

In the Environment Court of New Zealand  
Christchurch Registry

ENV-2025-CHC-000102

I Mua I Te Koti Taiao o Aotearoa  
Ōtautahi Rohe

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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 **Birchfield Coal Mines Limited**  
Appellant

And **Te Tai O Poutini Plan Committee**  
Respondent

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## Notice of Bathurst Resources Limited and BT Mining Limited's wish to be party to proceedings

Dated: 2 February 2026

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To  
The Registrar  
Environment Court  
Christchurch

- 1 Bathurst Resources Limited (**'Bathurst'**) and BT Mining Limited (**'BT'**) wish to be a party to an appeal by Birchfield Coal Mines Limited (**'Appellant'**) in relation to decisions on the Proposed Te Tai o Poutini Plan (**'TTPP'**) (Court reference: ENV-2025-CHC-000102).
- 2 Bathurst and BT:
  - a Are persons who have an interest in the proceedings that is greater than the interest of the general public. Bathurst and BT currently own and operate coal mines within the Buller District. The Stockton Mine is currently operative and two further mines, the Mt William North and Coalbrookdale mines, are proposed to be developed in the future by Bathurst and BT. The Appellant's relief includes amendments to provisions that relate to the operation and development of these mines.
  - b Made a submission (number S491) and further submission (number FS89) about the subject matter of the proceedings.
- 3 Bathurst and BT are interested in all of the proceedings.
- 4 Bathurst and BT support the Appellant's relief sought, insofar as it is consistent with the relief sought in Bathurst and BT's appeal, submissions and further submissions and ensures the TTPP:
  - a Recognises the significance of the existing mining infrastructure and the mining and mineral resources on the West Coast and Buller Plateau to the local, regional, and national economies;
  - b Enables the existing and future coal mining of regionally and nationally significant coal deposits;
  - c 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 Act;
  - d Will meet the reasonably foreseeable needs of future generations;

- e Will enable the social, economic and cultural well-being of the people of the West Coast;
  - f Will give effects to the West Coast Regional Policy Statement; and
  - g Is the most appropriate way to achieve the objectives of the TTPP, in terms of section 32 of the Act.
- 5 Bathurst and BT agree to participate in mediation or other alternative dispute resolution of the proceedings.

**Dated: 2 February 2026**



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**Christina Sheard**  
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## Appendix A Bathurst and BT's positions

TABLE OF BATHURST AND BT'S POSITIONS		
PROVISION	POSITION	REASON
<p>Relationships between spatial layers – Rural Zone Descriptions</p>	<p>Support</p>	<p>The Appellant seeks to amend the Rural Zone Descriptions by including “mineral extraction and associated activities” as part of the predominant uses for Rural Zones.</p> <p>Bathurst and BT’s notice of appeal sought similar changes to provisions of the General Rural Zone on the basis that mineral extraction activities will not necessarily coincide with the boundary of the Buller Coalfield Zone and Mineral Extraction Zone. Extraction activities may also be required in Rural Zones as mineral deposits become known in rural locations.</p> <p>Bathurst and BT support the Appellant’s relief sought in relation to the Rural Zone Descriptions, insofar as the relief sought by the Appellant is consistent with the relief sought in Bathurst and BT’s appeal.</p>
<p>Relationships between spatial layers – Special Purpose Zone Descriptions – Mineral Extraction Zone</p>	<p>Support</p>	<p>The Appellant seeks to amend the Mineral Extraction Zone Description by inserting a fuller description that encompasses previously-occurring and anticipated extraction activities in areas where mineral resources are known to exist.</p> <p>Bathurst and BT’s notice of appeal sought amendments to other Mineral Extraction Zone provisions which similarly provide for existing mineral extraction activities.</p> <p>Bathurst and BT support the Appellant’s relief sought in relation to the Mineral Extraction Zone description, insofar as the relief sought by the Appellant is a consequential amendment in relation to the relief sought in Bathurst and BT’s appeal.</p>
<p>Relationship between spatial layers – Overlays – Significant Natural Areas</p>	<p>Support</p>	<p>The Appellant seeks to remove the caveat that not all Significant Natural Areas (<b>‘SNA’</b>) have been identified in Schedule Four of the TTPP. The Appellant’s requested relief is intended to reflect the definition of an SNA under the WCRPS.</p>

TABLE OF BATHURST AND BT'S POSITIONS

PROVISION	POSITION	REASON
Definition – Area of Significant Indigenous Biodiversity	Support	<p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p> <p>The Appellant seeks to delete or amend this definition to match the legal definition of SNA under the WCRPS.</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>
Definitions – Ancillary Activity	Support	<p>The Appellant seeks to amend this definition to explicitly mention mineral stockpiling, processing and transport when associated with Mineral Prospecting, Exploration and Extraction.</p> <p>Bathurst and BT's notice of appeal sought amendments to other Mineral Extraction Zone provisions which similarly provide for existing mineral extraction activities.</p> <p>Bathurst and BT support the Appellant's relief sought in relation to the Mineral Extraction Zone description, insofar as the relief sought by the Appellant is a consequential amendment in relation to the relief sought in Bathurst and BT's appeal.</p>
<p>Definitions:</p> <ul style="list-style-type: none"> <li>• Biodiversity Compensation</li> <li>• Biodiversity Offset</li> <li>• Ecological District</li> <li>• Effects Management Hierarchy</li> <li>• Indigenous Biodiversity</li> <li>• Net Gain</li> </ul>	Support	<p>The Appellant seeks to delete these definitions on the basis that they are unnecessary duplications of those contained in the NPSIB. If these definitions are retained, they should be updated to reflect the most recent version of the NPSIB.</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>

TABLE OF BATHURST AND BT'S POSITIONS

PROVISION	POSITION	REASON
<ul style="list-style-type: none"> <li>• Open Space Management Plan</li> <li>• Threatened Environments Classification</li> <li>• Threatened or At Risk/Threatened or At Risk (Declining)</li> </ul>		
Definitions – Energy Activity	Support	<p>The Appellant seeks to amend the definition of energy activity to include mineral extraction where that mineral is used for energy generation.</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>
Definitions – Existing Use Rights	Support	<p>The Appellant seeks to re-instate the definition of existing use rights. This generally accords with Bathurst and BT's notice of appeal seeking to make greater provision for established mineral extraction activities. Bathurst and BT support the Appellants requested relief insofar as it is consistent with the relief sought by Bathurst and BT.</p>
Definitions – Land Based Primary Production	Support	<p>The Appellant seeks to delete this definition on the basis that it is inconsistent with the definition of Primary Production, which includes mining and quarrying activities. The Appellant requests that references to 'Land based Primary Production' should be replaced with 'Primary Production' accordingly.</p> <p>This is similar to with the relief sought in Bathurst and BT's appeal as it relates to enabling mineral extraction within Rural Zones. Bathurst and BT support this relief requested by the Appellant insofar as it is consistent with Bathurst and BT's appeal.</p>

TABLE OF BATHURST AND BT'S POSITIONS

PROVISION	POSITION	REASON
Definitions – Lawfully Established	Support	<p>The Appellant seeks to remove the qualifier that this definition does not apply to mineral extraction activities where the resource consent or license has expired or lapsed.</p> <p>This is consistent with the relief sought under Bathurst and BT's appeal. Bathurst and BT support the Appellant's requested relief.</p>
Definitions – Significant Natural Area	Support	<p>The Appellant seeks to insert a reference to the NPSIB 2023 to ensure the most recent definition is being applied.</p> <p>Bathurst and BT support the Appellant's requested relief on the basis that Bathurst and BT also seek consistency between the TTPP provisions and higher order documents.</p>
Definitions - Wetland	Support	<p>The Appellant seeks to amend this definition so that it is consistent with the West Coast Regional Land and Water Plan.</p> <p>Bathurst and BT support the Appellant's requested relief on the basis that Bathurst and BT also seek consistency between the TTPP provisions and higher order documents.</p>
National Policy Statements and New Zealand Coastal Policy Statement	Support	<p>The Appellant seeks to update the references to higher order documents in this section to reflect the most up to date versions.</p> <p>Bathurst and BT support the Appellant's requested relief on the basis that Bathurst and BT also seek consistency between the TTPP provisions and higher order documents.</p>
National Environmental Standards	Support	<p>The Appellant seeks to delete this section on the basis that it is an unnecessary duplication.</p> <p>Bathurst and BT support the Appellant's requested relief on the basis that Bathurst and BT also seek consistency to reduce the unnecessary duplication of regulations.</p>

TABLE OF BATHURST AND BT'S POSITIONS

PROVISION	POSITION	REASON
Regulations	Support	<p>The Appellant seeks to delete this section on the basis that it is an unnecessary duplication.</p> <p>Bathurst and BT support the Appellant's requested relief on the basis that Bathurst and BT also seek consistency to reduce the unnecessary duplication of regulations.</p>
Strategic Directions Overview	Support	<p>The Appellant seeks to:</p> <ul style="list-style-type: none"> <li>Reinstate the provision which required all objectives and policies to be read in a manner consistent with the strategic directions;</li> <li>Amend item 2 to refer to 'managing' environmental quality rather than 'maintaining and enhancing';</li> <li>Amend item 4 to refer to 'managing' values rather than 'protecting'; and</li> <li>Insert a new item which recognises and provides for the continuation of existing mineral extraction and not inappropriately restricting development of the wider minerals industry</li> </ul> <p>Bathurst and BT are supportive of the Appellant's relief sought on the basis that it seeks to better enable mineral extraction.</p>
Land Based Primary Production Strategic Objectives	Support	<p>The Appellant seeks to Amend these strategic objectives in accordance with the requested relief to replace the term 'Land Based Primary Production' with 'Primary Production' as outlined above.</p> <p>Bathurst and BT are supportive of the Appellant's relief sought on the basis that it seeks to better enable mineral extraction.</p>
Climate Change and Resilience	Support	<p>The Appellant seeks to delete CCR-O2 on the basis that it relates to functions of the Regional Council, and that it will add complexity to coal-related resource consent applications. Instead, CCR-O2</p>

TABLE OF BATHURST AND BT'S POSITIONS

PROVISION	POSITION	REASON
Mineral Extraction	Support	<p>should be replaced with an objective to support industrial energy users to have access to local energy.</p> <p>This aligns with Bathurst and BT's appeal point requesting that rules related to mineral extraction activities be contained to the Buller Coalfields and Mineral Extraction Zone chapters to avoid unnecessarily constraints. To this end, Bathurst and BT support the replacement of CCR-O2.</p> <p>The Appellant further seeks to delete CCR-P5, stating there is a need to further consider the economic viability of alternative energy sources and greenhouse gas emission reductions.</p> <p>This aligns with Bathurst and BT's appeal point concerning the enablement of social, economic, and cultural wellbeing of the people of the West Coast, particularly as it relates to the benefits of a greater enablement of mineral extraction. Bathurst and BT support the requested deletion of CCR-O5 insofar as it relates to Bathurst and BT's appeal.</p> <p>The Appellant seeks the following amendments to the Mineral Extraction Strategic Objectives:</p> <ul style="list-style-type: none"> <li>• Amend MIN-O1 to refer to supporting the use and development of mineral resources;</li> <li>• Amend MIN-O1 to refer to avoiding the duplication of regulations;</li> <li>• Reinstatement of MIN-O2 – O5 as notified;</li> <li>• Reinstatement of MIN-O6 as notified with included provisions for offsetting and compensation; and</li> <li>• Amend MIN-P1 to explicitly enable mineral extraction activities in Natural Open Space Zones</li> </ul> <p>This aligns with Bathurst and BT's original submission S491 which requested to retain MIN-O2 – O5 and amend MIN-O6 to provide for offsetting</p>

TABLE OF BATHURST AND BT'S POSITIONS

PROVISION	POSITION	REASON
Natural Environment	Support	<p>and compensation. This was because the objectives set a clear direction and support for the contribution of mineral extraction to the wider wellbeing of the West Coast and New Zealand.</p> <p>Bathurst and BT support the Appellant's requested relief insofar as it aligns with Bathurst and BT's reasoning behind its original submission.</p> <p>The Appellant seeks to delete NENV-O1, O2, P1 and P2 and to reinstate NENV-O1 – O4 as notified.</p> <p>Alternatively, the Appellant seeks that:</p> <ul style="list-style-type: none"> <li>• NENV-O1 be reinstated as notified;</li> <li>• NENV-O3 be changed to recognising and providing for a wide range of activities to occur;</li> <li>• NENV-P2 be amended to recognise that mineral extraction activities occur throughout the West Coast, including in conservation areas, and that the activities are not mutually exclusive.</li> </ul> <p>Bathurst and BT also sought amendments to the NENV objectives which would better provide for established mineral extraction activities as well as recognising the contribution of mineral extraction to the wellbeing of the West Coast. Bathurst and BT support the Appellant's requested relief insofar as it is consistent with the relief sought in Bathurst's appeal.</p>
Energy	Support	<p>The Appellant seeks the following amendments to the energy chapter:</p> <ul style="list-style-type: none"> <li>• The deletion of ENG-P11;</li> <li>• Amendments to ENG-R9 which permit the use of back up generators more widely; and</li> <li>• Changing the activity status of non-renewable electricity generation from Non-complying to Discretionary.</li> </ul>

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PROVISION	POSITION	REASON
Infrastructure	Support	<p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p> <p>The Appellant seeks to delete INF-R11 to permit the use of back up generators more widely</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>
Transport	Support	<p>The Appellant seeks to include the Mineral Extraction Zone in the overlay chapters which supersede the Transport chapter provisions on the basis that transport is an ancillary activity to most mineral extraction activities.</p> <p>Bathurst and BT's notice of appeal sought the same amendments to the Buller Coalfield Zone as well as mineral extraction activities in the General Rural and Open Space Zones. This is on the basis that the measure of "equivalent car movements" employed by the transport chapter is not workable for mining operations.</p> <p>Bathurst and BT support the Appellant's requested relief insofar as it is consistent with the relief sought in Bathurst and BT's appeal.</p>
Hazardous Substances	Support	<p>The Appellant seeks to amend the chapter to refer to update guidance under the Health and Safety at Work (Hazardous Substances) Regulations.</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>
Historic Heritage	Support	<p>The Appellant seeks amendments to HH-P6 which would allow consideration of the functional and operational need for mineral extraction when determining whether to relocate historic heritage items.</p> <p>Bathurst and BT are similarly concerned with the need to consider the operational and functional need</p>

TABLE OF BATHURST AND BT'S POSITIONS

PROVISION	POSITION	REASON
Ecosystems and Indigenous Biodiversity	Support	<p>for mineral extraction, as mentioned in their notice of appeal. Bathurst and BT therefore supports the Appellant's requested relief.</p> <p>The Appellant further seeks to amend HH-M4 to require the assessment and listing of archaeological sites under Schedule One to occur as part of the plan change process, rather than subsequent to it.</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p> <p>The Appellant seeks the following relief in relation to the ECO chapter:</p> <ul style="list-style-type: none"> <li>• Removal of the reference to the WCRPS Appendix 1 criteria for establishing SNAs, which should instead be mapped;</li> <li>• Removal of the reference to Te Mana o te Taiao on the basis that the NPSIB is more appropriate;</li> <li>• Include Mineral Extraction Zone chapter as being part of the relevant TTPP provisions which impact the ECO chapter rules;</li> <li>• Retain the objectives and policies as notified (except for the new ECO-P11); and</li> <li>• Better recognition of offsetting and compensation after avoidance, remedying, and mitigation has been applied.</li> </ul> <p>Bathurst and BT has sought similar relief in their notice of appeal. Particularly as it relates to Mineral Extraction and Buller Coalfield zone provisions applying over the standard ECO chapter rules, and providing greater recognition of offsetting and compensation.</p> <p>Bathurst and BT support the Appellant's requested relief insofar as the relief sought is consistent with the relief sought in Bathurst and BT's appeal.</p>

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PROVISION	POSITION	REASON
Natural Character and Margins of Waterbodies	Support	<p>[go over alternative relief?]</p> <p>The Appellant seeks amendments to the objectives and policies that allow for mineral extraction activities within the margins of waterbodies where there is an functional and operational need to do so. The Appellant also seeks to amend the rules to permit earthworks associated with mineral extraction within the margins of waterbodies outside of SNAs.</p> <p>Bathurst and BT requested similar relief concerning the inclusion of the operational and functional need for mineral extraction in relation to waterbodies.</p> <p>Bathurst and BT support the Appellants requested relief insofar as it is consistent with the relief sought in Bathurst's appeal.</p>
Natural Features and Landscapes	Support	<p>The Appellant seeks to amend the NFL chapter to:</p> <ul style="list-style-type: none"> <li>• State that outstanding natural features/landscapes may include mineral extraction activities;</li> <li>• Include the Mineral Extraction Zone as part of the relevant TTPP provisions;</li> <li>• Include mineral extraction and/or primary production under NFL-P2;</li> <li>• Provide for offsetting and compensation options under NFL-P3;</li> <li>• Include reference to mining activities under NFL-P4; and</li> <li>• Include the General Rural Zone and Open Space Zones in relation to NFL-R11.</li> </ul> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>
Coastal Environment	Support	<p>The Appellant seeks to include mineral extraction in relation to CE-R11, R16, and R18 (which pertains to earthworks).</p>

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PROVISION	POSITION	REASON
Earthworks	Support	<p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p> <p>The Appellant seeks to amend the various earthworks chapter rules such that they do not apply to mineral extraction activities and ancillary activities outside of the Mineral Extraction Zone.</p> <p>Bathurst and BT's appeal has requested similar amendments to remove earthworks limits for mineral extraction activities in relation to the rural and open space zone chapters.</p> <p>Bathurst and BT support the Appellants requested relief insofar as it is consistent with the relief sought in Bathurst and BT's Appeal.</p>
Open Space and Recreation Zones	Support	<p>The Appellant seeks to amend the Open Space and Recreation Zone chapter overview to state that it supports a range of mineral extraction activities, as does the Natural Open Space Zone.</p> <p>The Appellant further seeks to amend OSRZ-O1 and OSRZ-P2 to accommodate for mineral extraction while deleting OSRZ-P15 and P22.</p> <p>Bathurst and BT's notice of appeal seeks similar changes to how mineral extraction is provided for under this chapter by making targeted amendments of OSRZ-P15. Bathurst and BT support the requested relief by the Appellant to the extent that it is consistent with the relief sought by Bathurst and BT in their appeal.</p>
Natural Open Space Zone	Support	<p>The Appellant seeks to include provisions in this chapter to enable mineral extraction and quarrying, including changing the activity status from Non-complying to Discretionary</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>

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PROVISION	POSITION	REASON
Open Space Zone	Support	<p>The Appellant seeks to amend this chapter by reinstating OSZ-R10 as notified to better enable mineral extraction within the zone</p> <p>Bathurst and BT's appeal also requests that OSZ-R10 be amended to better enable mineral extraction by deleting the standards pertaining to earthworks and rifle ranges.</p> <p>Bathurst and BT support the Appellant's requested relief insofar as it is consistent with the relief sought by Bathurst and BT.</p>
Rural Zones	Support	<p>The Appellant seeks to delete RURZ-P23 on the basis that it is a duplication of Schedule Four of the RMA.</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>
General Rural Zone		<p>The Appellant seeks to reinstate the non-complying activity status of mineral extraction to what was originally notified. The Appellant further seeks that the discretionary activity rules related to mineral extraction, prospecting and exploration also be reinstated to what was notified.</p> <p>Bathurst and BT's appeal also sought to reinstate the non-complying activity status of mineral extraction to as notified.</p> <p>Bathurst and BT's appeal also sought the deletion of permitted activity standards for mineral extraction, prospecting and exploration.</p> <p>Bathurst and BT supports the Appellant's requested relief insofar as it is consistent with the relief sought by Bathurst and BT.</p>
Mineral Extraction Zone	Support	<p>The Appellant seeks to reinstate the MINZ chapter overview and provisions as notified. The Appellant also seeks additional amendments to MINZ-P1 to</p>

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PROVISION	POSITION	REASON
Schedule Nine: Lawfully Established Mineral Extraction and Processing Areas	Support	<p>provide for existing mineral extraction and reasonable growth and expansion.</p> <p>Bathurst and BT in their appeal have also requested that the MINZ provisions be amended to become more enabling and to better account for existing activities.</p> <p>Bathurst and BT support the Appellant's requested relief insofar as it is consistent with the relief sought by Bathurst.</p> <p>The Appellant seeks to reinstate this schedule in order to avoid established activities being assessed at the time of consenting.</p> <p>Bathurst and BT have also sought for this schedule to be reinstated in their appeal and support the Appellants requested relief as a result.</p>
Appendix Seven: Mineral Extraction Management Plan	Support	<p>The Appellants seek to remove this appendix entirely on the basis that it can be dealt with as part of consent conditions when needed.</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>
Appendix Thirteen: Principles and Process for Significant Natural Area Identification	Support	<p>The Appellants seek to remove this appendix entirely on the basis that it is inconsistent with the pause on SNA identification pursuant to NPSIB amendments.</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>
Appendix Fourteen: Principles for Biodiversity Offsetting	Support	<p>The Appellants seek to remove this appendix entirely on the basis that it is a duplication of NPSIB regulations and that a reference to the NPSIB will be sufficient</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>

TABLE OF BATHURST AND BT'S POSITIONS

PROVISION	POSITION	REASON
Appendix Fifteen: Principles for Biodiversity Compensation	Support	<p>The Appellants seek to remove this appendix entirely on the basis that it is a duplication of NPSIB regulations and that a reference to the NPSIB will be sufficient</p> <p>Bathurst and BT support the relief sought by the Appellant on the basis that they have a greater interest in this appeal than the general public.</p>