

IN THE ENVIRONMENT COURT
AT CHRISTCHURCH
I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHĪ

Decision No. [2026] NZEnvC 245

IN THE MATTER

of the Resource Management Act 1991

AND

an appeal under clause 14 of the First
Schedule of the Act

BETWEEN

BIRCHFIELD COAL MINES
LIMITED

(ENV-2025-CHC-103)

Appellant

AND

TE TAI O POUTINI PLAN
COMMITTEE

Respondent

Environment Judge K G Reid – sitting alone under s279 of the Act

In Chambers at Christchurch

Date of Consent Order: 21 September 2026

CONSENT ORDER

A: Under s279(1)(b) RMA,¹ the Environment Court, by consent, orders that:

- (1) the appeal is allowed to the extent that the changes shown in Appendix A are made to the Te Tai o Poutini Plan;
- (2) Topic 20: Mineral Extraction Zone Subtopic remains open; and



¹ Resource Management Act 1991.

(3) the appeal remains open.

B: Under s285 RMA, there is no order as to costs.

REASONS

Introduction

[1] This proceeding concerns an appeal by Birchfield Coal Mines Limited (BCML) against the decision of the Te Tai o Poutini Plan Committee on the Te Tai o Poutini Plan (TTPP).

[2] I have read and considered the consent memorandum of the parties dated 11 September 2026 which proposes to resolve the appeal in part.

Agreement reached

[3] BCML appealed in respect of the zoning applied to its land at Giles Creek, including Section 9-11 Block V Reefton Survey District (Giles Creek Land). This appeal point was allocated to Topic 20: Mineral Extraction – Mineral Extraction Zone Subtopic. The parties have reached agreement on the basis on which this appeal point can be resolved. The remaining appeal points in Topic 20: Mineral Extraction – Mineral Extraction Zone Subtopic remain unresolved.

[4] In the notified version of the TTPP, the Giles Creek Land was identified as part of the Mineral Extraction Zone.

[5] Evidence presented at the hearing confirmed that the Giles Creek Land was not subject to any Coal Mining Licence or Ancillary Coal Mining Licence or resource consents authorising mining activities. As a result of this evidence, the s42A report writer recommended that the Mineral Extraction Zone be reduced over this area and only applied to the areas where there were existing mining authorisations. This recommendation was accepted by the Hearings Panel and

ultimately the TTPP Committee.

[6] The decision in respect of the Mineral Extraction Zone that applied at Giles Creek was:

MINZ 14 – Giles Creek: Amend zone boundary to exclude areas to the east that have no associated authorisations, as shown in Appendix 1p of the Right of Reply, and any areas excluded from MINZ adopt the adjacent zoning.

[7] In the decisions version of the TTPP, part of the land that was excluded from the MINZ was zoned General Rural Zone and the Giles Creek Land was zoned Natural Open Space Zone. It was not clear in the decision why different zones were applied to the different parcels of land owned by BCML.

[8] In their appeal, BCML sought that the Natural Open Space Zone be removed from the Giles Creek Land and to provide for Mineral Extraction on the land.

[9] BCML has confirmed that it owns the Giles Creek Land and that there are no current permissions for mining on the site.

[10] The parties agreed at mediation that the Giles Creek Land should be zoned General Rural Zone.

[11] The overview for the Natural Open Space Zone makes clear that it is intended to apply to publicly owned land:

The purpose of the NOZ – Natural Open Space Zone is to recognise and provide for open spaces that contain high natural, ecological and landscape values. The zone also applies to a variety of parks and reserves, coastal and riverside esplanade reserves, scenic reserves, local purpose reserves and recreation reserves.

This zone also applies to large areas of public conservation land – specifically gazetted national parks and scientific reserves, as well as areas classified within the Department of Conservation reserve classification system as Wildlife Management

Areas and Specifically Protected Areas.

[12] It was not intended to apply to private land, and the rules are directed at the types of development that might happen on public land and are very unlikely to occur on private land.

[13] Other private land adjoining Giles Creek Land is zoned General Rural Zone. The parties therefore considered that General Rural Zone was the more appropriate zoning to apply to the Giles Creek Land and that this zoning was consistent with the Committee's decision.

Other relevant matters

[14] The following parties gave notice of an intention to become interested parties to the appeal under s274 RMA, and have signed the memorandum setting out the relief sought:

- (a) Bathurst Resources Limited and BT Mining Limited;
- (b) Birchfields Ross Mining Limited;
- (c) BRM Developments Limited;
- (d) Buller District Council;
- (e) Director-General of Conservation;
- (f) Royal Forest and Bird Protection Society of New Zealand Incorporated;
- (g) New Zealand Minerals Council;
- (h) Tāiko Critical Minerals Limited;
- (i) Tasman Mining Limited; and
- (j) Westpower Limited.

[15] The consent memorandum records the parties' assurances that all matters proposed for the court's endorsement fall within the court's jurisdiction and conform to the relevant requirements and objectives of the Act including, in particular, Pt 2.

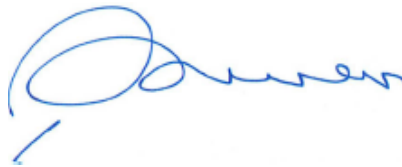
[16] No party seeks costs, all parties agreeing that costs should lie where they fall.

Orders

[17] The court makes this order under s279(1) RMA, by consent, rather than as a decision or determination on the merits under s297.

[18] The court understands, for present purposes, that all relevant parties to the proceeding have executed the memorandum requesting the orders.

[19] Based on the information provided, the court is satisfied that the orders will promote the purpose of the RMA. Accordingly, the appeal is allowed to the extent that the changes shown in Appendix A are made to the Te Tai o Poutini Plan.



K G Reid
Environment Judge

Appendix A – Changes to the TTPP

Amend the zoning of Section 9-11 Block V Reefton Survey District:

Amend the zoning of the part of the land held in Record of Title NL122/215 shown below with an “x” by removing the Natural Open Space zoning (shown in Green) and zone the land General Rural Zone.

