

**IN THE ENVIRONMENT COURT  
CHRISTCHURCH REGISTRY**

**I MUA I TE KŌTI TAIAO O AOTEAROA  
KI ŌTAUTAHI**

**ENV-2025-CHC-000121**

**IN THE MATTER OF** an appeal under clause 14 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

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**NOTICE BY GREY DISTRICT COUNCIL OF WISH TO BE A PARTY TO PROCEEDINGS**

Dated: 2 February 2026

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## **NOTICE BY GREY DISTRICT COUNCIL OF WISH TO BE A PARTY TO PROCEEDINGS**

**To:** The registrar at the Environment Court, Christchurch

**And to:** The Appellant.

**And to:** The Respondent

Grey District Council (**GDC**) wishes to be a party to an appeal by Bathurst Resources Limited and BT Mining Limited against the decision of the Te Tai o Poutini Committee on the proposed Te Tai o Poutini Plan (**TTPP**).

### **Nature of interest**

1. GDC is a local authority under the Resource Management Act 1991 (**RMA**).
2. GDC is not a trade competitor for the purposes of sections 308C or 308CA of the RMA.
3. GDC notes that it has been incorrectly named as a respondent on the appellants' Notice of Appeal. The correct respondent for the appeal of the TTPP is the Te Tai Poutini Committee.
4. GDC is interested in part of the proceedings. The parts of the proceedings that GDC is interested in are those that apply within the Grey District and relate to the following chapters of the TTPP, and as particularised in Appendix 1 (attached):
  - (a) Strategic Directions MIN – Mineral Extraction and NENV – Natural Environment;
  - (b) TRN – Table 4;
  - (c) ECO – Ecosystems and Indigenous Biodiversity;
  - (d) NOISE – Noise;
  - (e) MINZ – Mineral Extraction Zone; and
  - (f) OSZ – Open Space Zone;
  - (g) RURZ – Rural Zones;
  - (h) GRUZ – General Rural Zone;
  - (i) Any other parts of the appeal that are affected by or related to the above including but not limited to RURZ – Rural Zones - Objectives and Policies.

5. GDC is interested in the following particular issues:
- (a) ensuring that the TTPP is workable for GDC as a local authority and that it assists GDC in carrying out its functions under the RMA; and
  - (b) ensuring the TTPP recognises that:
    - (i) The West Coast has a unique environment, that is characterised by about 85% of land in the region managed by the Department of Conservation. This unique context means that appropriate use and development, particularly in the remaining areas, needs to be enabled to provide for the region's social, economic and cultural wellbeing.
    - (ii) The Grey District needs sustainable infrastructure and services that enable communities to be thriving, resilient and connected.
    - (iii) The TTPP should enable the use and development of natural and physical resources while ensuring protections are appropriate for the West Coast.
    - (iv) The TTPP should not create pressures on affordability of housing, farming, industry and infrastructure, as well as other developments and uses through disproportionate or unworkable standards for development and use in the region.
    - (v) The West Coast region is highly susceptible to the impacts of climate change and natural hazards, which require ensuring the protection of infrastructure and development.

#### **Relief sought**

6. GDC's position as to whether it supports, opposes or conditionally opposes a specified relief is set out in the table at Appendix 1.
7. GDC's reasons for supporting a relief where specified in Appendix 1 are:
- (a) the relief will promote the sustainable management of natural and physical resources within the Grey District, and is therefore consistent with Part 2 and other provisions of the RMA;
  - (b) the relief will meet the reasonably foreseeable needs of future generations;
  - (c) the relief will enable the social, economic and cultural wellbeing of the people of the Grey District;

- (d) the relief will facilitate the efficient use and development of natural and physical resources;
  - (e) the relief will avoid, remedy or mitigate actual or potential adverse effects on the environment;
  - (f) the relief is the most appropriate way to achieve the purpose of the RMA and/or objectives of the TTPP in terms of section 32 of the RMA;
  - (g) the relief will ensure the TTPP is workable for GDC as a local authority and that it assists GDC in carrying out its functions under the RMA; and
  - (h) the further specific reasons where set out in Appendix 1 (without limiting the general reasons above).
8. GDC further notes that where similar relief is sought by other appellants, consistency between the other similar appeals is supported.
9. GDC's reasons for opposing a relief where specified in Appendix 1 are:
- (a) the relief will not promote the sustainable management of natural and physical resources within the Grey District, and is therefore inconsistent with Part 2 and other provisions of the RMA;
  - (b) the relief will not meet the reasonably foreseeable needs of future generations;
  - (c) the relief will not enable the social, economic and cultural wellbeing of the people of the Grey District;
  - (d) the relief will not facilitate the efficient use and development of natural and physical resources;
  - (e) the relief will not avoid, remedy or mitigate actual or potential adverse effects on the environment;
  - (f) the relief is not the most appropriate way to achieve the purpose of the RMA and/or objectives of the TTPP in terms of section 32 of the RMA;
  - (g) the relief will not ensure the TTPP is workable for GDC as a local authority and that it assists GDC in carrying out its functions under the RMA;
  - (h) the further specific reasons where set out in Appendix 1 (without limiting the general reasons above).

10. GDC's reasons for conditionally opposing a relief are set out in Appendix 1. Where GDC has conditionally opposed a relief, GDC may revisit its position and support the relief if the matters signalled in Appendix 1 are addressed by the appellant (to GDC's satisfaction). GDC, however, reserves the right to oppose the relief for the general reasons set out at paragraph 9.

**Alternative dispute resolution**

11. GDC agrees to participate in mediation or other alternative dispute resolution of the proceedings.

Dated: 2 February 2026



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**G A Biggs / J C Sylvester**  
Counsel for Grey District Council

This document is filed by Jonathon Cameron Sylvester, solicitor for Grey District Council of the firm Corcoran French, Lawyers. The address for service is at 74 Armagh Street, PO Box 13-001, Christchurch, Phone: (03) 379 4660. Documents for service on Grey District Council may be left at the address for service or may be:

- (a) Posted to the solicitor at PO Box 13001, Christchurch 8141; or
- (b) Emailed to [jonathon@cflaw.co.nz](mailto:jonathon@cflaw.co.nz) as long as they are contemporaneously emailed to [geraldine@cflaw.co.nz](mailto:geraldine@cflaw.co.nz).

*Advice*

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

**Appendix 1: Grey District Council's interest in the appeal of Bathurst Resources Ltd and BT Mining Ltd**

#	TTPP Provisions	Relief sought by the appellant	Grey District Council's position	Further Reasons for Grey District Council's Position
1.	MIN-P5	<p>Amend MIN-P5 as follows:</p> <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>b <u>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>	Support	The use and development of availability of natural mining resources is important for the West Coast's economy. It enables people and communities to provide for their economic, social and cultural wellbeing. GDC considers that a robust set of rules have been developed to manage adverse effects and notes activities that breach permitted activity rules are subject to a consenting pathway.
2.	NENV objectives	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.	Conditionally oppose	While GDC supports recognising the need to provide for the social, economic, and cultural wellbeing of people and communities, this relief is currently too broad to understand the implications. GDC may revisit its position if specific wording (to its satisfaction) is provided in the appeal process.
3.	NENV-P1 and NENV-P2	<p>Amend NENV-P1 and NENV-P2 to ensure that:</p> <p>a Established activities (including currently authorised minerals extraction activities) are provided for within and outside significant areas and features; and</p> <p>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</p>	Conditionally oppose	While GDC supports recognising the need to provide for the social, economic, and cultural wellbeing of people and communities, this relief is too broad to understand the implications. GDC may revisit its position if specific wording (satisfactory to GDC) is provided in the appeal process.

		feature and apply the effects management hierarchy (including not just infrastructure but also minerals extraction activities).		
4.	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.	Oppose in relation to the MINZ.  GDC is not interested in the part of the relief that relates to the BCZ	The notice of appeal states the relief too broadly to determine the implications of the relief sought. The relief needs further particularisation to ensure consistency with the National Planning Standards 2019. Care needs to be taken to ensure that extractive activities that are undertaken in rural zones are appropriately provided for. GDC revisit its position if further particularisation occurs and the rules that are considered missing from those zones are set out (to the satisfaction of GDC)
5.	Buller Coal Zone  Schedule 9  BCZ-P1  BCZ-P4(d)  BCZ-R1  BCZ-R4  New rules  BCZ-R5	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.  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.  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".  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.	GDC is not interested in this part of the proceeding.	

		<p>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.</p> <p>Add a new rule making minerals exploration, prospecting and ancillary activities not complying with the standards in BCZ-R1 a controlled activity.</p> <p>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> <p>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> <p>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.</p>		
6.	Changes to the Boundary of the BCZ	Amend the boundary of the BCZ as shown on the maps in Annexure D of the appeal.	GDC is not interested in this part of the proceeding.	

7.	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;	Support for the first part of the relief to delete “discrete, long term”.  Oppose the second part of the relief.	GDC supports the first part of the relief.  The second part of the relief sought is unclear and may be seeking an authorisation for mining activities that extends beyond the provisions of the RMA. GDC may revisit its position if specific wording (satisfactory to GDC) is provided in the appeal.
8.	MINZ-R1	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).	Conditionally oppose	GDC supports an enabling approach to mineral extraction. The relief sought is broad and insufficient to determine the implications of the change. GDC may revisit its position if specific wording (satisfactory to GDC) is provided in the appeal.
9.	MINZ-R2	Amend MINZ-R2 to include activities and structures that are authorised at the date of the notification of the TTPP.	Conditionally oppose	GDC supports an enabling approach to mineral extraction. The relief sought is broad and insufficient to determine the implications of the change. GDC may revisit its position if specific wording (satisfactory to GDC) is provided in the appeal
10.	MINZ-R5	Amend MINZ-R5 to delete Standard 1 (area of indigenous vegetation greater than 5000m2 or an area of significant indigenous biodiversity).	Support	
11.	ECO-O2	Delete ECO-O2	Oppose	
12.	ECO-O3	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	Support	

		<u>hierarchy to achieve an overall no net loss in significant indigenous biodiversity values across Te Tai o Poutini/the West Coast.</u>		
13.	ECO-P2	Amend ECO-P2 to make it clear that it only covers activities not covered by ECO-P3	Support	
14.	ECO-P7, ECO-P8 and 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	Support	
15.		<p>Amend the ECO Chapter rules to provide a permitted activity rule as follows:</p> <p>Indigenous vegetation clearance and disturbance inside and outside SNAs within the BCZ and MINZ</p> <p>Activity Status: Permitted</p> <p>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.</p> <p>Indigenous vegetation clearance and disturbance inside and outside SNAs within the BCZ and MINZ</p> <p>Activity Status: Restricted Discretionary</p> <p>Where:</p> <p>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</p>	Support	
16.	BCZ and MINZ	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.	Oppose in relation to the MINZ.	The relief needs further particularisation and care to ensure consistency with the National Planning Standards 2019. Additional care needs to be taken to ensure that extractive activities that are undertaken in rural zones are appropriately provided for. GDC may revisit its position f

				specific wording (satisfactory to GDC) is provided during the appeal.
17.	Coastal Environment Chapter	<p>Draw back the Coastal Environment Overlay off the Ngakawau Coal Handling Facility.</p> <p>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.</p>	GDC is not interested in this part of the proceedings.	
18.	TRN Table 4	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).	<p>Oppose in relation to the application of TRN Table 4 to minerals activities in the GRUZ and Open Space Zones.</p> <p>GDC is not interested in the part of the relief that relates to the BCZ.</p>	
19.	HH-P7	<p>Demolition and destruction of historic heritage items identified in Schedule One will not be allowed unless it can be demonstrated, <del>through investigation and assessment by a suitably qualified heritage professional that:</del></p> <p><u>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.</u></p>	GDC is not interested in this part of the proceedings.	

20.	NC-O3 and NC-P3	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.	GDC is not interested in this part of the proceedings.	
21.	NC-O1 and 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.	GDC is not interested in this part of the proceedings.	
22.	Noise-R2(8)	Amend Noise-R2(8) to explicitly include shunting operations at railway yards and sidings within the exemption from zone noise standards	Support	
23.	Outstanding Natural Landscape	Delete the ONL from the BCZ.	GDC is not interested in this part of the proceedings.	
24.	NFL -P2	Alternative Relief  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.	GDC is not interested in this part of the proceedings.	
25.	NFL-R1	Alternative Relief  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.	GDC is not interested in this part of the proceedings.	
26.	NFL-R10	Alternative Relief  Amend NFL-R10 (earthworks not meeting permitted activity standards) to include minerals extraction activities in the BCZ or MINZ.	GDC is not interested in this part of the proceedings.	

27.	OSZ-P15	<p>Amend OSZ-P15 as follows:</p> <p>Provide for Mineral Extraction, Mineral Prospecting and Mineral Exploration and associated activities within the OSZ - Open Space Zone where:</p> <p>(a) Adverse effects on open space and recreation values and the environment are managed;</p> <p>(b) Sites are rehabilitated when mineral extraction activities cease to enable future land uses and activities appropriate to the area;</p> <p>(c) Areas and values identified in Schedules One to Eight <u>are protected</u> and the <u>areas and values</u> in the Overlay Chapters are <del>protected</del> <u>managed in accordance with the effects management hierarchy</u>;</p> <p>(d) Significant ecological values are protected and indigenous biodiversity is <del>maintained</del> <u>managed</u> in accordance with the effects management hierarchy.</p>	Support	
28.	OSZ-R10	Amend rule OSZ-R10 to delete standards (4) earthworks limits and (5) rifle range protection areas.	GDC is not interested in this part of the proceeding.	
29.	RURZ-O5(b)	Amend RURZ-O5(b) to add reference to managing effects in accordance with the effects management hierarchy.	Support	.
30.	RURZ-P20	Amend RURZ-P20 to refer to managing effects in accordance with the effects management hierarchy.	Support	
31.	RURZ-P23	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.	Support	

32.	GRUZ-10	Amend GRUZ-10 to delete permitted activity standard (3) earthworks limits	Oppose	GDC supports enabling mining activities including through prospecting, exploration and extraction. However, there does need to be appropriate thresholds for earthwork limits to ensure that Council has sufficient control of adverse effects.
33.	GRUZ-11	Amend GRUZ-11 to delete permitted activity standards (1) excavation limits, (2) land disturbance limits, (6) stockpiles and (8) heavy vehicle movements.	Support (1) deleting excavation limits.  Oppose deleting (2) removal of land disturbance limits.  Oppose deleting (6) stockpiles.  Oppose deleting (8) heavy vehicle movements.	GDC supports enabling mining activities including through prospecting, exploration and extraction and considers retention of permitted activity standards for land disturbance limits, stockpiles and heavy vehicle movements to be more manageable from a compliance perspective and more usable from a user perspective, while assisting GDC to have sufficient control of adverse effects. GDC supports deleting excavation limits from the permitted activity standards.  GDC also notes its own appeal in relation to increasing the land disturbance limit under GRUZ-11.
34.	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).	Support	
35.	Various	Additional generalised relief (relevant to the parts of the proceeding that GDC is interested in) sought by the appellant where amended wording for the provisions is not specified.	Conditionally oppose	GDC is unable to support relief in general and unspecified terms but may revisit its position if specific wording is provided (satisfactory to GDC) during the appeal process.