IN THE ENVIRONMENT COURT
AT CHRISTCHURCH

I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI

Decision No. [2026] NZEnvC 251

IN THE MATTER	of the Resource Management Act 1991
AND	appeals under clause 14 of the First Schedule of the Act
BETWEEN	BIRCHFIELD COAL MINES LIMITED
	(ENV-2025-CHC-103)
	and others listed in Appendix A
	Appellants
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: 24 September 2026

CONSENT ORDER

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

[1] Resource Management Act 1991.

(1) the appeals are allowed to the extent that the changes shown in Appendix B are made to the Te Tai o Poutini Plan;

(2) Topic 1: Hazardous Substances and Contaminated Land is resolved in full; and

(3) the appeals are otherwise dismissed.

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

REASONS

Introduction

[1] These proceedings concern appeals by Birchfield Coal Mines Limited (BCML), Tāiko Critical Minerals Limited (Tāiko), and Buller Conservation Group (BCG) against the decision of the Te Tai o Poutini Plan Committee on the Te Tai o Poutini Plan (TTPP).

Agreement reached

[2] I have read and considered the consent memorandum of the parties dated 17 September 2026 which proposes to resolve the appeal points allocated to Topic 1: Hazardous Substances and Contaminated Land.

Hazardous Substances Overview

[3] BCML and BCG sought changes to the Overview of the Hazardous Substances Chapter.

[4] BCML sought that the Overview be amended to refer to workplace controls over Hazardous Substances being applied via the Health and Safety at Work (Hazardous Substances) Regulations 2016.

[5] The parties to BCML's appeal agree to add the following sentence to the

Overview: "Workplace controls over hazardous substances are applied via the Health and Safety at Work (Hazardous Substances) Regulations 2016."

[6] BCG sought that guidance regarding agrichemicals be added to the Overview. The parties to BCG's appeal agree to add the following into the second paragraph of the Overview after working situations ", including discharge of agrichemicals to land, water and air."

GRUZ – R1

[7] The parties to BCG's appeal also agree that as a result of the changes agreed to the Hazardous Substances Overview, a consequential change is required to GRUZ – R1 to add an additional advice note as follows:

> Agrichemicals: The adverse effects of the use and discharge of agrichemicals are managed in the Regional Land and Water Plan, which should be referred to for such activities.

[8] While GRUZ – R1 is subject to other appeals allocated to Topic 26: Rural Zones (that have yet to be mediated), none of these other appeal points impact on the relief agreed in relation to GRUZ – R1 in relation to BCG's appeal point allocated to this topic. On that basis, the parties consider that this appeal, including the consequential relief to GRUZ – R1, can be agreed at this time.

HS-P3

[9] As a result of discussion at mediation, Tāiko confirmed that it would no longer pursue its appeal point on HS-P3, which they now agree to withdraw.

[10] There are no appeal points that remain outstanding in respect of Topic 1.

Other relevant matters

[11] The following parties gave notice of an intention to become interested

parties to the appeals under s274 RMA, and have signed the memorandum setting out the relief sought:

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

[12] New Zealand Coal and Carbon withdrew their interest in the Topic 1 appeal points prior to mediation.

[13] 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.

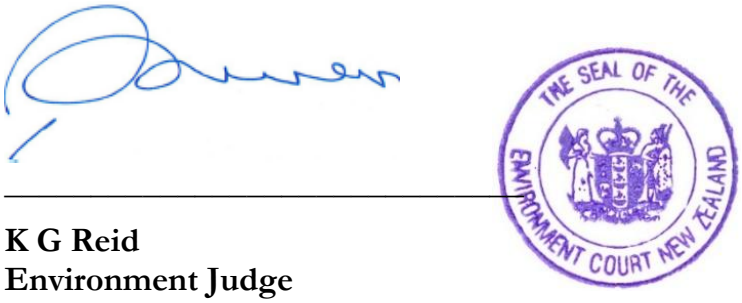
[14] No party seeks costs, all parties agreeing that costs should lie where they fall.

Orders

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

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

[17] 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 B are made to the Te Tai o Poutini Plan.



K G Reid
Environment Judge

Appendix A – List of appellants and section 274 parties

Appellants

(ENV-2025-CHC-000103) Birchfield Coal Mines Limited

(ENV-2025-CHC-000108) Tāiko Critical Minerals Limited

(ENV-2025-CHC-000125) Buller Conservation Group

Section 274 parties

Bathurst Resources Limited & BT Mining Limited

Birchfield Coal Mines Limited

Birchfields Ross Mining Limited

BRM Developments Limited

Buller District Council

Director-General of Conservation

New Zealand Agricultural Aviation Association

New Zealand Minerals Council

Royal Forest and Bird Protection Society of New Zealand Incorporated

Tāiko Critical Minerals Limited

Tasman Mining Limited

Westpower Limited



Appendix B – Changes to the TTPP

Where provisions are amended, additions are shown in underline and deletions are shown in ~~strikethrough~~.

Amend the Hazardous Substances Overview to read:

HS Hazardous Substances – Ngā Matū Mōrearea

Overview

Hazardous substances are used for many agricultural, industrial and some domestic activities. Hazardous substances of various kinds are in widespread use on Te Tai o Poutini/the West Coast and for some activities are an essential part of everyday life. By their nature, hazardous substances carry an inherent risk of adverse effects on people and the environment, should an accident occur, with the risk greater at major hazard facilities.

The Hazardous Substances and New Organisms Act 1996 (HSNO) and related regulations are the principal legislation controlling the introduction, manufacture, use, storage and disposal of hazardous substances. Workplace controls over hazardous substances are applied via the Health and Safety at Work (Hazardous Substances) Regulations 2016. The District Councils have limited powers and responsibilities under HSNO, which is administered by other agencies, including the West Coast Regional Council particularly in terms of the use and application of hazardous substances in working situations, including discharge of agrichemicals to land, water and air.

The chapter contains an objective and policies, which will be referenced when resource consents are applied for activities that involve hazardous substances (for example in relation to natural hazards).

Amend GRUZ – R1 to insert new Advice Note 3 as follows:

GRUZ – R1 Agricultural, Pastoral or Horticultural Activities, and Buildings and structures

…

Advice Notes:

1. If land is used for disposal of effluent or solid waste then there may be rules in the Regional Air Plan and Regional Land and Water Plan administered by West Coast Regional Council.

2. Quarrying activity within the Pounamu and Aotea Management Areas is subject to Rule SASM - R7.

3. Agrichemicals: The adverse effects of the use and discharge of agrichemicals are managed in the Regional Land and Water Plan, which should be referred to for such activities.

