

In the Environment Court of New Zealand
Christchurch Registry

I Mua I Te Kōti Taiao O Aotearoa
Ōtautahi Rohe

ENV-2025-CHC-000117

Under	the Resource Management Act 1991 (the Act)
In the matter of	an appeal under clause 14(1) of the First Schedule of the Act on a decision on the proposed Te Tai o Poutini Plan
Between	The Royal Forest and Bird Protection Society of New Zealand Incorporated
	Appellant
	Te Tai o Poutini Plan Committee
	Respondent

Notice of wish to be party to proceedings pursuant to section 274 of the Act

15 January 2026

To: The Registrar
Environment Court
Christchurch

- 1 Birchfield Coal Mines Ltd (**BCML**) wish to be a party to the appeal by The Royal Forest and Bird Protection Society of New Zealand Incorporated (**Forest & Bird**) (ENV-2025-000117) on the proposed Te Tai o Poutini Plan (**Appeal**) pursuant to section 274 of the Resource Management Act 1991 (the **Act**).
- 2 BCML made submission 601 and further submission 232 about the subject matter of the Appeal.
- 3 BCML has an interest in the proceedings that is greater than the interest that the general public has because it operates a number of mineral extraction operations within the West Coast that could be impacted by the changes sought in the Appeal.
- 4 BCML is not a trade competitor for the purposes of section 308C or 308CA of the Act.
- 5 BCML is interested in the following parts of the Appeal:
 - (a) Relief sought in respect of the definitions of the proposed Te Tai o Poutini Plan (**Plan**), such as the definition of Area of Significant Indigenous Biodiversity;
 - (b) Relief sought in respect of the Strategic Directions for Mineral Extraction and Natural Environment (for instance appeal points 9., 12. – 14.) in the Plan;
 - (c) Relief sought in respect of the Ecosystems and Indigenous Biodiversity chapter of the Plan;
 - (d) Relief sought in respect of the Natural Features and Landscapes chapter of the Plan;
 - (e) Relief sought in respect of the Coastal Environment chapter of the Plan;
 - (f) Relief sought in respect of the Earthworks chapter of the Plan;
 - (g) Relief sought in respect of the Light chapter of the Plan;
 - (h) Relief sought in respect of the provisions of the Plan that relate to mineral prospecting, exploration, extraction and ancillary activities – including but not limited to the deletion of the Mineral Extraction Zone, and proposed deletion or alteration to provisions in the Open Space and Recreation Zones section and the Rural Zones section;

- (i) All other wide-ranging relief sought that would remove or restrict consenting pathways for mineral prospecting, exploration, extraction and ancillary activities.

6 BCML opposes the relief sought because—

- (a) The relief sought does not account for the importance of mineral prospecting, exploration and extraction to the social, cultural and economic wellbeing of the people and communities of the West Coast.
- (b) The relief sought will result in blanket protectionism of environmental values across a range of areas and zones that do not contain significant environmental values. The Plan already provides for high levels of protection across large areas of the West Coast without the additional relief being sought.
- (c) The relief sought will result in an administrative burden that will be imposed on persons seeking to undertake the clearance of even small areas of indigenous vegetation outside of areas identified as having significant values. This burden will be extremely high and will be cost prohibitive. This will unnecessarily restrict economic development and the ability for communities to provide for their economic, social and cultural wellbeing.
- (d) The importance of the mining and extractives industry to the wider West Coast and New Zealand warrants the special purpose zones contained in the Plan.
- (e) It is considered appropriate that there are more permissive rules for Special Purpose Zones or areas that have not or do not meet criteria to be deemed significant or hold significant values.
- (f) The relief sought will not assist the Councils in carrying out their statutory functions under the Act, fails to give effect to the higher order documents or meet the requirements of section 32 and 32AA of the Act (in that the proposed relief is not the most appropriate method for achieving the Act's purpose, nor is it the most efficient and effective means for achieving the objectives); and
- (g) The relief sought does not promote the sustainable management purpose, or accord with Part 2, of the Act.

7 BCML agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated 15 January 2026



Phil McKinnel
On behalf of Birchfield Coal Mines Limited

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Advice

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