coalfield Zone	BCZ-R6	Department of Conservation (S602)	S602	S602.225	Oppose	Retain Original	Contrary to BRL submission and changes the intent of the rule
Natural Character and Margins of Waterbodies	NC-O1	Department of Conservation (S602)	S602	S602.101	Oppose	Amend	Support reference to use of the effects management hierarchy but oppose change from providing to allowing. As this changes the intent of the Objective
Strategic Direction	Strategic Direction	Development West Coast (S484)	S484	S484.004	Support	Amend	Support this suggested addition as it provides further clarity to the Strategic Direction of the overall plan.
Strategic Direction	NENV-O1	Manawa Energy Limited (S438)	S438	S438.028	Support	Amend	Support this suggested addition as it is consistent with BRL's position on the overall Plan and helps with its implementation
Open Space and Recreation Zones	OSRZ - P9	Minerals West Coast (S569)	S569	S569.040	Support	Amend	Support this suggested amendment as it is consistent with the intent of BRL's submission
Buller Coalfield Zone	Buller Coalfield Zone	Minerals West Coast (S569)	S569	S569.047	Support	Retain Original	Support this position as it is consistent with BRL's submission
Ecosystems and Indigenous Biodiversity - Permitted Activities	Permitted Activities	Rebecca Inwood (S422)	S422	S422.001	Support	Amend	Support this position as it is consistent with the intent of BRL's submission

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Planning Maps and Overlays	Planning Maps and Overlays	Rebecca Inwood (S422)	S423	S422.005	Support	Amend	Support this position as it is consistent with the intent of BRL's submission
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.006	Oppose	Retain Original	BRL is concerned with the quality of the report referred to. This submission point is beyond the scope of the existing notified plan and is a matter for the Councils to consider separately from the Plan development process.
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Policies	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.008	Oppose	Retain Original	Contrary to the intent of the Plan and Objectives and BRL's submission
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Rules	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.010	Oppose	Retain Original	Contrary to the intent of the Section and BRL submission
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.012	Oppose	Retain Original	Contrary to the intent of the Section and BRL submission
Planning Maps and Overlays	Rezoning Requests	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.013	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Buller Coalfield Zone	Buller Coalfield Zone	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.015	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Mineral Extraction Zone	Mineral Extraction Zone	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.016	Oppose	Retain Original	Contrary to BRL submission and intent of the plan

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Planning Maps and Overlays	Rezoning Requests	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.022	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Rules	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.024	Oppose	Retain Original	Contrary to the intent of the Section and BRL position
Planning Maps and Overlays	Planning Maps and Overlays	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.033	Support	Amend	Support this position as it is consistent with the intent of BRL's submission and makes the Plan easier to use and interpret
Natural Character and Margins of Waterbodies	Natural Character and Margins of Waterbodies Rules	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.041	Oppose	Retain Original	Changes the intent of the Section
SPZ - Special Purpose Zones	SPZ - Special Purpose Zones	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.0541	Oppose	Retain Original	Changes the purpose and intent of the Special Purpose Zones and in particular the BCZ and MINZ.
SPZ - Special Purpose Zones	SPZ - Special Purpose Zones	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S561	S560.0542	Oppose	Retain Original	Changes the purpose and intent of the Special Purpose Zones and in particular the BCZ and MINZ.
Natural Open Space Zone	Overview	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.0549	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Strategic Direction	Min - O1	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S559	S560.091	Oppose	Retain Original	Contrary to BRL submission and intent of the plan

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Strategic Direction	Min - O2	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.092	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Strategic Direction	NENV - O3	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.100	Oppose	Retain Original	Contrary to BRL submission
Ecosystems and Indigenous Biodiversity	ECO-O2	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.197	Oppose	Retain Original	Contrary to the original intent of the Objective
Ecosystems and Indigenous Biodiversity	ECO-O4	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.199	Oppose	Retain Original	Contrary to the original intent of the Objective
Ecosystems and Indigenous Biodiversity	ECO - P2	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.201	Oppose	Retain Original	Contrary to the intent of the Plan and Policies
Ecosystems and Indigenous Biodiversity	Policies	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.206	Oppose	Retain Original	Contrary to the intent of the Plan and Policies
Ecosystems and Indigenous Biodiversity - ECO - P7	ECO - P7	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.207	Oppose	Retain Original	Contrary to the intent of the Plan and Policies
Ecosystems and Indigenous Biodiversity - ECO - P9	ECO - P9	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.209	Oppose	Retain Original	Contrary to the intent of the Plan and Policies

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Policies	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.211	Oppose	Retain Original	Contrary to the intent of the Plan and Policies
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Rules	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.212	Oppose	Retain Original	Contrary to the intent of the Section and BRL position and not necessary
Ecosystems and Indigenous Biodiversity	ECO-R1	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.216	Oppose	Retain Original	Contrary to the intent of the Section and BRL position
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Rules	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.224	Oppose	Retain Original	Contrary to the intent of the Section and BRL position and not necessary
Natural Features and Landscapes	NFL - P2	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.230	Oppose	Retain Original	Contrary to the original intent and BRL position
Coastal Environment	CE-O1	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.278	Oppose	Retain Original	Changes the intent of the Objective
Coastal Environment	CE-P3	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.282	Oppose	Retain Original	Changes the intent of the Policy
Coastal Environment	CE-P5	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.285	Oppose	Retain Original	Changes the intent of the Policy

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Coastal Environment	CE-P6	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.286	Oppose	Retain Original	Changes the intent of the Policy
Coastal Environment	CE-R1	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.290	Oppose	Retain Original	Changes the intent of the Rule and contrary to the intent of BRL's Position
Earthworks	EW-R1	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.318	Oppose	Retain Original	Changes the intent of the rule
Earthworks	EW-R7	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.325	Oppose	Retain Original	Changes the intent of the rule
Open Space and Recreation Zones	OSRZ-P7	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	s560.339	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Planning Maps and Overlays	Rezoning Requests	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.359	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Buller Coalfield Zone	Buller Coalfield Zone	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.392	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Mineral Extraction Zone	Mineral Extraction Zone	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.398	Oppose	Retain Original	Contrary to BRL submission and intent of the plan
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.415	Oppose	Retain Original	Contrary to intent of the provisions of the Plan and BRL submission

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Ecosystems and Indigenous Biodiversity	ECO - P2	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.476	Oppose	Retain Original	Contrary to intent of the provisions of the Plan, Policies and BRL submission
Ecosystems and Indigenous Biodiversity	ECO - P7	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.478	Oppose	Retain Original	Contrary to intent of the provisions of the Plan, Policies and BRL submission
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Policies	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.482	Oppose	Retain Original	Unnecessary and contrary to the intent of the Plan and Policies
Ecosystems and Indigenous Biodiversity	Ecosystems and Indigenous Biodiversity - Rules	Royal Forest and Bird Protection Society of New Zealand Inc. (Forest & Bird) (S560)	S560	S560.503	Oppose	Retain Original	Unnecessary and contrary to the intent of the Plan and Policies
Planning Maps and Overlays	Natural Features and Landscapes	Straterra (S536)	S538	S536.004	Support	Amend	Support this position as it is consistent with the intent of BRL's submission. The ONL around the Denniston Plateau is inconsistent with the natural features and crosses into the BCZ.
Buller Coalfield Zone	Buller Coalfield Zone	Straterra (S536)	S536	S536.010	Support	Retain Original	Support this position as it is consistent with BRL's submission
Mineral Extraction Zone	Mineral Extraction Zone	Straterra (S536)	S537	S536.011	Support	Retain Original	Support this position as it is consistent with the intent of BRL's submission
Strategic Direction	NENV - O4	Te Runanga O Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio(S620)	S620	S620.067	Support	Retain Original	Support this position as it is consistent with the intent of BRL's submission
Open Space and Recreation Zones	OSRZ-P6	Te Runanga O Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio(S620)	S620	S620.213	Support	Retain Original	Support this position as it is consistent with the intent of BRL's submission

Plan Section	Provision	Submitter	Submitter Number	Submission Point	Position (Support/Oppose)	Decision Requested	Reason for support/opposition
Buller Coalfield Zone	BCZ-P4	Te Runanga O Ngai Tahu, Te Runanga o Ngati Waewae, Te Runanga o Makaawhio(S620)	S620	S620.258	Support	Amend	Support this submission to give better recognition of all Poutini Ngai Tahu values.

Appendix B List of names and addresses of persons to be served

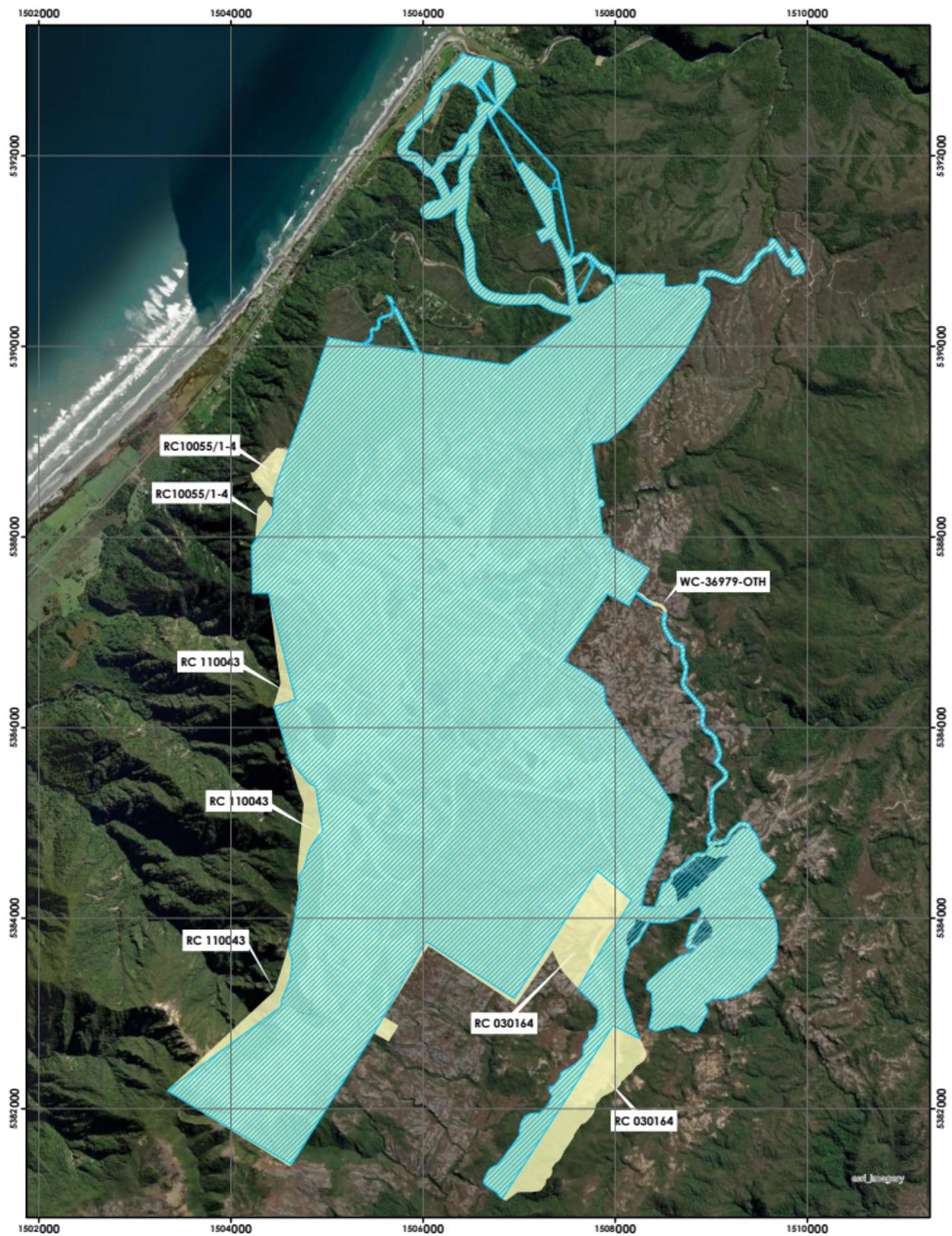
For a list of submissions and further submissions on the Te Tai o Poutini Plan, see this link: <https://perceptionplanning.knack.com/west-coast-spoken#public-view-service-of-appeals/>

Appendix C The relevant parts of the Decision

Relevant Chapters:

- Buller Coalfield Zone - Te Takiwā Waro o Kawatiri
<https://westcoast.isoplan.co.nz/eplan/rules/0/309/0/0/0/87>
- Coastal Environment - Te Taiao o te Takutai
<https://westcoast.isoplan.co.nz/eplan/rules/0/264/0/0/0/87>
- Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora <https://westcoast.isoplan.co.nz/eplan/rules/0/256/0/0/0/87>
- General Rural Zone – Rules
<https://westcoast.isoplan.co.nz/eplan/rules/0/292/0/0/0/87>
- Historic Heritage - Ngā Tuku Ihotanga
<https://westcoast.isoplan.co.nz/eplan/rules/0/253/0/0/0/87>
- Mineral Extraction Zone - Te Takiwā Kohuke
<https://westcoast.isoplan.co.nz/eplan/rules/0/384/0/0/0/87>
- Natural Character and Margins of Waterbodies - Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai
<https://westcoast.isoplan.co.nz/eplan/rules/0/257/0/0/0/87>
- Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa
<https://westcoast.isoplan.co.nz/eplan/rules/0/258/0/0/0/87>
- Noise - Ngā Oro <https://westcoast.isoplan.co.nz/eplan/rules/0/232/0/0/0/87>
- Open Space and Recreation Zones - Objectives and Policies - Ngā Mokowā Pōaha me ngā Takiwā Hākinakina - Ngā Whāinga me ngā Kaupapa Here
<https://westcoast.isoplan.co.nz/eplan/rules/0/316/0/0/0/87>
- Transport - Te Tūnuku <https://westcoast.isoplan.co.nz/eplan/rules/0/247/0/0/0/87>

Appendix D Amendments to the boundary of the BCZ



NZGD 2000 Transverse Mercator

C:\Data\Dropbox [Bathurst Resources]\ResDev STE\STE Project Administration\SB Project Data\SB.1 GIS\1.8 Plateau Wide\Project Files\PROJ_BUL_TEC_PLN_036\PROJ_BUL_TEC_PLN_036.aprx



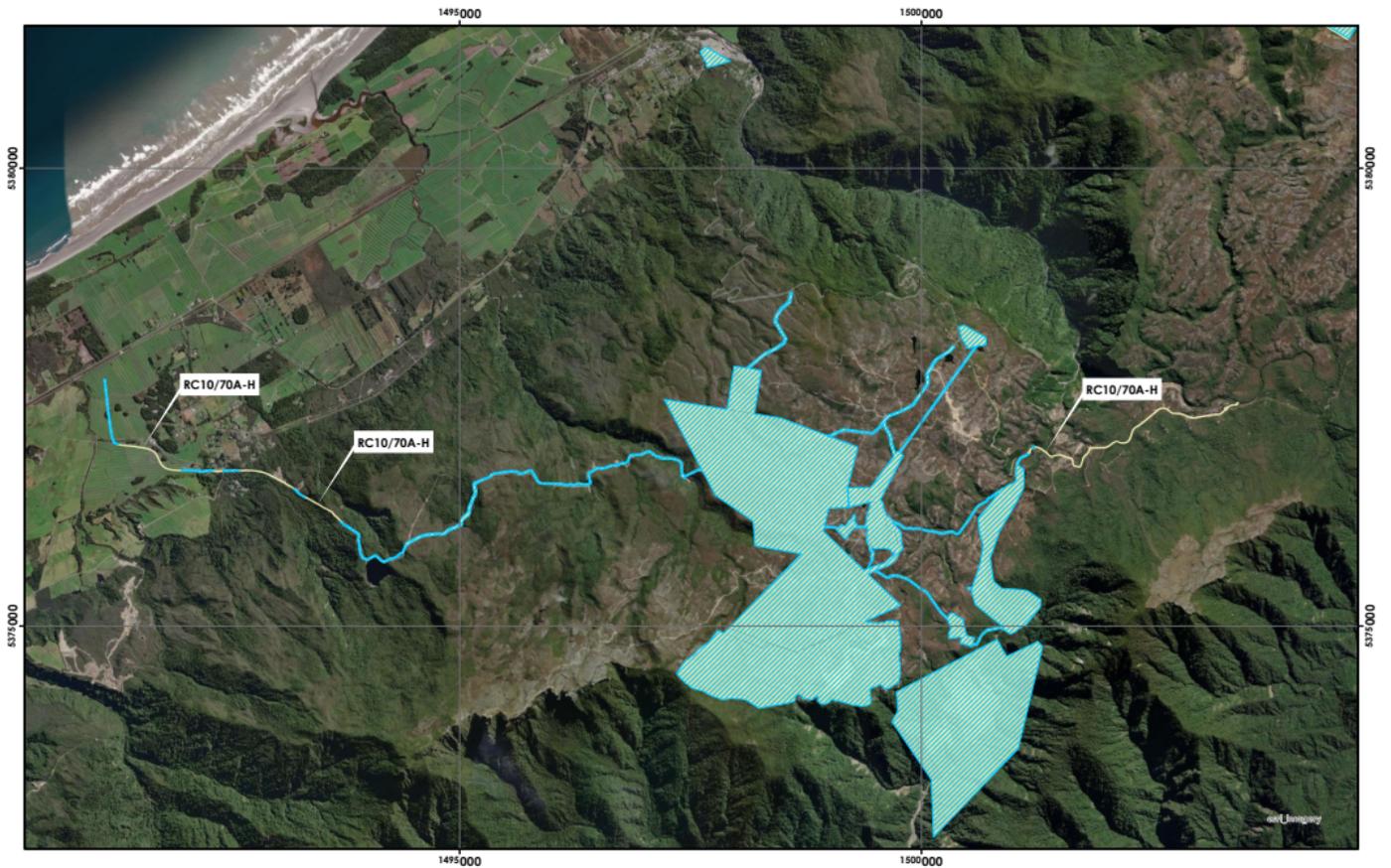
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- Legend**
- Buller Coalfields Zone provided by council (April 2024)
 - Proposed Buller Coalfields Zone Extent (provided by Bathurst)

Proposed Buller Coalfields Zone With Latest Notified Zone

Stockton Plateau
 SCALE: 1:35,000 A3
 DATE: 26 April 2024
 DRAWN BY: CanardR
 DRAWING NUMBER: 036_8





NZGD 2000 Transverse Mercator

C:\Data\Dropbox (Bathurst Resources)\ResDev STE\STE Project Administration\SB Project Data\SR1 G6\18 Plateau Wide\Project Files\PROJ_BUL_TEC_PLN_036\PROJ_BUL_TEC_PLN_036.aprx



Legend

- Buller Coalfields Zone provided by council (April 2024)
- Proposed Buller Coalfields Zone Extent (provided by Bathurst)

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Buller Plateau
Proposed Buller Coalfields Zone With Latest Notified Zone

SCALE: 1:37,500 A3
 DATE: 26 April 2024
 DRAWN BY: CanardR
 DRAWING NUMBER: 036_9

