

In the Environment Court
At Christchurch

ENV-2025-CHC-121

I te Kōti Taiao o Aotearoa
Ki Ōtautahi

Under the Resource Management Act 1991 (**RMA**)

In the matter of an appeal under clause 14(1) of Schedule 1 and section 274 of the RMA

Between **BATHURST RESOURCES LIMITED AND BT MINING LIMITED**

Appellant

And **TE TAI O POUTINI PLAN COMMITTEE**

Respondent

**NOTICE OF TE RŪNANGA O NGĀTI WAEWAE, TE RŪNANGA O MAKAAWHIO AND
TE RŪNANGA O NGĀI TAHU WHO WISH TO BECOME A PARTY TO PROCEEDINGS**

Dated: 2 February 2026

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To: The Registrar
Environment Court
Christchurch

Introduction

- 1.** Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio (collectively referred to as **Poutini Ngāi Tahu**) and Te Rūnanga o Ngāi Tahu (**TRoNT**) wish to be a party to an appeal made by Bathurst Resources Limited and BT Mining Limited (**Appellant**) against parts of the Te Tai o Poutini Plan Committee (**TTPP Committee**) decision on the Proposed Te Tai o Poutini Plan (**TTPP**).
- 2.** Poutini Ngāi Tahu and TRoNT made a submission about the subject matter of the proceeding. Poutini Ngāi Tahu and TRoNT either made a submission on the relevant provisions appealed, or the appeal points concern the same subject matter and issues that are prevalent throughout its submissions.
- 3.** Poutini Ngāi Tahu and TRoNT also have an interest that is greater than the interest of the general public, as mana whenua of the land that is subject to the TTPP and for the reasons set out in its Notice of Appeal, ENV-2025-CHC-134, at [6] to [12].
- 4.** Poutini Ngāi Tahu and TRoNT are not trade competitors for the purposes of 308C or 308CA of the RMA.

Interest in proceedings

- 5.** The parts of the proceedings that Poutini Ngāi Tahu and TRoNT seek to join, its position on those appeals, and the reasons for that position are set out in **Appendix A**.
- 6.** More generally where the relief is opposed, the relief:
 - (a)** Will not promote the sustainable management of natural and physical resources, and will not achieve the purpose of the RMA, in that it:

- (i) fails to sustain the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations;
 - (ii) does not safeguard the life-supporting capacity of air, water, soil, and ecosystems; and
 - (iii) fails to appropriately avoid, remedy, or mitigate adverse effects of activities on the environment;
- (b) Is contrary to Part 2 of the RMA, including sections 6(e), 7 and 8;
 - (c) Is not the most appropriate way to achieve the purpose of the RMA, as required under section 32 of the RMA; and
 - (d) Does not properly give effect to direction in relevant national instruments.
7. Overall, while recognising that mining activities are important to the West Coast, Poutini Ngāi Tahu and TRoNT are motivated to ensure that appropriate checks and balances apply to such activities as required by the RMA, national direction, and the West Coast Regional Policy Statement.
8. Poutini Ngāi Tahu and TRoNT agrees to participate in mediation or other alternative dispute resolution of the proceedings.

DATED 2 February 2026



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Appendix A – Poutini Ngāi Tahu and Te Rūnanga o Ngāi Tahu appeal position

PROVISION	APPELLANT RELIEF (SHOWN IN <u>UNDERLINED AND STRUCK THROUGH</u> BLACK FONT)	POUTINI NGĀI TAHU AND TRONT POSITION ON RELIEF AND REASONS
Mineral Extraction Zone	Amend MIN-P5 as follows:	Oppose
MINZ-P5	<p>a. <u>To the extent that is practicable</u>, avoid, remedy or mitigate adverse effects of mineral extraction activities on the West Coast/ Te Tai o Poutini's significant natural and cultural features...</p> <p><u>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.</u></p>	<p>Bathurst argue minerals extraction activities should be able to utilize all types of environmental effects management methods, including the use of environmental offsets, compensation and/or take into account other ecological benefits.</p> <p>This change to the policy makes the policy more enabling, with there being no exhaustive requirement to avoid, remedy or mitigate adverse effects. This change sees priority value given to mineral resource at all costs, which impacts Poutini Ngāi Tahu values.</p>
Mineral Extraction Zone Buller Coalfield Zone BCZ and MINZ	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.	<p>Oppose</p> <p>There is currently mining within ECO, NC, NFL CE, and TRN provisions. Moving these provisions to be included in the BCZ and MINZ chapter creates inconsistency and too much duplication in the Plan.</p>
Buller Coalfield Zone BCZ -P1	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.	<p>Oppose</p> <p>Poutini Ngāi Tahu and TRoNT support the current decision version of MINZ-P1 which includes 'lawfully established' which is defined and does not include where the resource consent or license has either expired or lapsed.</p>
Buller Coalfield Zone BCZ-R1	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.	<p>Oppose</p> <p>CML and ACML are coal mining licenses and Ancillary coal mining licences are not licenses issued under RMA. Poutini Ngāi Tahu and TrONT do not support the approach to relying coal mining licenses issued under separate legislation, to change the activity status of mining activities under the plan which has been prepared under the RMA.</p>
Buller Coalfield Zone NEW RULE	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.	<p>Oppose</p> <p>The change has the potential of leading to an automatic right to mine with no controls through consent conditions and limited standards. There are also concerns about how effects that are more than minor and not appropriate as permitted activity would be managed.</p> <p>Overall, this amendment would lead to lesser protections for Poutini Ngāi Tahu values, including taonga species.</p>
Buller Coalfield Zone NEW RULE	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.	<p>Oppose</p> <p>Less protection for Poutini Ngāi Tahu values including taonga species if controlled activity, unless they are explicitly provided for as a matter of control.</p>

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Buller Coalfield Zone BCZ-R5	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.	Oppose These amendments may allow large areas subject to mining in environmentally sensitive areas and impact taonga species to be processed as RDA.
Mineral Extraction Zone MINZ-P1	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	Oppose Poutini Ngāi Tahu and TRoNT do not support enduring timeframes for mining activities. There must be an end date for sensitive areas relating to Poutini Ngāi Tahu values.
Mining Extraction Zone MINZ- R1 Definition of ‘lawfully established’	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).	Oppose Poutini Ngāi Tahu and TRoNT do not support the extension of permitted activity status to Minerals Extraction and Processing. Coal mining licenses and ancillary coal mining licenses are not issued under the RMA. Poutini Ngāi Tahu and TRoNT do not support any change in the definition of ‘lawfully established’ to specifically exclude licenses which have expired.
Ecosystems and Indigenous Biodiversity ECO-P3 ECO-P7 ECO-P9 ECO-P10	Amend ECO-P7, ECO-P8 and ECO-P10 to make it clear that these policies do not apply to activities covered by ECO-P3.	Oppose ECO-P3 relates to SNAs and ECO-P7, P8 and P10 relate to indigineous vegetation. All policies should be read together and mining/infrastructure activities should not be exempt from considering matters in policies ECO-P7, ECO-P8 and ECO-P10, in particular: <ul style="list-style-type: none"> P8(e)The extent to which the proposed activity recognises and provides for Poutini Ngāi Tahu cultural and spiritual values, rights and interests;P8(h) The impacts on mahinga kai;
Natural Character & Margins of Waterbodies (NC) NC-O1 & NC-O2	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.	Oppose NC-O1 is the overall objective for natural character, a section 6 matter; and NC-O2 specifically relates to recognising and providing for Poutini Ngāi Tahu values and interests. Poutini Ngāi Tahu and TRoNT do not support any change in relation to these amendments on that basis.
Natural Character & Margins of Waterbodies (NC) NC-O3 &	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	Oppose This links to Policy 2 which does provide for functional or operational need within riparian margins for renewable energy and regionally significant infrastructure.

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NC-P3	<p>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.</p> <p>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</p>	<p>It also links to Policy 3 which applies to new and upgrades to buildings and structures, but (appropriately) only refers to functional need for their location.</p> <p>NC-O3 is not specific to renewable energy and regionally significant infrastructure, it applies to all activities. Adding 'or operational need' for all activities loosens the restriction and therefore the protection of these areas. The addition is not supported for mineral extraction activities</p> <p>The change from minimising adverse effects to managing is also opposed. Managing is a lesser protection than minimization (essentially opening up the entire effects hierarchy), and would lead to lesser protections for Poutini Ngāi Tahu values, including taonga species.</p>
Open Space & Recreation Zones (OSRZ)	Amend OSZ-P15 as follows:	Oppose
OSRZ-P15	<p>Provide for Mineral Extraction, Mineral Prospecting and Mineral Exploration and associated activities within the OSZ - Open Space Zone where:</p> <ol style="list-style-type: none"> Adverse effects on open space and recreation values and the environment are managed; Sites are rehabilitated when mineral extraction activities cease to enable future land uses and activities appropriate to the area; 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; Significant ecological values are protected and indigenous biodiversity is maintained managed in accordance with the effects management hierarchy. 	<p>SASMs are identified in Schedule 3. Poutini Ngāi Tahu and TRoNT do not support these amendments and do not consider the lessening of language from 'protected' to 'managed' is appropriate.</p>
Open Space Zone (OSZ)	Amend rule OSZ-R10 to delete standards (4) earthworks limits and (5) rifle range protection areas.	Oppose
OSZ-R10		An earthworks limit is needed for this permitted activity rule
Rural Zones (RURZ)	Bathurst also seeks similar changes to the Rural Zone objectives and the RURZ rules as those sought in relation to the BCZ, MINZ and OSZ. Bathurst seeks that:	Oppose
Objectives & Rules	<p>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).</p>	<p>Poutini Ngāi Tahu and TRoNT join the relief seeking changes to the objectives and rules, alongside the specific relief relating to continuation of coal licenses.</p> <p>Once permits expire, the correct process is to require new consent, especially for larger mining activities. Mining licenses are issued under Crown Minerals Act which does not consider environmental impacts and is not a relevant inclusion within the TTPP.</p>

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General Rural Zone (GRUZ) GRUZ-R11	Amend GRUZ-11 to delete permitted activity standards as follows: (1) excavation limits, (2) land disturbance limits, (6) stockpiles and (8) heavy vehicle movements.	Oppose There is a strong need for standards around excavation and land disturbance limits in this permitted activity rule.
General Rural Zone (GRUZ) GRUZ-R25	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).	Oppose Notified version (GRUZ-R25) was RDA Decision version (GRUZ – R25) is Discretionary Discretionary rule provides more scope for consideration of Poutini Ngāi Tahu values than restricted discretionary rule which only recognises ‘cultural heritage requirements’ which does not consider contemporary Poutini Ngāi Tahu values.