

In the Environment Court
At Christchurch

ENV-2025-CHC-102

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 **BIRCHFIELD COAL MINES 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 Birchfield Coal Mines 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



Sarah Scott / Oscar Wilson
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Waewae, Te Rūnanga o Makaawhio
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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
Definitions – Area of Significant Indigenous Biodiversity	Delete, or amend to match legal definition of SNA	Oppose deletion. SNA or significant natural area is defined in the NPS-IB and that definition is preferred. However, concerned about implications across all the chapters and the definition needs to work in terms of TTPP content / structure.
Definitions – Ancillary activity	means an activity that supports and is subsidiary to a primary activity <u>and includes mineral stockpiling, processing and transport when associated with Mineral Prospecting, Exploration and Extraction.</u>	Oppose This term is defined in the NPS-IB and the TTPP must give effect to it. Concerned about implications across all the chapters. Mining is not the only activity the plan includes provisions for and the definition needs to work in terms of TTPP content / structure.
Definitions – Biodiversity compensation	Delete means a conservation outcome that meets the requirements in Appendix 4 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to compensate for any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, remediation, and biodiversity offsetting measures have been sequentially applied.	Oppose Poutini Ngāi Tahu / TRoNT seek to retain the definition as Appendix 15 is specifically connected to this activity and therefore it is appropriate to have a definition in the Plan. It is not unnecessary duplication to repeat the NPS-IB definition.
Definitions – Biodiversity offset	Delete means a measurable conservation outcome that meets the requirements in Appendix 3 of the National Policy Statement for Indigenous Biodiversity and results from actions that are intended to redress any more than minor residual adverse effects on indigenous biodiversity after all appropriate avoidance, minimisation, and remediation measures have been sequentially applied; and achieve a net gain in type, amount, and condition of indigenous biodiversity compared to that lost.	Oppose Poutini Ngāi Tahu / TRoNT seek to retain the definition as Appendix 14 is specifically connected to this activity and therefore it is appropriate to have a definition in the Plan. It is not unnecessary duplication to repeat the NPS-IB definition.
Definitions – Effects management hierarchy	Delete means an approach to managing the adverse effects of an activity on indigenous biodiversity that requires that: a. adverse effects are avoided where practicable; and b. where adverse effects cannot be avoided, they are minimised where practicable; then c. where adverse effects cannot be minimised, they are remedied where practicable; then	Oppose Poutini Ngāi Tahu / TRoNT seek to retain the definition as Appendix 14 and 15 as well as the ECO Chapter reference this term and therefore it is appropriate to have a definition in the Plan. It is not unnecessary duplication to repeat the NPS-IB definition.

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	<p>d. where more than minor residual adverse effects cannot be avoided, minimised, or remedied, biodiversity offsetting is provided where possible; then e. where biodiversity offsetting of more than minor residual adverse effects is not possible, biodiversity compensation is provided; then if biodiversity compensation is not appropriate, the activity itself is avoided.</p>	
<p>Definitions – (new) <u>Existing Use Rights</u></p>	<p><u>means a use of land that was lawfully established before the relevant rule in Te Tai o Poutini Plan becomes operative where:</u> <u>a. the effects of the use are similar in character, intensity and scale;</u> <u>and</u> <u>b. the use has not been discontinued for a continuous period of more than 12 month</u></p>	<p>Oppose It is unclear what this will achieve as it seeks to replicate sections in the RMA that apply as a matter of law. Existing use rights are detailed in the General Approach Chapter and do not require a specific definition as they are only referred to in advice notes.</p>
<p>Definitions – Indigenous Biodiversity</p>	<p>Delete means the living organisms that occur naturally in New Zealand, and the ecological complexes of which they are part, including all forms of indigenous flora, fauna, and fungi and their habitats.</p>	<p>Oppose Poutini Ngāi Tahu / TRoNT seek to retain the definition as Appendix 14 and 15 as well as the ECO Chapter reference this term and therefore it is appropriate to have a definition in the Plan. It is not unnecessary duplication to repeat the NPS-IB definition.</p>
<p>Definitions – Net Gain</p>	<p>Delete This principle reflects a standard of acceptability for demonstrating, and then achieving, a net gain in indigenous biodiversity values. Net gain is demonstrated by a like-for-like quantitative loss/gain calculation of the following, and is achieved when the indigenous biodiversity values at the offset site are equivalent to or exceed those being lost at the impact site: a. types of indigenous biodiversity, including when indigenous species depend on introduced species for their persistence; and b. amount; and condition (structure and quality).</p>	<p>Oppose Poutini Ngāi Tahu / TRoNT seek to retain the definition as Appendix 14 and 15 as well as the ECO Chapter reference this term and therefore it is appropriate to have a definition in the Plan. It is not unnecessary duplication to repeat the NPS-IB definition.</p>
<p>Definitions – Significant Natural Area</p>	<p>means a. any area that, after the commencement date (4 August 2023), is notified or included in a district plan as an SNA following an assessment of the area in accordance with Appendix 1 of the National Policy Statement for <u>Indigenous Biodiversity 2023</u>; and</p>	<p>Support Support the inclusion of the definition from the NPS-IB, albeit that the appeal point refines the definition to include the commencement date of the definition in the NPS-IB. The definition may need some refinement to work within TTPP content / structure.</p>

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	<p>b. any area that, on the commencement date (4 August 2023), is already identified in a policy statement or plan as an area of significant indigenous vegetation significant habitat of indigenous fauna (regardless of how it is described); in which case it remains as an SNA unless or until a suitably qualified ecologist engaged by the relevant local authority determines that it is not an area of significant indigenous vegetation or significant habitat of indigenous fauna.</p>	
<p>Definitions – Wetland</p>	<p>has the same meaning as in section 2 of the RMA (as set out below) includes permanently or intermittently wet areas, shallow water, and land water margins that support a natural ecosystem of plants and animals that are adapted to wet conditions <u>and excludes areas of pasture where water ponds after rain.</u></p>	<p>Oppose The appellant suggests the change sought will mean the definition is the same as the RMA, but the relief sought in the appeal is indeed a departure from the definition.</p>
<p>Definition- Energy Activity</p>	<p>means the use of land (<u>including mineral extraction where that mineral is used for energy generation</u>), buildings and structures for the purpose of energy investigation, generation, transmission and distribution. This includes all types of renewable electricity generation.</p>	<p>Oppose 1. Not all mineral extraction creates energy generation in NZ/West Coast (exported) It is not practical nor realistic for mineral extraction to <i>only</i> be used for one purpose (eg, energy generation). 2. The flow on effect is that there will be arguments that some percentage of mineral extraction from any particular site is used for Energy generation and therefore the entire activity needs to be treated as regionally significant infrastructure and therefore exempt from additional considerations.</p>
<p>Definition- Lawfully Established</p>	<p>means buildings, structures and activities provided for by one of the following: 1. permitted through a rule in a plan, or 2. a resource consent, or 3. a national environmental standard, or 4. a designation; or 5. or by an existing use right (as provided for in Section 10 of the RMA). , or 6. In the case of mineral extraction it also includes an activity permitted at the date that this Plan was notified through a Coal Mining Licence or an Ancillary Coal Mining Licence issued under the Coal Mines Act (1979); and does not include where the resource consent or license has either expired or lapsed</p>	<p>Oppose This amendment attempts to avoid reapplying for resource consent for mining activities to allow operation under expired consents.</p>
<p>Open Space and Recreation Zones Description</p>	<p>“The NOSZ - Natural Open Space Zone is where the Plan recognises and provides for open spaces that contain high natural and ecological values. The Zone is made up of the most ecologically significant open space and reserves where natural values predominate such as National Parks, Nature Reserves, Scientific Reserves, Wilderness Areas and Specially Protected Areas as well as other areas of public conservation land identified with very high natural values. A low level of development and built form is anticipated within this zone to retain the natural/biodiversity values</p>	<p>Oppose This relief conflicts with the Poutini Ngāi Tahu and TRoNT appeal point to “replace the Open Space Zones with General Rural Zone on rural public conservation land, except where the submitter has sought a Mineral Extraction Zone” to keep the zoning provisions clear. NOSZ has little provision for mineral extraction given high values.</p>

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	<p>within natural open space areas. <u>The nature of the West Coast, with its extensive mineral deposits, means that minerals are widespread within areas in the Natural Open Space Zone. There are a range of circumstances where some mineral extraction may be appropriate, WMS where this supports ongoing access and management of the lands within the zone. . This means that provision is also made for mineral extraction within the Natural Open Space Zone”</u></p>	
<p>Strategic Directions Overview</p>	<p>Amend to reinstate the words which required all the objectives and policies to be read in a manner consistent with the strategic directions, and amend:</p> <p>(2) Alignment with the communities' aspirations for development while maintaining and enhancing <u>managing</u> environmental quality across the Te Tai o Poutini/the West Coast...</p> <p>(6) Enabling the use and development of natural and physical resources whilst protecting <u>managing</u> the natural, cultural and heritage values that have been elevated to matters of national importance by the Resource Management Act 1991 and those matters of national and regional significance by National and Regional Policy Statements...</p> <p><u>14 Recognise and provide for the continuation of existing mineral extraction activities authorised by historic permissions, while not inappropriately restricting the development of the wider minerals industry within Te Tai O Poutini / the West Coast</u></p>	<p>Oppose</p> <p>Section 6 of the RMA requires recognition and protection as a matter of national importance, not manage. To change the level of protection from ‘protect’ to ‘manage’ at this level would be inconsistent with the rest of the Plan, the RMA and the Mana Whakahono ā Rohe that this Plan must give effect to.</p>
<p>Strategic Direction Mineral Extraction MIN-O2</p>	<p>New objective:</p> <p>Reinstatement of the Mineral Extraction Objectives (and no policies).</p> <p><u>MIN - O2 To enable mineral extraction and ancillary activities which support it, including specifically within the Buller Coalfield Zone, Mineral Extraction Zone, Rural Zones and Natural Open Space and Open Space Zones.</u></p>	<p>Oppose</p> <p>The Natural Open Space zone has specified values and should not be enabled for mineral extraction and ancillary activities as a right. Case by case consideration is required. Evidence given at the council level hearing was that there are high Poutini Ngāi Tahu values in the Natural Open Space zone.</p>
<p>Strategic Direction Mineral Extraction MIN-O5</p>	<p><u>MIN - O5 To support Poutini Ngāi Tahu to manage their pounamu and aotea stone resources through the use of Pounamu and Aotea Management Area Overlays.</u></p>	<p>Oppose</p> <p>Poutini Ngāi Tahu and TRoNT support the retention of policies in the decisions version of the TTPP. The relief (an objective) reads like a Policy. However, open to mediation on the wording if rephrased as an objective.</p>

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Strategic Direction	MIN - O6 To:	Oppose
Mineral Extraction MIN-O6	<p><u>a. Avoid, remedy or mitigate 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:</u></p> <p><u>i. Poutini Ngāi Tahu cultural resources and taonga including sites and areas of significant to Māori identified in Schedule Three;</u></p> <p><u>ii. Areas of significant indigenous vegetation, significant indigenous fauna habitat and protected native fauna;</u></p> <p><u>iii. Outstanding natural landscapes and features;</u></p> <p><u>iv. Waterways and waterbodies;</u></p> <p><u>v. The coastal environment;</u></p> <p><u>vi. The wellbeing of people and communities; and</u></p> <p><u>b. Allow adverse effects to be addressed by alternative mitigation measures such as biodiversity offsetting and environmental compensation</u></p>	<p>The notified version contains reference to Poutini Ngāi Tahu cultural resources and taonga as well as SASM and allows for alternative mitigation measures. The decision version is broad enough to also contain these measures.</p> <p>Either way, the use of 'avoid' needs to be retained as it is required to address matters under section 5 of the RMA.</p>
Strategic Direction	Delete NENV-O1, O2, P1 and P2 and reinstate NENV-O1-O4 as notified.	Support
Natural Environment (NENV)		<p>The notified version in relation to Poutini Ngāi Tahu issues is clearer in that it recognises and protects (section 6 wording) and references cultural and spiritual values of these areas.</p> <p>The decision version tries to combine both objectives, but then does not make a clear reference in the strategic policies (created only in the decision version) on how to achieve the objectives.</p>
Historic Heritage HH-P6	<p>HH - P6 When considering proposals for relocation or repositioning of historic heritage items identified in Schedule One, the following matters shall be considered:</p> <p>...</p> <p>h. Functional need and operational need of regionally significant infrastructure <u>and mineral extraction activities</u>, where there is no practicable alternative location and heritage values of the item are maintained.</p>	<p>Oppose</p> <p>Poutini Ngāi Tahu and TRoNT do not support mineral extraction activities having the same enabling provisions as regionally significant infrastructure within the Historic Heritage Chapter.</p>
Ecosystems and Biodiversity ECO-P7 (Notified ECO-P6)	<p>Retain ECO chapter as notified with the following amendments... Decisions version ECO-P7: In relation to all indigenous biodiversity, when providing for subdivision, use and development, avoid activities that will:</p> <p>a. Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;</p> <p>b. Result in a degradation of the threat status, further measurable loss of indigenous cover or disruption to</p>	<p>Oppose in part and support in part</p> <p>Poutini Ngāi Tahu and TRoNT:</p> <ol style="list-style-type: none"> Do not support reverting to the notified version of the ECO provisions (as sought to be amended) – particularly ECO-O4, ECO-O5, ECO-P2, ECO-P4, ECO-P6, ECO-P8, ECO-P9, ECO-R5 as they have content that reflect more of the Ngāi Tahu Deed of Settlement 1997, the NPS-IB in relation to Tangata Whenua and Part 2 of the RMA compared to the notified version.

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	<p>ecological processes, functions or connections in land environments in category one or two of the Threatened Environment Classification at the Ecological District level; and</p> <p>c. Result in a reduction in the local population size or occupancy of Threatened or At Risk (Declining) species or in the population or occupancy of locally endemic species; and</p> <p>d. Within a Significant Natural Area result in:</p> <p>i. disruption to sequences, mosaics or ecosystem function;</p> <p>ii. fragmentation or the loss of buffers or connections; or</p> <p>iii. reduction in the function of the Significant Natural Area as a buffer or connection to important habitats or ecosystems.</p> <p>Notified version ECO-P6 (with amendments) <u>When assessing consents for subdivision, use and development, avoid activities which will:</u></p> <p>a. <u>Prevent an indigenous species or community being able to persist in their habitats within their natural range in the Ecological District;</u></p> <p>b. <u>Result in a degradation of the threat status, further measurable loss of indigenous cover (excluding manuka and kanuka) 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</u></p> <p>c. <u>Result in a reasonably measurable reduction in the local population of threatened taxa in the Department of Conservation Threat Categories 1 – 3a -nationally critical, nationally endangered and nationally vulnerable.</u></p>	<p>2. Do support considering the exclusion of manuka and kanuka from indigenous cover calculations as even though they are identified as Tangoa Species for Ngāi Tahu at the Takiwā level, their abundance for Poutini rūnanga means that additional protection is not necessary at this point of time.</p>
<p>Natural Character & the Margins of Waterbodies</p> <p>NC-O3</p>	<p>NC-O3 amend to include operational need</p>	<p>Oppose</p> <p>Policy 2 provides for functional or operational need within riparian margins for renewable energy and regionally significant infrastructure. Policy 3, which applies to new and upgrades to buildings and structures, 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.</p>

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Natural Character & the Margins of Waterbodies NC-P2	NC - P2 Provide for earthworks within riparian margins of lakes, rivers and wetlands where adverse effects on natural character are avoided, remedied or mitigated and: ... c. It is for the establishment, operation, maintenance or upgrading of renewable electricity generation activities, <u>mineral prospecting, exploration or extraction</u> , or regionally significant infrastructure where this has a functional or operational need to be located in a riparian margin;	Oppose Poutini Ngāi Tahu and TRoNT do not support mineral extraction activities having the same enabling provisions as regionally significant infrastructure within these identified areas.
Natural Character & the Margins of Waterbodies NC-R1	NC - R1 Indigenous Vegetation Clearance and Earthworks within the Riparian Margin of a River, Lake or Wetland Activity Status Permitted Where this is outside of any Significant Natural Area identified in Schedule Four, and for: ... <u>xv: Mineral Prospecting, Exploration or Extraction</u>	Oppose Poutini Ngāi Tahu and TRoNT do not support mineral extraction activities having the same enabling provisions as regionally significant infrastructure within these identified areas. The change sought would result in permitted earthworks within the riparian margin or a wetland.
Natural Features & Landscapes (NFL) Overview	& Amend the overview as follows: These areas may also include regionally significant infrastructure, <u>mineral extraction</u> , renewable electricity generation activities, and other elements of the built environment and have varying degrees of modification	Oppose The consequence of this relief is that mineral extraction activities is seen as equal to regionally significant infrastructure and REG, which is not supported consistent with other appeal points joined.
Natural Features & Landscapes (NFL) NFL-P2	& Amend to include Mineral extraction and/or primary production (which includes mining) needs to be referenced within this Policy. Should also be referenced in Overview. While not entirely clear, it is understood this relief seeks the following change: NFL - P2 Provide for activities within outstanding natural landscapes described in Schedule Five and outstanding natural features described in Schedule Six where they maintain the values that contribute to a natural feature or landscape being outstanding and are for: a. Existing land uses and lawfully established activities including existing residential activities, regionally significant infrastructure, network utilities, energy renewable electricity generation activities, mineral extraction, agricultural, horticultural and pastoral activities;	Oppose The TTPP decision version already includes mining activities for existing and lawfully established activities. The change is also opposed for the same reasons as the overview relief
Natural Features & Landscapes (NFL)	& Amend Rule NFL-R11 as follows: NFL - R11	Oppose

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NFL-R11	<p>Mineral Extraction in the Buller Coalfield Zone and Mineral Extraction Zone, <u>General Rural Zone, Open Space and Natural Open Space</u> within an Outstanding Natural Landscape described in Schedule Five</p> <p>Activity Status Restricted Discretionary Where:</p> <ol style="list-style-type: none"> 1. These are on land within the Buller Coalfield Zone or a Mineral Extraction Zone, <u>General Rural Zone, Open Space and Natural Open Space</u> and 2. This includes earthworks and buildings associated with the activity. Discretion is restricted to... 	<p>Mining has a discretionary consenting pathway via Rule NFL-R15 for these more sensitive zones. That is considered to be the appropriate activity status.</p>
Coastal Environment CE - R11	Amend to include mineral extraction.	<p>Oppose</p> <p>This rule limits any earthworks to certain activities i.e. those associated with upgrading roads, maintenance of network utility facilities and for additions to lawful existing buildings.</p> <p>It is unclear what will be achieved by adding in mineral extraction to the list of activities already covered by this rule. The absence of any specific relief also makes it difficult to understand the consequences.</p> <p>While the rule applies to existing footprint and lawfully established activity, Poutini Ngāi Tahu and TRoNT do not consider that mineral extraction is appropriate.</p> <p>Notably, in some locations the Mineral Extraction Zone may be within the Coastal Environment.</p> <p>It is also observed that the Appellant is seeking that mineral extraction apply to earthworks within the CE chapter, yet is also seeking amendments to the Earthworks chapter so that it does not apply to mineral activities.</p>
Coastal Environment CE-R16 CE-R18 Earthworks within the Outstanding Coastal Environment Area not provided for as meeting Permitted Activity standards	Amend to include mineral extraction:	<p>Oppose</p> <p>The TTPP provides separate definitions for earthworks and mineral extraction.</p> <p>Mineral extraction includes large scale excavation and other activities which could result in impacts on Poutini Ngāi Tahu values and outstanding Coastal Environment areas.</p>
Ecosystems and Indigous Biodiversity – Objectives	Retain Objectives as they were notified in the TTPP (with the exception of new ECO-P11).	<p>Oppose</p> <p>Do not support reverting to the notified version of the ECO provisions – particularly ECO-O4, ECO-O5, ECO-P2, ECO-P4, ECO-P6, ECO-P8, ECO-P9 and ECO-R5 as they have content that reflect more of the Ngāi Tahu Deed of Settlement 1997, the NPS-IB in relation to Tangata Whenua, and Part 2 of the RMA compared to the notified version.</p>

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Ecosystems and Indigenous Biodiversity – Policies	Retain Policies as they were notified in the TTPP and support recognition of offsetting and compensation after avoiding, remedying and mitigation has been applied. Seeks at least the following additions and deletions to the TTPP rules as they were notified: ECO-P2 (d) operational need to be recognised; ECO-P6 removal of the words "avoid", in (b) exclude manuka and Kanuka from indigenous cover, and delete "or disruption to ecological processes, functions or connections"; P7 add a new (h) "the functional or operational need for the activity to occur within areas of significant indigneous vegetation or significant habitats of indigenous fauna	Oppose Do not support reverting to the notified version of the ECO provisions – particularly ECO-O4, ECO-O5, ECO-P2, ECO-P4, ECO-P6, ECO-P8, ECO-P9 and ECO-R5 as they have content that reflect more of the Ngāi Tahu Deed of Settlement 1997, the NPS-IB in relation to Tangata Whenua, and Part 2 of the RMA compared to the notified version.
Ecosystems and Indigenous Biodiversity – Rules	Primary relief is to seek to retain the rules as originally notified in the TTPP with larger permitted vegetation clearances in R1, deletion of R2 and and recognition of the functional or operational needs to activities to locate within Primary relief. Alternative relief as set out below. page 14 Part Section Page Relief Sought Reasons areas of indigenous vegetation requiring clearance (R5). Otherwise, alternative relief as set out below.	Oppose Do not support reverting to the notified version of the ECO provisions – particularly ECO-O4, ECO-O5, ECO-P2, ECO-P4, ECO-P6, ECO-P8, ECO-P9 and ECO-R5 as they have content that reflect more of the Ngāi Tahu Deed of Settlement 1997, the NPS-IB in relation to Tangata Whenua, and Part 2 of the RMA compared to the notified version.
District Wide Matters – Earthworks	Amendments to ensure it is clear that the earthworks chapter does not apply to mineral extraction, exploration, prospecting and ancillary activities in any zone. Ensure Chapter and provisions are amended as necessary to make this clear.	Neutral The Plan already makes it clear, but Poutini Ngāi Tahu and TRoNT see have no issue with further amendments to make it clearer. Neutral but joining to ensure any changes can be supported.
Open Space and Recreation Zones – Overview	These Objectives, Policies and Rules apply to all three types of open space, however, the Department of Conservation is exempt under the Resource Management Act from being required to meet these on land it administers. Concessionaires and other organisations undertaking activities on Department of Conservation administered land are required to work within the Te Tai o Poutini Plan framework.	Support Section 4 of the RMA states that the Crown is bound to comply with the RMA. While there is a land use exemption for specific pieces of Conservation land, not all land that DOC administers falls under this requirement.
Open Space and Recreation Zones – Objective 1	OSRZ - O1 To recognise the different functions, values and purpose of open space on Te Tai o Poutini/the West Coast through providing for three Open Space and Recreation Zones: a. The NOSZ - Natural Open Space Zone with high natural values and a low level of development and built form <u>while providing for appropriate mineral extraction activities.</u>	Oppose The NOSZ has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement. Mineral extraction is non-complying so not usually an appropriate activity in this zone. Needs to be considered on a case-by-case basis.
Open Space and Recreation Zones	OSRZ - P2 Open space may accommodate recreational, cultural, natural, heritage, access and amenity values and functions and ancillary	Oppose

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OSRZ-P2	activities to support these, including <u>mineral extraction</u> , electricity transmission, distribution and renewable electricity generation where this fits with the purpose of the open space and its classification under any relevant Act.	Do not support mineral extraction activities having the same enabling provisions as regionally significant infrastructure within this specified area.
Open Space & Recreation Zones (OSPR) – OSRZ-P15	<p>Delete OSRZ-P15 and retain the rule as notified in the TTPP, but include references to mineral extraction, mineral prospecting and mineral exploration activities. OSRZ – P15 Provide for Mineral Extraction, Mineral Prospecting and Mineral Exploration 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 and the Overlay Chapters are protected;</p> <p>d. Significant ecological values are protected and indigenous biodiversity is maintained.</p> <p>Notified version with addition of mineral extraction, mineral prospecting and mineral exploration activities: <u>Provide for mineral extraction, mineral prospecting and mineral exploration activities within the OSZ - Open Space Zone where:</u></p> <p>a. <u>Impacts on open space and recreation values of the site are minimised;</u></p> <p>b. <u>This is provided for within any Open Space Management Plan for the area;</u></p> <p>c. <u>Adverse effects on open space and recreation values and the environment are avoid, mitigated, remedied, offset or compensated;</u></p> <p><u>Sites are rehabilitated at the end of the mineral extraction activity to enable the land to be used for an appropriate activity.</u></p>	<p>Oppose</p> <p>The wording in OSRZ-P15(c) provides protection for overlays including SASMs which Poutini Ngāi Tahu and TRoNT wish to retain.</p>
Natural Open Space Zone (NOSZ) Entire Chapter	Amend to include provisions that enable mineral extraction / quarrying within this zone. Protections to high value conservation land are provided via Schedule 4 of the Crown Minerals Act.	<p>Oppose</p> <p>It is critical to ensure that provisions are appropriate as mining should not be fully enabled within this high natural values zone. Needs to be considered on a case-by-case basis, as opposed to relying on the protection of the Crown Minerals Act as a safeguard which may not always protect land included in the NOSZ chapter.</p>
Natural Open Space Zone (NOSZ) NOSZ - R18 (NOSZ - R16 notified)	NOSZ - R18 Mineral Extraction Activities Activity Status Discretionary Non-complying,	<p>Oppose</p> <p>NOSZ has significant natural values and mining might not be appropriate in this zone, hence the non-complying status. It may also impact taonga species. Overview for NOSZ Chapter states Natural Open Space has a high degree of biodiversity requiring recognition, protection, maintenance and/or enhancement.</p>

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Open Space Zone (OSZ) OSZ – R10	Delete Rule OSZ –R10 and retain rule as notified in the TTPP.	Oppose Support decision wording of OSZ-R10 as appropriate within OSZ due to values protected within this zone.
General Rural Zone Rules (GRUZ)	Amendments required to enable consent pathway for mineral prospecting, exploration and extraction and ancillary activities.	Oppose There is already a consenting pathway with a permitted activity and a discretionary activity rule for mineral extraction within this zone.
General Rural Zone (GRUZ) GRUZ-R11	GRUZ - R11 Mineral Extraction PA Rule: Revert non-compliance activity status to as notified: Controlled where this is a previously mined area ... Otherwise Restricted Discretionary.	Oppose An activity status of restricted discretionary for Mineral prospecting and mineral exploration and discretionary for mineral extraction is considered appropriate for the effects in question to be considered. Controlled activity status is not considered appropriate for prospecting and exploration as it cannot be declined. A consenting pathway remains under the decisions version.
General Rural Zone (GRUZ) GRUZ-R17	GRUZ - R17 Mineral Extraction and Mineral Prospecting and Mineral Exploration not meeting Permitted Activity standards - Revert to notified (GRUZ - R18 and GRUZ-25) Restricted Discretionary Rule	Oppose Notified version (GRUZ-R18) was Controlled and RDA when compliance not achieved (GRUZ-25) Decision version (GRUZ - R17) is RDA with no change in status if compliance not achieved. Poutini Ngāi Tahu and TRoNT oppose this relief for three reasons: <ul style="list-style-type: none"> - A consenting pathway remains under the decisions version. - The loss of “Poutini Ngāi Tahu values” is not supported (in the decisions version, only matters of discretion (not control) mention historic heritage and Poutini Ngāi Tahu values. - Support Public Access and monitoring, reporting requirements.
Mineral Extraction Zone – Entire Chapter	Primary relief - amend the MINZ and all its provisions to restore what was initially included in the Proposed TTPP.	Oppose in part The TTPP Decisions version includes minor changes to wording in relation to Poutini Ngāi Tahu. Of particular concern, MINZ-P5 (previously MINZ-P6 in proposed version) as outlined in Poutini Ngāi Tahu submission would be lost. The TTPP Decisions version also removed original TTPP policy MINZ –P5 which allowed removal of significant indigenous vegetation or fauna habitat in whole or in part and adverse effects should be mitigated, remedied, offset or compensated to achieve no net loss in biodiversity values. If reinstated it might impact taonga species.
Mineral Extraction Zone MINZ - P1	Replace P1 as follows:	Oppose

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	<p>MINZ - P1 To identify and provide for significant mineral resources (where these are found in a discrete location) by identifying MINZ – Mineral Extraction Zones and applying provisions to facilitate discrete, long term mineral extraction activities.</p> <p><u>To provide for the existing lawfully established mineral extraction and processing activities in the MIN-Mineral Extraction Zone and the opportunities for reasonable growth and expansion to meet future demands, while managing adverse effects on the environment.</u></p>	<p>New policy wording has a wider ranging effect than the decision. It is unclear how it is envisaged that the TTPP will provide ‘opportunities’ for expansion and what is ‘reasonable growth and expansion’.</p>
<p>Mineral Extraction Zone</p> <p>MINZ- R5</p> <p>(Notified MINZ - R6)</p>	<p>MINZ - R5 - Revert rule to notified version (MINZ-R6) to provide a controlled activity status for Mineral Extraction not complying with permitted activity standards.</p>	<p>Oppose</p> <p>In the notified version of MINZ-R6, Mineral Prospecting and Exploration and mineral extraction were controlled activities. Mineral extraction and Ancillary Activities became RDA if controlled activity standards not met:</p> <ul style="list-style-type: none"> • MINZ R6 - Mineral Prospecting and Exploration, Mineral Extraction and Processing Activities and Ancillary Activities not meeting Permitted Activity Standards – Controlled • MINZ R7- Mineral Extraction and Ancillary Activities not meeting Controlled Activity Standards – RDA • There was no default activity status for mineral prospecting. <p>The TTPP Decisions version has removed ‘mineral extraction’ from the rule and made it an RDA, so it is no longer a controlled activity:</p> <ul style="list-style-type: none"> • MINZ R5 (was MINZ R6) Mineral Prospecting and Mineral Exploration and Ancillary Activities not meeting Permitted Activity Standards - Controlled • MINZ R6 (formerly MINZ R7) Mineral Prospecting, Mineral Exploration and Ancillary Activities not meeting Permitted Controlled Activity Standards and Mineral Extraction and Mineral Processing Activities - RDA <p>The TTPP Decisions version is appropriate given the difference in nature and scale of impact between exploration and actual mineral extraction. Also, The TTPP Decisions version default rule for Mineral Prospecting if controlled standards are not met (decision version MINZ R6 and was MINZ R7) which was missing from notified version.</p>
<p>Mineral Extraction Zone</p> <p>MINZ- R6</p> <p>(Formerly MINZ – R7)</p>	<p>MINZ - R6 Revert to notified version (MINZ-R7).</p>	<p>Oppose</p> <p>The relief conflicts with the Poutini Ngāi Tahu and TRoNT appeal on matter (j).</p> <p>The TTPP Decisions version is appropriate given the difference in nature and scale of impacts between exploration and actual mineral extraction. Also, the rule provides the default activity status for Mineral Prospecting if controlled standards are not met (decision version MINZ R6 and was MINZ R7), which was missing from notified version.</p> <p>The Poutini Ngāi Tahu and TRoNT submission also sought amendments to the wording within the notified matters of control in the notified version of MINZ –R6 (S260.266) and sought amendments to notified version of MINZ –R7.</p>

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Appendix Seven:	Remove in entirety.	Oppose
Mineral Extraction Management Plan	Can be dealt with via consent conditions. Duplication of requirements under Schedule Four RMA.	<p>It is not clear what consent conditions will be used instead of clearly setting out Management Plan requirements in the plan. The deletion of the Management Plan requirements is less certain for Plan users, and will not give sufficient guidance / clarity to the consent authority as to what is required.</p> <p>It is also unclear how Poutini Ngāi Tahu values will be addressed under this change.</p>