

9 RMA APPROVALS STATUTORY ASSESSMENT

9.1 RELEVANT STATUTORY ASSESSMENT

In assessing applications, Panels are to give the greatest weight to the purpose of the FTAA, which is “to facilitate the delivery of infrastructure and development Projects with significant regional and national benefits”. Section 81(4) of the FTAA states that, when taking into account the purpose of the FTAA, the Panel must consider the extent of the Project’s regional or national benefits. Where a substantive application is made, the approval process set out in the FTAA applies instead of the processes provided for under other legislation.⁶⁵

When considering resource consents, the relevant planning instruments remain matters to which the Panel must have regard; however, consistency with them (or otherwise) is not determinative. Having regard to those instruments alongside the Project’s benefits, effects management, and the enforceable mitigation and compensation measures proposed, any identified policy or plan inconsistencies do not, of themselves, preclude the granting of approvals under the FTAA.

9.2 REQUIREMENTS FOR A SUBSTANTIVE APPLICATION FOR A RESOURCE CONSENT

Section 43 of the Act sets out that a substantive application for a resource consent and for a change of resource consent condition must include the information required by Clauses 5 to 10 of Schedule 5 of the FTAA. Schedule 5 of the FTAA sets out the information requirements for a substantive application for approvals required under the RMA. This includes:

Requirement	Where addressed
A description of the proposed activity, including a description and map of the proposed location	This is addressed in Chapter A.4 of the application.
Confirmation that the application complies with section 46(2)(a), (b), and (d)	In accordance with section 46 of the FTAA, this substantive application for the BPCP: > Has been developed to adhere to the requirements of section 42 of the FTAA; > Includes all of the information listed in section 43 of the FTAA, and is specified in sufficient detail to satisfy the purpose

⁶⁵ Section 40 of the FTAA.

Requirement	Where addressed
	for which it is required in accordance with section 44 of the FTAA; > Is for a listed Project; > The Project does not involve an ineligible activity; and > Bathurst has paid all fees, charges, or levies for the processing of this substantive application.
The full name and address of each owner of the site and of land adjacent to the site, and each occupier of the site and of land adjacent to the site whom the applicant is unable to identify after reasonable inquiry	This is addressed in Part H to these application documents.
A description of any other activities that are part of the proposal to which the consent application relates	Chapter A.4 contains a detailed description of all aspects of the BPCP.
A description of any other resource consents, notices of requirement for designations, or alterations to designations required for the Project to which the consent application relates	A description of the resource consents required is included in Chapter A.8 of the application. There are no notices of requirement for designations, or alterations to designations required for the Project.
An assessment of the activity against sections 5, 6 and 7 of the RMA	An assessment of the Project against the purpose and principles of the RMA is set out in Section 9.3 .
An assessment of the activity against any relevant provisions of the following documents: > A national environmental standard; > Other regulations made under the RMA; > A national policy statement; > A regional policy statement or proposed regional policy statement; > A plan or proposed plan; and > Iwi management plans.	This Project is assessed against the provisions of these documents in Sections 9.7 – 9.15 & 9.16 .

Requirement	Where addressed
Information about Treaty settlements that apply in the area covered by the consent application	Information about Treaty settlements that apply in the area is included in Section 9.16.3 .
A list of any relevant customary marine title groups, protected customary rights groups, or applicants under the Marine and Coastal Area (Takutai Moana) Act 2011	Not applicable to the BPCP.
The conditions that the applicant proposes for the resource consent	A suite of conditions is included in Part E to these application documents.
A copy of the notice required under section 30 of the FTAA	A copy of the letters from BDC and WCRC is included in Part F to these application documents.
An assessment of the Project's effects on the environment	Chapter A.6 and the technical assessments provided in Part B of these application documents provide a comprehensive assessment of the BPCP's effects on the environment.
If a permitted activity is part of the proposal to which the consent application relates, a description that demonstrates that the activity complies with the requirements, conditions, and permissions for the permitted activity (so that a resource consent is not required for that activity under section 87A(1) of the RMA)	Activities that comply with the requirements, conditions and permissions of a permitted activity are identified in Appendix 8.A of the application documents.

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The following sections of this report address the relevant statutory planning matters required to be addressed by Schedule 5 of the FTAA.

9.3 PART 2 OF THE RESOURCE MANAGEMENT ACT 1991

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Clause 5(1)(g) of Schedule 5 of the FTAA requires an assessment of the Project against sections 5, 6 and 7 of the RMA. It is noteworthy that while promoting sustainable management is the purpose and focus of sections 5, 6 and 7 of the RMA, that is not the purpose of the FTAA, and sustainable management considerations must be given less

weight in the Panel’s overall evaluation than facilitating the delivery of infrastructure and development Projects with significant regional or national benefits.⁶⁶

In this regard, the BPCP will enhance the social and economic well-being of the Buller and West Coast District by providing additional, sustained employment and generating significant benefits for the local, regional, and national economy. This is discussed further in **Chapter A.6** of the application and in both the Economic Impact Assessment and Social Impact Assessment undertaken by AIGIS Group (AIGIS Group, 2026a & 2026b) included in **Part B**.

It is considered that, with the environmental mitigations, management and monitoring proposed as part of the Project (including through its wider REP, the BPCP will, to the extent practicable, safeguard the life-supporting capacity of air, water, soil and ecosystems (section 5(2)(b) RMA).

The avoidance, remediation or mitigation of adverse effects does not require that there be no residual effects on the environment. Instead, section 5(2)(c) of the RMA contemplates adverse effects, the acceptability of which depends on and needs to be assessed in the context of each application. **Chapters A.6 and A.7** of the application detail the measures proposed to manage the residual effects of the Project on the environment and the well-being of people, in accordance with section 5 of the RMA.

The implementation of these measures is secured by the proffered conditions, which have been prepared in consultation with mana whenua, DOC, BDC and the WCRC to ensure they are appropriately robust.

The relevant matters in sections 6 and 7 of the RMA, which must be taken into account, are discussed below.

9.3.1 Section 6(a) – Natural Character of the Coastal Environment, Wetlands, Lakes, Rivers and their Margins

Section 6(a) of the RMA relates to the preservation of the natural character of the coastal environment, wetlands, lakes, rivers and their margins from inappropriate use and development. Of relevance to the BPCP:

- > The Ngākawau Rail Loadout is within a coastal environment area overlay (but outside any outstanding coastal environment area or high coastal natural character area overlay as defined in TTPP);

⁶⁶ Clause 17, Schedule 5, of the FTAA.

- > ESE, the UWHR and parts of the Denniston North and Coalbrookdale pest-exclusion areas are within Schedule 2 wetlands;
- > The Project impacts several streams and their margins as described in the Aquatic Ecology AEE undertaken by Earth Sciences NZ (ESNZ, 2026a); and
- > Natural inland wetland vegetation groups have been identified across the Stockton and Denniston Plateau, as confirmed in the Terrestrial Ecological Impact Assessment (EcoLogical Solutions, 2026a).

There are two aspects of section 6(a) of the RMA requiring consideration: the first is the requirement to recognise and provide for the preservation of the natural character of the coastal environment, wetlands, lakes, rivers, and their margins; and the second is whether the BPCP constitutes an inappropriate development.⁶⁷

Overall, the BPCP is not considered to be an inappropriate development in the context of section 6(a) of the RMA. The coastal environment overlay applies only to the Ngākawau Rail Loadout, an existing, long-established facility within the coastal environment. The Project does not propose any physical changes to the existing built development at Ngākawau, and the nature of activities at the site will remain unchanged.

The anticipated effects on the broader coastal marine area (“**CMA**”) are expected to be minimal. In the Stockton Sub-Area, contaminants are treated upstream before discharge, and the Project aims to maintain and gradually improve the water quality of the Ngākawau River, which flows into the sea. The proposed water quality limits for the other Project Sub-Areas take a protective approach, ensuring that downstream CMA values are not adversely affected. As a result, the existing natural character of the coastal environment, as far as it is influenced by the Project, will be preserved.

With respect to the preservation of the natural character of wetlands, lakes and rivers and their margins, there are several wetlands and streams that will either be unavoidably lost or significantly altered in the ESE and MFS Sub-Areas (e.g. Conglomerate, Trent, V40 and Billo Stream tributary, etc.). However, lost headwater streams and habitats will be progressively replaced, and streams and wetlands of very high ecological value, such as the Billo Stream tarn below MFS and the headwaters of Conglomerate Stream on the Denniston Plateau, have been avoided. The REP for the Project also encompasses a range of measures designed to achieve, as far as practicable, no net loss of aquatic ecosystem function. Such measures include the restoration of degraded streams beyond the immediate Project

⁶⁷ Whether the BPCP constitutes inappropriate development is also relevant to the Panel’s assessment of sections 6(b), (c) and (f) of the RMA.

disturbance footprint and the enhancement of aquatic habitats in the wider region, including the establishment of constructed wetlands over various vegetation types to reinstate wetland areas in suitable locations. These initiatives, developed in accordance with the consent conditions, aim to provide alternative forms of remediation or ecological benefits to counterbalance the residual adverse effects of the Project on the natural character of wetlands and streams.

Overall, while the BPCP will result in some unavoidable modifications to wetlands, streams, and their margins, it is not considered inappropriate in the context of section 6(a) of the RMA. This is because the Project has avoided the highest-value aquatic features where practicable, incorporates progressive reinstatement and rehabilitation measures, and is supported by a substantial REP directed toward maintaining aquatic ecosystem function and natural character at a broader landscape scale. As described in the residual effects management report (Alliance Ecology, 2026), that residual effects management package includes site-specific stream and wetland reinstatement, fish passage remediation, long-term predator and browser control, weed management, pest-exclusion fenced areas and active management of high-value wetland and terrestrial landscapes. These measures are intended to run over multi-decade timeframes and, while they do not eliminate all adverse effects or fully replace every affected wetland or stream value on a like-for-like basis, they materially strengthen the Project's overall response to residual effects on wetlands, lakes, rivers and their margins. In these circumstances and having regard to the measures secured through the proposed consent conditions, the residual effects on wetlands, lakes, rivers and their margins are appropriately managed.

9.3.2 Section 6(b) – Outstanding Natural Landscapes and Features

Section 6(b) of the RMA relates to the protection of outstanding natural features and landscapes from inappropriate use and development. The Project has been developed to minimise the adverse effects on outstanding landscape values as assessed in the Landscape Assessment undertaken by Rough Milne Mitchell Landscape Architects (RMMLA, 2026), with only small portions of the BPCP affecting ONLs (as defined in TTPP), as shown in the plans provided in **Part D** and as described below:

- > Approximately 4.6ha of the existing aerial ropeway is within ONL-51;
- > Approximately 7.3ha of the UWHR passes through ONL-49;
- > Approximately 9.4ha of MFS (East Pit) is within ONL-50; and
- > Approximately 2.3ha of the ESE Project area (at the southern end) is within ONL-41.

125 In terms of the Denniston-Waimangaroa ONL (ONL-50), it is assessed that the proposed alterations to the skyline and removal of ridgeline forest will not appreciably diminish the remaining components that contribute to this ONL, which will remain largely intact (RMMLA, 2026).

130 In terms of Te Paparoa Range east and Mt William Range ONL (ONL41) and the Orikākā River Valley ONL (ONL-49), the disturbance area in these ONLs is relatively minor and will not appreciably diminish the remaining landscape values, which will remain largely intact.

135 In terms of the effects of the Project on the Ngākawau River Valley ONL (ONL-51), only the Aerial Ropeway (and a small portion of the maintenance road) encroaches into this overlay. The Aerial Ropeway (and maintenance road) already forms part of the existing environment, and Bathurst is not proposing to undertake any activities that would change the existing landscape values in this ONL.

The magnitude of effects on outstanding natural features and landscapes is assessed by RMMLA (2026) and will vary depending on the Sub-Area, Project phase, and timeframes as summarised below:

- 140
- > Stockton – there will be low-moderate effects on landscape values at mine closure and post-rehabilitation, reducing to no adverse effects long term;
 - > MFS – there will be very high adverse effects on landscape values initially, reducing to moderate -high at mine closure and post-rehabilitation, and reducing to very low – low in the medium to long-term;
 - > ESE – there will be very high adverse effects during extraction operations, reducing to moderate– high at mine closure and post-rehabilitation, with adverse effects reducing further to very low to no adverse effects in the medium to long-term; and
 - > UWHR – there will be moderate effects on perceptual landscape values, reducing to no long-term adverse effects, with the potential to achieve net recreational benefits.
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150 The adverse effects of the Project on outstanding natural features and landscapes will also reduce over time as natural processes of erosion, colonisation and canopy cover establish, with adverse effects ranging between ‘no ’ to ‘very low’ across all Project Sub-Areas in the medium to long term.

Guidance as to whether the Project is an inappropriate development in the context of section 6(b) of the RMA is provided in the RPS,⁶⁸ which contains Objectives and Policies that

⁶⁸ RPS Chapter 7B Policy 3.

155 recognise the role of resource use and development on the West Coast and its contribution
to enabling people and communities to provide for their social, economic and cultural
wellbeing.⁶⁹ The RPS also recognises that the West Coast has its economic roots in the
mining industry and acknowledges that mining is both the region's primary employer and a
driver of other businesses, which exist only because mining and related value-added
160 activities create demand for their products and services.⁷⁰

Further, most existing and future mining areas at Stockton, and a significant portion of the
future mining areas at ESE, are within the TTPP's special-purpose BCZ. The purpose of this
zone is to enable existing authorised mining activity to continue, including further
development of the mines and coal processing, and for other mineral extraction to occur.⁷¹
165 It is acknowledged that some parts of the Project footprint are located outside the BCZ (i.e.,
the UWHR is in the Rural zone, and MFS and parts of ESE are in the Open Space Zone under
TTPP). However, as detailed in **Chapter A.2** of the application, these Project Sub-Areas are
crucial to support the continuation and further development of the existing authorised
mining activity on the Stockton and Denniston Plateau. On this basis, the Project is not
170 considered to be inappropriate in the context of section 6(b) of the RMA.

9.3.3 Section 6(c) – Significant Indigenous Vegetation and Significant Habitats of Indigenous Fauna

Section 6 (c) of the RMA requires the protection of significant indigenous vegetation and
significant habitats of indigenous fauna⁷² from inappropriate use and development. Careful
175 management of the effects associated with the BPCP in areas of significant indigenous
vegetation and habitats of indigenous fauna is proposed, with areas of high ecological value,
including those that contain significant flora and fauna, avoided where practicable. Mined
areas will be progressively rehabilitated as mining proceeds, in accordance with a
comprehensive Rehabilitation Management Plan, using techniques proven effective at the
180 Stockton Mine, including (as examples) VDT and the creation of habitats for bryophytes,
lichens and fauna (EcoLogical Solutions, 2026a).

The medium- to long-term focus of rehabilitation will be to develop self-sustaining
ecosystems that possess plant and animal species diversity and functionality similar to
those of the surrounding undisturbed environment. While the extent and composition of
185 vegetation types will differ from the pre-mining situation, resulting in fewer and simpler

⁶⁹ RPS Chapter 5 Objective 1.

⁷⁰ RPS Chapter 5 (Background to the issues).

⁷¹ TTPP BCZ overview.

⁷² Schedule 2 of the RLWP contains a list of wetlands that either are or are likely to be ecologically significant.

vegetation communities, the key ecological drivers - such as altitude, aspect, drainage, rock cover, and slope - will remain unchanged.

Additionally, pest-exclusion fenced areas are proposed, together with a wider predator and weed management programme across the Plateaux and surrounding landscape. As described in the REP Report (Alliance Ecology, 2026a), the broader package includes approximately 911 ha of pest-exclusion fenced areas, a 1,505 ha intensive Blackburn Pākihi ground-control area, a 9,431 ha weed management programme, and an approximately 23,843 ha wider aerial 1080 and ground-suppression halo. The package is intended to operate over periods of between 35 and 60 years, depending on the component. These measures are designed to reduce predation on native fauna, reduce browsing pressure on indigenous vegetation, improve ecological resilience and support the persistence and recovery of Threatened and At Risk species, including kiwi, forest birds, lizards, *Powelliphanta* and wetland-associated species. Furthermore, a suite of consent conditions and management and monitoring plans will be established to protect significant indigenous vegetation and habitats of indigenous fauna from weed invasions, biosecurity risks, and other degrading influences, in accordance with section 6(c).

9.3.4 Sections 6(d), 6(e), 6(f), 7(a) and 7(aa) – Public Access, Relationship of Māori, Historic Heritage and Kaitiakitanga

Outside the Project footprint, the BPCP will not impose any additional constraints on public access to any rivers, streams, tributaries, or other surface water bodies (section 6(d)).

Section 6(e) and section 7(a) and (aa) of the RMA are all relevant to the BPCP, which require the recognition of the relationship Māori have with their ancestral lands, water, sites, wahi tapu and other taonga, as well as having regard to kaitiakitanga. **Part F** to the application documents the extensive consultation undertaken by Bathurst to understand the Project's impacts on these matters, including the preparation of the Cultural Impact Assessment (“**CIA**”) (Ngāti Waewae, 2026). **Part B** contains the CIA and **Chapter A.6** of the application sets out the assessment of cultural effects, including the measures proposed to recognise the relationship iwi have with the area within which the BPCP is proposed.

Section 6(f) is also relevant to the BPCP, as it requires the protection of historic heritage from inappropriate use and development. The Project will result in the destruction (and partial destruction) of several historic heritage sites which are currently scheduled for protection in Part 14 of the BDP, listed as historical or archaeological sites with Heritage NZ or otherwise considered an archaeological site under the provisions of the HNZPT. The Project might also impact unidentified subsurface archaeological remains, given the proximity of the late 19th-century mining and settlement remains within the Denniston Historic Area (TTPP Heritage Schedule HH5).

- 225 > An assessment of the Project's effects on historic heritage and archaeology has been undertaken by Clough & Associates Ltd (Clough & Associates, 2026) and a Historic Heritage Management Plan ("HHMP"), of which an Archaeological Management Plan ("AMP") forms a sub-part, is included in **Part G** of the application. **Chapter A.6** of the application summarises the key points for each Sub-Area of the Project, and Part B includes the full assessment. In summary:
- 230 > ESE - the effects on historic heritage at ESE are assessed as being moderate to high after the recommended mitigation measures are implemented;
- > UWHR - The effects on historic heritage in relation to the UWHR are assessed as being minor;
- > MFS - the effects on historic heritage at MFS are assessed as being moderate to high on the historic setting after the recommended mitigation measures are implemented; and
- 235 > Stockton - the effects on historic heritage at Stockton are assessed as being minor to moderate to high after the recommended mitigation measures are implemented.

The recommended mitigation measures vary depending on the site and heritage feature to be impacted, and include (as examples):

- > Avoidance and protection of adjacent remains;
- > Plans, barriers, fences around features in proximity;
- 240 > Updating recordings of historical sites and features;
- > Artefact recording;
- > Adoption of vibration limits for historic structures;
- > Re-establishing public access and improved interpretation;
- > Photograph workings of interest; and
- 245 > Use of remote laser scanning underground to accurately identify and record the extent of old mine workings.

Archaeological authorities are also being sought through the FTAA, and accidental discovery protocols for any historic or archaeological sites of cultural or historical significance that are uncovered will remain as conditions of consent.

250 9.3.5 Section 6(h) – Significant Risks from Natural Hazards

In the context of the BPCP, the potential natural hazard risks primarily include:

- > Geotechnical hazards (including slope instability, ground collapse and subsidence);
- > Flooding and extreme rainfall-driven erosion; and
- > Failure of MIW retention and storage structures (including ponds, sumps, dams and ELFs).

Chapter A.7 outlines measures to manage these natural hazard risks, along with the relevant technical reports included in **Part B**. With respect to flooding, MWM has undertaken a preliminary Flood Risk Assessment (MWM, 2026p) and detailed modelling and mapping of the flood extent that would result from a 100-year river-flow event for the Waimangaroa River. The modelling finds that the predicted flood event would extend to the coal storage pad at the southern end of the Central Infrastructure Area at ESE, with the maximum flood depth modelled at 1.2m. Measures to mitigate this natural hazard risk include:

- > Bunding for flood protection relative to the 100-year event to protect the coal storage pad (if the foundation level is less than 1.2m above existing levels);
- > Aligning culverts across the river channel with appropriate wing walls to reduce modelled water levels upstream and reduce the risk of water diversion around the culverts during peak flows; and
- > Undertaking a site-wide flood risk map (at detailed design stage) to identify any additional infrastructure that will require flood protection.

Regarding geotechnical risks, the pre-feasibility geotechnical study for MFS (PDP, 2026a) considers key geotechnical factors, including slope geometry, material properties, geological structure, and historical underground workings. It finds that there are no major geotechnical risks that would preclude the development of MFS. ESE is also deemed geotechnically feasible in terms of construction and long-term stability, with slope stability analysis of the proposed engineered landform indicating it meets key slope design standards and is geotechnically stable (Bathurst, 2025a). The UWHR can also be safely constructed (Bathurst, 2026c), and the geotechnical risks at Stockton have been assessed using extensive drilling and lab test data, which finds that any residual geotechnical risks can be mitigated through the implementation of ground control management plans and trigger action response plans (Bathurst, 2025b).

In summary, the management of significant risks from natural hazards (section 6(h)) has been considered, and the design of the Project's various elements includes appropriate factors of safety, including holding the requisite dam safety approvals where appropriate for certain impoundment structures on site.

285 **9.3.6 Section 7(b) – Efficient Use and Development of Natural and Physical Resources**

Section 7 (b) of the RMA requires regard to be had to the efficient use and development of natural and physical resources. As detailed in **Chapter A.2** of the application, the Denniston and Stockton coal resources are well-known for their excellent quality. With low ash and high fluidity, these coals are highly sought after by international steelmakers. Bathurst seeks to consent the existing infrastructure and mining operations at both the Stockton Mine and ESE, while also enabling access to additional coal resources across the Buller Plateau. The coal resource within the current Stockton operations is nearing depletion, and additional resources are required to support blending and maintain ongoing production. Ongoing mining at Stockton also supports the continued use of the existing infrastructure and water management systems and reduces and treats AMD in accordance with the Deed of Commitment. Securing access to the coal resources in the additional Project Sub-Area will ensure the continuity of export coal supply, enable the economically sustainable operation of the mines, and enable the full extraction of economically mineable resources, consistent with section 7(b) of the RMA.

300 **9.3.7 Section 7(c) – Maintenance and Enhancement of Amenity Values**

Section 7(c) of the RMA requires proposals to have regard to the maintenance and enhancement of amenity values, where amenity values are defined as those natural or physical qualities and characteristics of an area that contribute to people's appreciation of its pleasantness, aesthetic coherence, and cultural and recreational attributes.

305 The RPS, TTPP and BDP include Objectives and Policies relating to the maintenance of amenity values and, particularly, under the RPS, the values that contribute to the West Coast's distinctive character and sense of identity, including places with visual appeal. The RPS also recognises the competing objectives and considerations between landscapes and mineral extraction.⁷³

310 In implementing the RMA and the RPS, the BDP clearly anticipates mining activities to occur, but recognises that a high percentage of land managed under a conservation mandate has high scenic values and that mining activities have the potential to significantly impact these values.⁷⁴

315 The competing considerations and practicality of achieving environmental outcomes is recognised in the BDP by the wording of '*intended environment outcomes*' at clauses 4.5.8.1

⁷³ RPS Chapter 2 - Significant Resource Management Issues for the West Coast and Chapter 5 - Use and Development of Resources.

⁷⁴ BDP Chapter 4.5, paragraph 4.5.3.

and 4.5.8.2, which include reference to long term timeframes in order to achieve the maintenance and protection of environmental quality, options to avoid, remedy or mitigate significant adverse effects on natural character and the rehabilitation of mined areas to standards, which take into account what is practicable.

320 Similarly, TTPP enables existing authorised mineral extraction and further mining development within the special-purpose BCZ, which is the zoning for Stockton, Cypress and parts of ESE. In this zone, there is a dual objective to explicitly provide for mineral extraction but also to minimise and manage adverse effects on landscapes– including effects on visibility, scale, lighting, landform change and rehabilitation.⁷⁵

325 The BDP and TTPP provisions for mineral extraction are intended to ensure that mining can continue to be undertaken on the West Coast while also ‘managing’ the adverse effects on the amenity, character and quality of the environment.

As noted above, portions of the Project footprint lie outside the BCZ. However, as detailed in **Chapter A.2** of the application, the ability to blend different coal seams is fundamental to producing coking coal that consistently meets the strict specifications required by international steelmakers. As coal seams across the Buller Plateaux vary significantly in quality, no single pit can provide a product that meets all customer requirements. Ensuring the right mix of coals, each with distinct geological and chemical characteristics, is therefore essential to creating reliable, high-value products that perform as expected.

335 Maintaining access to multiple coal sources (including those outside the special-purpose BCZ) at any given time is vital to meeting bespoke blend requirements. The sequencing of mining must therefore be aligned with blending requirements to ensure that the correct volumes of each coal type are available at the right time. If any single pit cannot operate concurrently with others, then the required customer specification cannot be met. Not being able to access all proposed pits at the same time would compromise product quality and effectively render the Project uneconomic, thus ending coal mining on the Buller Plateaux. 340 The amenity values of areas adjacent to the BPCP will be maintained by imposing appropriate controls and limits on noise, vibration, lighting, and dust from mining (and associated processing) activities.

345 Over time, the adverse effects on visual amenity will also diminish as the proposed rehabilitation occurs in successive stages following extraction. This mitigation will ensure that the total extent of disturbed land is minimised at any one time, so that landscape and

⁷⁵ TTPP Policies MINZ-P3 and P4 and BCZ-P3 and P4.

visual amenity effects will be reduced as quickly as practicable over the life of the mine and post-mine closure and rehabilitation completion.

350 With respect to the recreational attributes of the Buller Plateaux, as assessed in the Recreation and Tourism Assessment prepared by Rob Greenaway & Associates (2026), the Project is acknowledged to result in unavoidable effects on recreation opportunities, largely via the development of the UWHR and ESE.

355 However, the following suite of measures is proposed to mitigate the effects of the Project on the recreational attributes of the Buller Plateaux:

- > Establishment of a Recreation User Group (“RUG”) to meet periodically to review the ongoing management of recreation (and other) opportunities in the affected areas.
- > Offsite mitigation for the likely displacement of trail running, walking and cycling from the Mount Rochfort Conservation Area.
- 360 > Ongoing formal liaison with the NZ Four Wheel Drive Association and the Combined 4WD Clubs Inc – direct with Bathurst – regarding the maintenance of four-wheel access to Mount Rochfort and the Mackley Track for club members and members of the public.
- 365 > Education online and on the Plateaux about remaining recreation opportunities for all visitors, including access to the Coalbrookdale pest-free exclusion area.
- > Site rehabilitation to include provision for all existing activities, in consultation with the RUG and landowners.
- 370 > Monitoring of visitor activities and satisfaction over time, as directed by Bathurst and the RUG, with reporting to the Buller District Council, DOC and LINZ, and the public.

With these mitigations proposed, the Project manages the significant adverse effects on the recreational attributes of the Buller Plateaux and provides for the maintenance of amenity values, consistent with section 7(c) of the RMA.

9.3.8 Section 7(d) – Intrinsic Values of Ecosystems

375 Section 7 (d) of the RMA states that regard must be had to the intrinsic values of ecosystems.

In this case, the Project area includes a range of terrestrial and freshwater ecosystems, including wetlands, headwater streams, pākihi systems and associated indigenous flora and fauna, some of which possess high intrinsic ecological value. While the Project will

380 result in the modification and loss of elements of some of these ecosystems, Bathurst’s
response is the integrated effects management and REP framework described in detail in
section 8.8.5.3 and the ecological assessment undertaken by Alliance Ecology (2026a). In
summary, that framework combines avoidance of the highest-value ecosystems where
practicable, minimisation through careful design and staging, progressive rehabilitation to
385 reinstate ecological processes and habitat functions over time, and longer-term pest
exclusion, predator and browser control, weed management, aquatic enhancement,
monitoring and adaptive management. Those measures are expected to improve ecological
resilience and integrity for some values over the medium to long term, while also
acknowledging that some habitat losses and biodiversity effects will remain. When
390 considered in the round and over appropriate temporal scales, the proposal demonstrates
that due regard has been had to the intrinsic values of ecosystems consistent with section
7(d).

9.3.9 Section 7(f) – Maintenance and Enhancement of the Quality of the Environment

395 Section 7(f) of the RMA requires proposals to have particular regard to the maintenance and
enhancement of the quality of the environment.

This provision recognises that environmental quality is a broad and integrative concept,
encompassing physical, ecological, landscape, recreational and cultural dimensions, and
that it may be appropriately assessed over time, having regard to both interim effects and
long-term outcomes.

400 The West Coast Te Tai o Poutini Conservation Management Strategy (“**CMS**”) identifies
landscape-related outcomes for Kawatiri Place that seek to maintain the integrity of the
environment, particularly geodiversity, landforms and landscapes, while also promoting
biodiversity enhancement and proactive management of threats such as invasive weeds and
animal pests. These outcomes are directly relevant to the assessment of environmental
405 quality under section 7(f).

Mining activities have the potential to adversely affect aspects of environmental quality on
the Denniston Plateau, particularly during active extraction phases, through landform
modification, vegetation clearance and temporary reductions in recreational access.
However, section 7(f) does not require the avoidance of all adverse effects at all times.
410 Rather, it requires consideration of whether environmental quality is appropriately
maintained and enhanced overall, including through design controls, operational
management, and rehabilitation measures.

In this context, the Project adopts a comprehensive, integrated approach to maintaining and
enhancing environmental quality throughout the life of the mine and beyond. Detailed mine

415 design and management plans set out the sequencing and methods of rehabilitation,
progressive reshaping of landforms, reinstatement of ecological processes, and the re-
establishment of indigenous vegetation communities using appropriate plant provenance.
Proactive weed and pest management measures are embedded throughout the operational
and post-closure phases to prevent degradation of the surrounding environment and
420 support ecological recovery.

The Project also includes the establishment of four long-term pest-exclusion fenced areas
and associated predator-control measures, together with intensive ground-based control,
weed management and a broader landscape-scale aerial and ground suppression
programme. As described in the REP report (Alliance Ecology, 2026a), these measures are
425 expected to deliver enduring improvements in biodiversity and ecological resilience across
areas of recognised ecological significance by reducing pest pressure, maintaining
indigenous dominance, supporting forest and wetland recovery, and improving habitat
security for sensitive fauna. In addition, improvements in water quality and ecological
condition are anticipated in certain receiving environments, including areas affected by
430 historic AMD, where active management and treatment will deliver ecological benefits
relative to the existing baseline.

These measures are anticipated to enhance environmental quality beyond the current
baseline condition for some values, consistent with the enhancement limb of section 7(f),
while acknowledging that other localised reductions in environmental quality associated
435 with direct disturbance will remain.

While some recreational activities will be constrained during mining operations, access to
key areas, including Mount Rochfort, will be retained where practicable, with controlled
access provided to manage safety and operational requirements. Full public access will be
progressively restored following mine closure, and post-rehabilitation opportunities for
440 enhanced recreation may be developed, including the potential reuse of infrastructure, such
as the UWHR, as a walking and cycling route.

Overall, the Project provides for the maintenance and enhancement of environmental
quality through a combination of avoidance where practicable, active effects management,
progressive rehabilitation, and long-term ecological enhancement. While temporary and
445 localised reductions in certain aspects of environmental quality will occur during mining,
most of these effects are expected to be reversible and balanced by enduring environmental
improvements achieved through rehabilitation, biodiversity enhancement, and ongoing
management beyond mine closure.

9.3.10 Conclusion on Part 2

450 Overall, based on the technical assessments commissioned by Bathurst, the BPCP is
considered to promote the sustainable management of natural and physical resources in
accordance with sections 5, 6 and 7 of the RMA. As set out above, while there is some
tension between the BPCP and certain aspects of sections 6 and 7 of the RMA, when viewed
455 in the context of the existing and historic mining activity, the Project's social and economic
benefits, compensation package and over an appropriate temporal scale, the proposal is
overall consistent with these sections.

9.4 PART 3 OF THE RESOURCE MANAGEMENT ACT 1991

Clause 17(1) of Schedule 5 of the FTAA requires that the provisions of Part 3 of the RMA,
which direct decision-making on a resource consent application, must be taken into
460 account by a Panel.

Part 3 of the RMA contains provisions that detail when a resource consent is required in
relation to land (sections 9 to 15), the duty to avoid unreasonable noise (section 16), the
duty to avoid, remedy or mitigate adverse effects (section 17), and procedural principles
related to the exercising of powers and functions under the RMA (sections 18A and 21).

465 The resource consents required for the BPCP are detailed in **Chapter A.8** of the application.

Through the existing and proposed consent conditions, the BPCP will, in accordance with
section 16 of the RMA, adopt the best practicable option ("**BPO**") to ensure that noise
emissions do not exceed a reasonable level. It is also considered that the proposed consent
conditions (**Part E**) will ensure that the duties imposed by section 17 of the RMA will be met.

470 In addition, the nature of the FTAA process is entirely consistent with the procedural
principles at sections 18A and 21 of the RMA.

9.5 PART 6 OF THE RESOURCE MANAGEMENT ACT 1991

Clause 17(1) of Schedule 5 of the FTAA requires that the provisions of Part 6 of the RMA,
which direct decision-making on a resource consent application, must be taken into
475 account by a Panel.

Part 6 of the RMA contains provisions relating to the consideration of resource consent
applications.

480 The key considerations under Part 6 of the RMA relevant to this substantive application are:

- > Section 104 (Consideration of applications);⁷⁶
- > Section 127 (Change or cancellation of consent condition on application by consent holder);
- > Section 105 (Matters relevant to certain applications);
- 485 > Section 107 (Restriction on grant of certain discharge permits);
- > Section 108 and 108AA (Conditions of resource consents); and
- > Section 123 (Duration of consent).

It is also noted for clarity that section 104D of the RMA relating to non-complying activities (which is the overall activity status for this Project) does not apply to the Panel's
490 consideration under the FTAA.

The relevant provisions of Part 6 of the RMA are assessed in the sections below.

9.5.1 Section 104 (Consideration of Applications)

Section 104(1) of the RMA lists the matters that the consent authority must have regard to when considering an application for resource consent. Of relevance to the BPCP, section
495 104(1) states:

- (1) When considering an application for a resource consent and any submissions received, the consent authority must, subject to Part 2, have regard to—*
 - (a) any actual and potential effects on the environment of allowing the activity; and*
 - 500 *(ab) any measure proposed or agreed to by the applicant for the purpose of ensuring positive effects on the environment offset or compensate for any adverse effects on the environment that will or may result from allowing the activity; and*
 - (b) any relevant provisions of*
 - 505 *(i) a national environmental standard:*
 - (ia) a wastewater environmental performance standard:*
 - (ib) a stormwater environmental performance standard:*
 - (ic) an infrastructure design solution:*

⁷⁶ But excluding section 104D of the RMA which is a statutory test that applies exclusively to non-complying activities.

- 510 (ii) other regulations:
- (iii) a national policy statement:
- (iv) a New Zealand coastal policy statement:
- (v) a regional policy statement or proposed regional policy statement:
- (vi) a plan or proposed plan; and
- 515 (c) any other matter the consent authority considers relevant and reasonably necessary to determine the application.
- (2EA) When considering a resource consent application, a consent authority may have regard to any previous or current abatement notices, enforcement orders, infringement notices, or convictions under this Act received by the applicant, if the applicant is not a natural person or, if the applicant is a
- 520 natural person, received by the applicant within the previous 7 years.
- (2F) When considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPS-FM 2020 (which relates to the hierarchy of obligations in the NPS-FM 2020).
- (6A) A consent authority may decline an application for a resource consent if the applicant has a record of significant non-compliance with a requirement of this Act—
- 525 (a) that is ongoing or repeated; and
- (b) that, if the applicant is not a natural person, has been or is the subject of an enforcement order or a conviction under this Act or, if the applicant is
- 530 a natural person, has been or is the subject of an enforcement order or a conviction under this Act within the previous 7 years

9.5.2 Section 104(1)(a)

535 The actual and potential environmental effects associated with the BPCP vary by effect category, catchment, and Project phase (i.e., construction, operational, or closure/post-closure), as detailed in **Chapter A.6** of the application and in the relevant technical assessments in **Part B**.

540 Consideration has been given to avoiding potential adverse effects through Project design. These have been discussed in **Chapter A.6** of this application and include, for example, the UWHR alignment, which has been designed to avoid key areas of ecological and landscape significance in its route selection. Bathurst is also proposing a range of measures to assist in avoiding, remedying, mitigating and managing the residual effects of the Project. These measures are documented in the management plans (**Part G**) and in the proposed consent conditions (**Part E**).

545 Consistent with the focus on all actual and potential effects in section 104(1)(a) of the RMA,
as detailed in **Chapter A.6** of the application, and within the relevant technical assessments
in **Part B**, it is considered that the BPCP will have demonstrable positive effects in terms of:

- > Sustaining the economic well-being of the local and regional community. The economic
analyses presented in the EIA (AIGIS Group, 2026a) clearly establish that there is
significant regional and district-level benefit that the Project will create. Some elements
550 of these benefits are particularly significant for Westport and its immediate surrounds,
given the proximity to the plateaux;
- > Social benefits - Coal mining is intrinsically linked to the history of the West Coast, with
its development linked to rich social outcomes within the region for over 120 years.
Bathurst contributes to the community through its employees' involvement. Bathurst
555 also provides commercial engagements with local and regional businesses, and
community support activity (financial and in-kind contributions);
- > Improved emergency response capability;
- > Supporting the ongoing operation of the Midland Rail Line by contributing to the
economic performance of the line as KiwiRail's largest customer on the West Coast;
- 560 > Contributing to reduced electricity costs for other customers;
- > Monetary contributions made by Bathurst to charitable, service and community groups
in the Buller District;
- > Continued treatment of AMD - as discussed above and in **Chapter A.2**, the integrated
operation of all Project Sub-Areas is critical to maintaining blending coal supply, shared
565 infrastructure efficiency, and the economic sustainability of AMD treatment. If any Sub-
Area were unable to operate, these interdependencies would be disrupted, placing the
continued treatment of AMD at risk. In practical terms, if any key component were
removed, the operational systems that support both contemporary and legacy
environmental management would become unsustainable;
- 570 > A further positive effect arises from the remediation of historic mining impacts,
particularly within the Cascade Creek catchment, where interception and treatment of
legacy AMD sources are expected to result in measurable improvements in water
quality, habitat condition and aquatic communities relative to the existing environment;
- > The establishment of four long-term pest-exclusion fenced areas, as well as other
575 biodiversity enhancements across the Plateaux and surrounds.

9.5.3 Section 104(1)(ab)

In accordance with section 104(1)(ab) of the RMA, applicants may propose measures to ensure positive environmental effects by offsetting or compensating for adverse effects on the environment that will result from allowing the activity. In the context of the BPCP, the package of proposed positive effects is broader than biodiversity alone. It includes measures directed at terrestrial and aquatic ecology, as well as measures addressing historic heritage and recreation. While offsetting and compensation are given a narrow ecological meaning in some RMA documents, including the National Policy Statements for Freshwater Management and Indigenous Biodiversity and the Regional Policy Statement, the scope of positive effects in section 104(1)(ab) is broader than that policy meaning and extends to ecological, social and other environmental outcomes that may not satisfy the technical tests of biodiversity offsetting or compensation.

The REP Report (Alliance Ecology, 2026a) confirms that the terrestrial ecological package is substantial in scale, covers approximately 26,259 ha of the Buller Plateaux and surrounding landscape to varying degrees of management intensity, and is intended to run over long timeframes of between 35 and 60 years depending on the measure. It comprises a coordinated programme of pest-exclusion fenced areas, intensive ground-based predator and browser control, landscape-scale aerial and ground suppression, weed management, monitoring and adaptive management. That broader package is relevant under section 104(1)(ab) because it is expressly directed at generating enduring positive ecological effects in response to residual adverse effects, even though, as discussed below, it does not fully offset or compensate for all biodiversity losses associated with the Project. It is also relevant that, in some parts of the Project, particularly at Stockton, the wider package sits within an existing long-established mining and water-management context and includes measures that contribute to the management and improvement of already affected receiving environments, rather than simply relying on ecological compensation in isolation.

For the BPCP, biodiversity offsetting was considered in accordance with the effects management hierarchy. However, in the context of large-scale, location-specific open-cast mining, the permanent removal of terrestrial and aquatic habitats, together with their associated ecosystems, means that a strict no net loss outcome for all affected flora, fauna and associated ecological values cannot practicably be demonstrated. In particular, some habitats and ecosystem functions cannot be fully replicated or replaced on a like-for-like basis, and robust quantitative datasets capable of demonstrating Net Gain outcomes for all affected values are not available for the Project footprint nor the proposed compensation sites, reflecting inherent detectability limitations for cryptic species and associated uncertainty in repeatable quantification, rather than any deficiency in survey coverage.

The extent to which the Project aligns with the biodiversity compensation principles in Appendix 4 of the NPS-IB for terrestrial ecosystems, and the aquatic compensation principles in Appendix 7 of the National Policy Statement for Freshwater Management for wetlands, is addressed in the Residual Effects Assessment prepared by Alliance Ecology (2026a) and in the statutory assessments that follow. In summary, the relevant principles include adherence to the effects management hierarchy; recognition of limits to compensation where affected values are irreplaceable, highly vulnerable, or subject to significant uncertainty; ensuring that the scale of compensation delivers net positive outcomes; additionality; avoidance of leakage; securing long-term outcomes; selecting measures in an appropriate landscape context; and minimising temporal lag between impact and ecological benefit. These principles have informed the design, location, scale and timing of the ecological compensation measures, while the wider REP also includes broader non-ecological measures intended to address residual effects on historic heritage and recreation. However, as noted in the Residual Effects Management Report (Alliance Ecology, 2026a), it is not possible to meet the strict ecological definition of "offsetting", nor is it possible to meet all of the strict ecological "limits to compensation" for some flora and fauna values.

Accordingly, the ecological components of the REP are framed as positive ecological effects, rather than biodiversity offsetting or compensation. Those ecological measures sit alongside other positive effects measures proposed in response to residual adverse effects, including the historic heritage and recreation packages described below.

REP – Aquatic Ecology

For aquatic ecology, the compensation package has been developed to move as close as practicable toward no net loss of aquatic ecosystem function at a broader landscape scale, while recognising that strict like-for-like replacement or full ecological equivalence cannot be demonstrated for all affected values. Accordingly, no net loss remains a valid effects-management objective under the FTAA framework, but the Project’s response is more accurately framed as aquatic compensation and enhancement rather than offsetting. In addition to improving aquatic connectivity and enhancing habitat availability in the wider region, the package is closely linked to the Project’s rehabilitation framework, under which streams affected by mining will be reinstated or recreated, and tarns will be created and rehabilitated to re-establish wetland-type habitat and associated ecological functions over time. Those measures are substantial and relevant, but they should not be characterised as fully replacing all lost stream and wetland values within the Project footprint.

A key component of the wider aquatic package is a strategic fish passage barrier remediation programme designed to deliver measurable ecological benefits by restoring

aquatic connectivity, expanding habitat availability, and enhancing native fish populations across the West Coast region. This sits alongside the reinstatement and recreation of stream habitat within rehabilitated mine landforms, and the creation and rehabilitation of

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tarns to restore wetland extent and function where practicable.

The fish passage programme adopts a staged approach comprising immediate remediation of three known high-priority fish passage barriers; a broader regional assessment and prioritisation of instream structures; and implementation of future remediation Projects based on ecological value and feasibility, while also taking into account cultural, economic, social, and other relevant considerations.

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Together, these measures provide both site-specific and wider regional ecological benefits. They are supported by regional stakeholders, including the WCRC and DOC, and provide a practical means of enabling remediation outcomes that are currently constrained by limited funding. Combined with stream reinstatement and recreation through rehabilitation, and the creation and rehabilitation of tarns as wetland habitat, they offer a scalable and enduring framework for improving freshwater ecosystem health and resilience on the West Coast.

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REP – Terrestrial Ecology

For terrestrial ecology, the REP is directed toward delivering enduring biodiversity gains across the wider Buller Plateaux in response to residual adverse effects that cannot practicably be avoided, minimised or remedied. The package focuses on long-term pest exclusion, predator suppression, weed management and landscape-scale ecological resilience, and is intended to support the persistence and recovery of Threatened and At Risk species and improve the integrity of indigenous habitats over time. While not meeting the strict ecological definitions of "offsetting" or "compensation", these measures represent material positive ecological benefits that need to be considered under the FTAA, including under s 104(1)(ab), RMA.

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911 ha of pest-exclusion fenced areas will provide a pest- and weka-free stronghold.

Within these fenced areas, the objective is to establish and maintain a mammalian predator- and ungulate-free environment, also free of weka (*Gallirallus australis*), to enable substantial recovery of ground-dwelling and flightless species. This includes several Threatened and At Risk species, including roroa, native forest birds, lizards and invertebrates. Without intervention, and irrespective of mining activities, many such species, and in particular the *P. patrickensis* snail, are expected to continue to decline, and some may become locally extinct in the medium- to long-term, primarily due to introduced mammalian pests and high levels of weka predation.

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A 1,505 ha intensive Blackburn Pākihi ground-control area will provide multi-species ground-based trap and bait-station networks, aerial control, and targeted ungulate control to maintain low predator and ungulate abundance.

685 Within this area, sustained suppression of rodents, mustelids, possums, feral cats and
ungulates will reduce predation on native fauna and browsing pressure on native vegetation,
improve the ecological integrity of wetland and terrestrial habitats, and support increases in
bird populations. Blackburn Pākihi is particularly relevant in this regard because it is a large,
690 high-value management area of approximately 1,505 ha, of which approximately 1,092.5 ha,
or about 73%, comprises natural inland wetland. It contains extensive low pākihi, wet
shrubland, tussock-flaxland, herbfield, tarn, seepage and flush systems, together with
associated indigenous vegetation and habitat mosaics of very high ecological value. It was
selected as part of the REP because it represents one of the most responsive biodiversity
695 sites within the wider Ngākawau Ecological District, while also being located where
sustained control can deliver benefits beyond the management block itself through its
connections with adjoining forest and plateau habitats. In compensation terms, this area
provides a substantial landscape-scale opportunity to secure and improve wetland,
vegetation and habitat values that are directly relevant to the residual effects of the Project.
Active pest and weed management at Blackburn Pākihi is expected to enhance wetland
700 condition, reduce browsing and predation pressure, maintain indigenous dominance, and
improve habitat quality and resilience for threatened and at-risk vascular plants,
bryophytes, lichens and indigenous fauna over time. The Package is also expected to
support meaningful gains for forest birds and wetland-associated fauna, including fernbird
and kiwi, by maintaining a more stable low-pest environment across a large management
705 landscape. While Blackburn Pākihi does not provide strict like-for-like offsetting or full
ecological equivalence for all wetland, vegetation and habitat losses within the Project
footprint, it forms an important part of the wider compensation and enhancement package
by securing enduring positive ecological outcomes at a broader landscape scale.

A 9,431 ha weed management programme, covering an area of approximately 6,713 ha
710 which will be implemented to maintain or increase indigenous dominance and ecological
integrity in high-value habitat types.

Within this area, weed control will target habitats most at risk from weeds that can be
practicably controlled or eliminated, with the aim of maintaining or increasing indigenous
dominance.

715 **A 23,843 ha wider aerial 1080 and ground-suppression halo** will reduce reinvasion
pressure, provide connectivity around the pest-exclusion fenced areas and intensive

ground-control areas, and create a large kiwi safe-haven through ongoing ground-based stoat control.

Within this wider managed landscape, periodic aerial 1080 operations will be undertaken on a baseline three-year cycle, with flexibility to respond to mast events where monitoring indicates elevated pest risk. This will be supported by ongoing ground-based controls to maintain low stoat densities. Together, these measures will benefit native vegetation and birds, particularly great spotted kiwi, across a substantial portion of their habitat and provide an effective buffer around the pest-exclusion fenced areas and intensive ground-control areas.

In relation to the residual impacts on *P. patrickensis* snail populations and their habitat, Bathurst proposes targeted conservation management intended to improve the prospects for long-term survival of those populations. The evidence indicates that increased predation by weka is the primary driver of decline, with climate change likely to contribute additional stress through increased summer soil moisture deficits and potentially increased predator pressure. In that context, the proposed fenced areas are intended to facilitate meaningful intervention and materially improve the survival prospects of these snails on the Plateaux.

REP - Historic Heritage

In relation to historic heritage, Bathurst proposes to establish and administer a Historic Heritage Enhancement Fund to address the identified shortfall in site-specific mitigation measures within the Project Sub-Areas. Additional enhancement initiatives identified in the HHMP will contribute to the conservation, protection, documentation, access and interpretation of historic heritage on the Buller Plateaux and surrounding areas.

REP - Recreation

Finally, the REP includes a recreation component to address unavoidable adverse effects on recreational opportunities and values arising from its scale and location. That package includes:

- > Establishment of a Recreation User Group to meet periodically to review the ongoing management of recreation (and other) opportunities in the affected areas.
- > Offsite mitigation for the likely displacement of trail running, walking and cycling from the Mount Rochfort Conservation Area.
- > Ongoing formal liaison with the NZ Four Wheel Drive Association and the Combined 4WD Clubs Inc – direct with Bathurst – regarding the maintenance of four-wheel access to Mount Rochfort and the Mackley Track for club members and members of the public.

- 750 > Online education and on the Plateau about remaining recreation opportunities for all visitors, including access to the Coalbrookdale pest-exclusion area.
- > Site rehabilitation to include provision for all existing activities, in consultation with the RUG and landowners.
- 755 > Monitoring visitor activities and satisfaction over time, as directed by Bathurst and the RUG, with reporting to the Buller District Council, DOC and LINZ, and the public.

Summary

Section 104(1)(ab) should not be read as confined to strict biodiversity offsetting or compensation frameworks. Those frameworks remain relevant to the assessment of ecological measures, particularly under the National Policy Statement for Freshwater Management 2020 (“**NPS-FM**”), National Policy Statement for Indigenous Biodiversity 2023 (“**NPS-IB**”) and the Regional Policy Statement (“**RPS**”), but section 104(1)(ab) is framed more broadly. It allows consideration of any measures proposed or agreed by the applicant that deliver positive environmental effects to offset or compensate for adverse effects. In this case, the REP Report (Alliance Ecology, 2026a) shows that the BPCP includes substantial and long-term measures involving pest-exclusion fenced areas, intensive predator and browser control, weed management, wetland and stream rehabilitation measures, biodiversity monitoring, adaptive management, and applied research. The REP is expected to deliver meaningful and enduring gains for some biodiversity values, particularly native birds, kiwi, some wetland and forest habitats under active management, and ecological resilience at a broader landscape scale. At the same time, the report also concludes that some residual adverse biodiversity effects will remain unaddressed, including net loss outcomes for several habitat types and flora values, and that the Package does not counterbalance all ecological effects of the Project. The Panel may nevertheless have regard to the wider REP as a whole under section 104(1)(ab), including both the positive ecological outcomes it is expected to deliver and the ecological limits identified in the technical assessment.

9.5.4 Section 104(1)(b) and (c)

The relevant provisions of the key planning documents set in section 104(1)(b) are assessed below within **Sections 9.7 – 9.15**.

780 Other matters potentially relevant to the Project, as set out in section 104(1)(c) of the RMA, are addressed below within **Section 9.16**.

9.5.5 Section 104 (2EA) and (6A)

785 Bathurst Coal Limited, Buller Coal Limited and Cascade Coal Limited have received several
infringement notices, abatement notices and one conviction between 2012 and 2021. The
offences primarily relate to the unauthorised discharge of sediment-laden water and
contaminants into waterways from coal mining operations in Canterbury, Southland and the
West Coast. Most of the infringement notices, abatement notices (and the one conviction)
790 relate to Bathurst Coal Limited, which received several infringement notices for the
unauthorised discharge of sediment-laden water into Tara Stream and Bush Gully Stream (in
the Canterbury and Southland region). The infringement notices were resolved by payment
of fines, and the abatement notices were either cancelled or resolved after compliance,
appeal, or agreement with the relevant Council.

795 9.5.6 Section 104 (2F)

The relevant provisions of the NPS-FM are assessed below within **Section 9.1.9.9**. The
hierarchy of obligations in clause 1.3(5) and 2.1 of the NPS-FM has been disregarded, as
directed by section 104 (2F) of the RMA.

9.5.7 Section 105 (Matters relevant to discharge applications)

800 Section 105 of the RMA states:

*(1) If an application is for a discharge permit or coastal permit to do something that
would contravene section 15 or section 15B, the consent authority must, in
addition to the matters in section 104(1), have regard to-*

- 805 *(a) The nature of the discharge and sensitivity of the receiving environment to
adverse effects; and*
- (b) The applicant's reasons for the proposed choice; and*
- (c) Any possible alternative methods of discharge, including discharge into any
other receiving environment.*

810 With regard to section 105(1)(a) above, the nature of the discharges and the sensitivity of the
receiving environment to adverse effects are outlined in the various technical assessments
in **Part B**, (e.g. ESNZ 2026a, PDP 2026c, and T+T 2026a). The receiving environment
comprises a mix of high-value, largely unmodified headwater streams and waterways
already heavily impacted by historic mining. Many streams on the Buller Plateaux are
naturally acidic systems, with distinct ecological assemblages adapted to low pH
815 conditions, while others are already degraded by AMD associated with historic mining
activities.

In summary, the nature of the discharges requiring resource consent primarily relates to the residual potential for:

- > Discharges of treated and untreated sediment and/or coal fines onto land and into water;
- > Discharges of AMD and other contaminants into wetlands and waterways; and
- > Discharges of dust into the air during the construction, operational and closure/post-closure phases of the Project.

The nature of these discharges and a brief overview of the proposed mitigation measures are outlined below.

Discharges of sediment and coal fines

Sediment discharges into streams and waterways may occur during the Construction and Operational phases of the Project. For example, the construction of the UWHR will involve vegetation clearance and surface cutting, exposing areas of the Denniston Plateau. The UWHR will also be constructed at multiple points simultaneously, meaning there will be the potential for multiple discharge points to receiving waterways.

Large-scale vegetation and soil removal to create the open pits and engineered landforms in the ESE and MFS Sub-Areas during the Construction and Operational phases of the Project will also result in extensive areas of bare earth and spoil being exposed (note: the total disturbance footprint area for the ESE and MFS Sub-Areas combined is 630 ha). Heavy rainfall, which frequently occurs on the Buller Plateaux, has the potential to produce sustained runoff laden with suspended solids from exposed areas, including fine sediment inputs to downstream reaches which could become chronic unless robust erosion controls are in place (ESNZ, 2026a).

To manage the effects of sediment and coal fines discharges, an erosion and sediment control plan (“**ESCP**”) will be implemented to minimise the potential for sediment discharges into receiving waters (Bathurst, 2026y). The ESCP will involve:

- > Diverting clean runoff around working areas;
- > Keeping exposed soils to a minimum; and
- > Use of sediment retention devices to capture surface runoff (e.g., ponds, silt fences).

A range of practical steps will also be implemented to reduce sediment discharge into streams and wetlands during the Project's Construction and Operational phases. These steps include:

- > Timing particular works in drier seasons to reduce runoff/erosion;
- > Stabilising exposed soils quickly (e.g., hydroseeding road cuts); and
- > Constructing frequent cross-drains that disperse water onto vegetated ground.

A combination of channel designs, silt fences, sediment ponds, stabilisation and revegetation techniques and staged earthworks, as well as inspection and maintenance regimes, will also be implemented to mitigate the sediment discharge risks for the Project (as detailed in ESCP prepared by Bathurst (2026y)).

Discharges of AMD and Other Contaminants

Active mining can generate AMD where rainwater and oxygen interact with exposed sulfidic material. Acidic, metal-rich drainage may then seep or discharge into adjacent waterways, with the potential to lower pH and increase metal concentrations to levels that may adversely affect aquatic life. Other contaminants associated with mining operations, including hydrocarbons from fuels and oils, and nitrates from explosives, if not appropriately managed may also enter runoff during the Operational phase of the BPCP.

As detailed in **Chapter A.7** of the application, Bathurst proposes to implement a suite of well-established AMD management and mitigation measures across its operations. These include:

- > Segregation and controlled placement of HAF and PAF rock within engineered landforms that are designed to saturate the rock and prevent the ingress of oxygen thus significantly reducing the potential for AMD generation;
- > Treatment of leachate from ELFs until the seepages reach background levels;
- > integration of water management and drainage controls so that MIW is directed to containment and treatment systems where required; and
- > Application of active and passive treatment technologies, including neutralising chemicals and Mussel Shell Reactors (“**MSRs**”), to treat acidic or metal-rich waters.

Bathurst’s experience operating in historically mined areas, where underground workings significantly influence groundwater flow paths, also informs the proposed management approach. Interception, control and treatment of AMD-impacted water are already central to operations at Stockton and will remain central to AMD management for the BPCP.

At Stockton, continued mining and associated discharges must be understood in the context of an existing and historically AMD-affected receiving environment. The Project does not create an entirely new AMD baseline at Stockton. Rather, it enables the continuation and

optimisation of an established AMD capture, treatment and discharge regime that is necessary to manage both legacy and contemporary mine-impacted water. As previously discussed, the Crown has recognised its long-term responsibility for historic AMD liabilities at Stockton, and the Treasury business case identified an “Enhanced Base Case” as the preferred long-term management response. The BPCP water management approach is aligned with that outcome by maintaining proven active and passive treatment systems, enabling incremental improvement where practicable, and supporting a progressive “betterment” trajectory for downstream water quality and aquatic ecosystem health over time.

The section 105 assessment is different for the new Project Sub-Areas, being MFS, ESE and the UWHR. Those activities will disturb areas that are not presently disturbed (though noting the impacts of historic mining are currently affecting water quality on parts of the Denniston Plateau). Construction of the UWHR, and mining within ESE and MFS, will expose soils, creating risks of sediment generation, and overburden creating the potential for AMD. These risks arise from the inherent nature of mining a location-specific coking coal resource which is located below sulfidic rock material.

Risks associated with sediment and AMD in discharges in the new Project Sub-Areas and at Stockton are addressed by reducing and staging the disturbance footprint; diverting clean water around disturbed areas; selectively handling and encapsulating potentially acid-forming material within ELF; collecting and treating mine-impacted water; discharging treated water in accordance with proposed water quality limits; and progressively rehabilitating disturbed landforms, including reinstating or recreating streams and creating or rehabilitating tarns where practicable.

Alternatives, such as not mining the resource, relocating the activity, fully containing all affected water and not discharging it, or piping discharges to another receiving environment, are not considered practicable or appropriate. The location of the coal resource is fixed and cannot be moved. Full containment of AMD and MIW is not realistic given the high-rainfall Plateaux environment and the scale of water generated. Piping discharges elsewhere would not necessarily reduce adverse effects and might create new cultural, ecological, regulatory and engineering risks.

Accordingly, for the purposes of section 105(1)(b) and (c), the proposed discharge approach represents the most practicable method of enabling extraction of the coking coal resource while managing water quality and sediment effects at source. It prioritises avoidance and minimisation through mine planning, staging and clean-water diversion, followed by treatment, controlled discharge, progressive rehabilitation and adaptive monitoring. The approach is technically feasible, can be secured through conditions, and is capable of

protecting downstream receiving environments to the extent practicable over the life of the Project and through closure.

Discharges of Dust to Air

As detailed in the Air Quality Technical Assessment (T+T 2026a), the Project is assessed to have negligible dust impact risks at sensitive locations. Where slight adverse effects are predicted, these are confined to receptors located relatively close to active sources and will occur under infrequent meteorological conditions. This is generally consistent with the historic dust deposition monitoring that has been undertaken for Stockton, the Ngākawau Rail Loadout and Cypress.

The combination of favourable local meteorology (high annual rainfall, low summer temperatures, and prevailing winds away from sensitive receivers), substantial separation distances, and proven operational dust controls provides a high level of inherent mitigation. Potential ecological effects from dust discharges are expected to be confined to areas immediately adjacent to active mining and haul roads, with these effects further reduced through progressive rehabilitation and surface stabilisation. This conclusion is again supported by historical deposition monitoring, which shows rates well below those typically associated with impacts on sensitive vegetation.

With regard to Bathurst's reasons for the proposed choice, and possible alternative methods of discharge (s105 (b) and (c) of the RMA), Bathurst conducted an alternatives assessment during the Project's development which considered several competing objectives, including environmental factors, costs, and technical practicalities. A summary of Bathurst's assessment of alternatives, which includes an assessment of alternative options and methods of discharge, is included in **Chapter A.5** of the application. With respect to discharges into air, the Air Quality Assessment (T+T, 2026a) in **Part B** of the application outlines the alternative locations and options for the discharges from the Project and identifies Bathurst's reasons for its preferred choice of discharge from the alternatives available.

9.5.8 Section 107 (Restriction on grant of certain discharge permits)

Section 107(1) of the RMA provides that a consent authority must not grant a discharge permit if, after reasonable mixing, the discharge is likely to give rise to any of the listed effects in the receiving waters. Those effects include the production of conspicuous oil or grease films, scums, foams, floatable or suspended materials; any conspicuous change in colour or visual clarity; any emission of objectionable odour; the rendering of fresh water unsuitable for consumption by farm animals; or any significant adverse effects on aquatic life.

Sections 107(2) and 107(2A) provide exceptions to that restriction. Under section 107(2), a permit may still be granted where exceptional circumstances justify it, where the discharge is temporary, or where it is associated with necessary maintenance work, provided that granting the permit is consistent with the purpose of the RMA. Section 107(2A) is also relevant where significant adverse effects on aquatic life already exist in the receiving waters, provided conditions are imposed and the consent authority is satisfied those conditions will contribute to a reduction of those effects over the duration of the permit.

The actual and potential effects of the BPCP discharges are assessed in **Chapter A.6** of the application and in the technical assessments in **Part B**. Those effects vary by catchment, Project Sub-Area and Project phase, and depend on the nature of the discharge, including sediment and turbidity, coal fines, AMD, MIW and other contaminants.

For the purposes of section 107(1), the key discharge-related issues are whether the Project could, after reasonable mixing, cause significant adverse effects on aquatic life, conspicuous suspended material, conspicuous changes in colour or visual clarity, objectionable odour, or render fresh water unsuitable for farm animal consumption. Untreated or uncontrolled discharges of sediment, coal fines, AMD, MIW and other contaminants could give rise to those outcomes. The assessment therefore turns first on the Project-wide controls proposed to manage those risks, and then on how those controls apply in two different receiving-environment contexts: Stockton, where an established AMD-affected system is already subject to active treatment and improvement; and the MFS, ESE and UWHR Sub-Areas, where the primary objective is preventative and protective.

The Project-wide water management framework is based on the following principles:

- > Divert clean water around disturbed areas;
- > Minimise erosion by managing run-off velocities and directing water to designated areas;
- > Direct run-off from disturbed areas to sediment control structures;
- > Design and construct in-pit sumps for sediment settling and water capture prior to pumping to the receiving environment;
- > Use a risk-based approach for the design of water management infrastructure, including provision for climate change;
- > Design and construct ELFs to minimise AMD generation; and
- > Implement active and passive AMD treatment where required.

985 Together, those measures form the baseline control framework for the Project. They are intended to separate clean water from disturbed areas, reduce sediment generation, capture and treat mine-impacted water, minimise AMD generation, and control the extent and intensity of any discharge plume after reasonable mixing. They also provide the foundation for the more specific water quality, turbidity, visual clarity and monitoring controls discussed below.

990 Sediment and turbidity are the principal mechanisms by which the Project could affect visual clarity and aquatic life. In relation to section 107(1)(d), the RMA Science assessment (RMA Science, 2026) records that visual clarity on the Buller Plateaux is influenced by both suspended sediment and naturally elevated dissolved organic carbon, which produces

995 characteristic brown-water conditions. Because many Plateaux streams have very low turbidity at baseflow, generally less than 2 NTU, colour and visual darkness are not reliable indicators of sediment effects on their own. Turbidity is therefore used as the principal measurable parameter for managing sediment-related visual and ecological effects.

1000 The proposed site-specific turbidity framework responds to those conditions rather than applying generic default criteria. For ecological protection, it applies a 95% level of protection at compliance sites on an add-to-background basis relative to associated reference sites. The framework includes a short-term limit of 550 NTU maximum, a 200 NTU 7-day rolling median for continuous monitoring, annual long-term limits of +5 NTU median above background and +20 NTU at the 95th percentile above background, and a separate performance trigger of 25 NTU as a 15-sample rolling median. These criteria recognise the

1005 naturally acidic, low-hardness, brown-water and highly flashy nature of Plateau streams while avoiding sustained increases above background that could affect aquatic communities.

1010 That framework also provides the basis for assessing visual clarity. At downstream SH67 sites, aesthetic protection is proposed through clarity-based criteria of no more than a 50% change from background for median and 95th percentile clarity, together with a median clarity of greater than 1.6 metres. A site-specific relationship between turbidity and black-disc visual clarity is also to be developed for the relevant lowland rivers. Reference, Compliance and Performance monitoring sites, together with continuous, discrete and event-based monitoring, will therefore assess both ecological sediment effects and whether

1015 any conspicuous deterioration in downstream visual water quality has occurred after reasonable mixing.

Construction-related sediment effects are addressed as a distinct, short-term risk within that same framework. This is particularly relevant to the UWHR, where temporary stormwater and sediment control infrastructure will be required and rainfall-driven

1020 sediment and turbidity pulses may occur during construction. Given the flashy hydrology of
Plateau streams, those effects are appropriately characterised as episodic and temporary
rather than representative of the long-term operational discharge regime. They will be
managed through erosion and sediment controls, temporary sediment retention ponds,
stormwater samplers, and continuous, discrete and event-based turbidity monitoring at
1025 Reference, Compliance and Performance sites. The framework also recognises that
compliance with turbidity limits should not be expected during extreme events, defined by
reference to a 10-year rainfall event.

Metals and AMD-related risks are managed through a complementary set of site-specific
water quality guidelines. For the MFS, ESE and UWHR Sub-Areas, those guidelines include
1030 bioavailable metals criteria that account for toxicity-modifying factors such as pH, hardness
and dissolved organic carbon. They sit alongside the sediment and turbidity framework
described above and recognise that many Plateau streams are naturally acidic and
hydrologically variable, while still being directed at maintaining aquatic life and avoiding
significant adverse effects after reasonable mixing.

1035 Those same controls are also relevant to section 107(1)(f). On the evidence available, the
proposed downstream water quality limits, treatment controls and monitoring regime are
expected to prevent contaminant concentrations that would make fresh water unsuitable
for farm animal consumption after reasonable mixing. If monitoring identifies any emerging
risk to downstream uses, further responses can be implemented through the proposed
1040 conditions and adaptive management framework.

Against that Project-wide framework, the section 107(2) and 107(2A) assessment is best
addressed separately for Stockton and for the MFS, ESE and UWHR Sub-Areas.

At Stockton, exceptional circumstances exist for the purposes of section 107(2)(a). Stockton
is a long-established, heavily modified mining environment where AMD is a legacy issue
1045 resulting from more than 130 years of historic underground and opencast mining. That
legacy issue will continue to require capture and treatment whether or not mining continues.
In that context, continuation of mining and associated discharges enables the ongoing
operation and optimisation of an integrated water management system that treats an
existing liability and reduces it over time, including through the mining out of historic
1050 underground workings.

Bathurst currently uses active and passive AMD treatment at Stockton, including lime
dosing, sediment-settling facilities and mussel-shell reactors. These methods raise the pH
of mine-impacted water so that dissolved metals precipitate, flocculate and are removed
before discharge. Other measures, including excavation of underground workings, diversion

1055 and treatment of contaminated water, engineered landform construction, weathered granite capping and revegetation, are also used to reduce AMD generation and effects.

Sediment-related effects from Stockton discharges are managed within that same treatment and water-management framework. This includes mine water containing coal fines, stormwater, treatment-related solids and the Mangatini LDS. The Instream report
1060 treats turbidity as the principal operational measure of sediment-related receiving-water effects, with site NR2 on the Ngākawau River subject to annual and rolling turbidity criteria. The LDS discharge is also subject to a stricter flow-dependent operating regime under the Mangatini Sump Management Plan, including no discharge below specified flow thresholds and progressively tighter 8-hour average turbidity limits as flow decreases. Targeted
1065 sediment-quality and source-attribution investigations are also proposed if sediment volume or sediment quality is found to be constraining ecological recovery.

Accordingly, at Stockton the Project supports a treatment and discharge regime directed toward the betterment of an already heavily AMD-affected receiving environment. From an aquatic ecology and ecotoxicology perspective, Stockton streams have been degraded but
1070 are demonstrably improving where treatment is occurring, with monitoring showing increases in pH, reductions in dissolved metals, particularly aluminium, and corresponding reductions in ecological toxicity. Section 107(2A) is therefore directly relevant because effects of the kind described in section 107(1)(g) already exist in the receiving waters, and the proposed conditions will contribute to reducing those effects over the duration of the
1075 consents through ongoing treatment, monitoring, rehabilitation and adaptive management.

The MFS, ESE and UWHR Sub-Areas require a different assessment. They are not subject to the same long-established and highly modified AMD-affected environment as Stockton, and many streams reflect predominantly natural baseline conditions, although Plateaux streams are often naturally acidic, typically with pH values in the range of 4 to 6. The relevant
1080 management objective is therefore preventative and protective, rather than remedial.

In those Sub-Areas, potential sediment and AMD risks associated with land disturbance and exposure of sulphide-bearing materials are addressed through material classification, selective handling and encapsulation of potentially acid-forming material, engineered landforms with low-permeability covers, separation of clean water from MIW, erosion and
1085 sediment controls, staged rehabilitation, and treatment of MIW prior to discharge. Controlled discharges will then be managed through site-specific water quality limits developed using a weight-of-evidence framework that accounts for naturally acidic conditions and toxicity-modifying factors. In combination with the site-specific turbidity and visual clarity framework, those controls are directed at protecting aquatic life, avoiding

1090 conspicuous suspended materials and changes in visual clarity after reasonable mixing, and maintaining downstream stock-water suitability.

For completeness, the proposed operational discharges are not temporary for the purposes of section 107(2)(b), although discharge volumes and effects are expected to reduce as rehabilitation and closure progresses in each Sub-Area. Nor are they associated with
1095 necessary maintenance work for the purposes of section 107(2)(c). The separate acute turbidity criteria and construction-phase controls described above address temporary construction-related sediment pulses.

Overall, section 107 is addressed through a dual strategy. At Stockton, the Project supports ongoing remediation and improvement of an existing AMD-impacted waterway system in
1100 circumstances where sections 107(2)(a) and 107(2A) are directly relevant. In the MFS, ESE and UWHR Sub-Areas, the Project adopts a preventative and protective approach through conservative, site-specific discharge controls, including bioavailable metals criteria, site-specific turbidity limits, visual clarity and colour controls, and monitoring linked to adaptive management.

1105 On that basis, and subject to the proposed conditions, the discharges are not expected, after reasonable mixing, to give rise to conspicuous suspended materials, conspicuous changes in colour or visual clarity, objectionable odour, the rendering of fresh water unsuitable for farm animal consumption, or significant adverse effects on aquatic life. Comprehensive monitoring of flow, water chemistry, turbidity and biological indicators will
1110 underpin that approach across all phases of the Project. Accordingly, there is no section 107 impediment to the grant of the discharge permits sought for the BPCP.

9.5.9 Section 108 and 108AA (Conditions)

These sections of the RMA provide guidance on imposing consent conditions.

1115 In this regard, Bathurst considers that the proposed conditions proffered in **Part E** of the application are appropriate to avoid, remedy, mitigate or manage the actual and potential adverse effects of the BPCP.

In addition, the conditions relating to discharges of contaminants proffered by Bathurst represent the most efficient and effective means of preventing or minimising any actual or potential adverse effects on the environment, consistent with section 108(8) of the RMA. The
1120 proposed conditions reflect best practice and constitute the best practicable option in the circumstances.

At Stockton, the proposed water treatment regime and associated conditions represent the best practicable option because they respond to a complex legacy of AMD that cannot be

1125 fully avoided, utilise proven and site-specific treatment technologies, and are appropriately designed for the extreme rainfall, complex hydrology, and historic underground workings that characterise the Stockton Mine.

1130 The Crown's Business Case for treating AMD on the Stockton Plateau also identified continued operation of the existing and proposed water treatment system at the Stockton Mine as an appropriate and necessary response, noting that active and passive treatment measures represent the most effective and practicable means of managing AMD over the long term, and of achieving progressive improvement relative to a closure-only scenario.

1135 Importantly, the continued operation of the Stockton mine enables a 'betterment' approach, whereby ongoing treatment progressively improves water quality and aquatic conditions over time, rather than allowing unmanaged AMD discharges to occur under a base-case (closure-only) scenario.

9.5.10 Section 123 (Duration of Consent)

In accordance with section 123 of the RMA, Bathurst requests:

- > A 15-year duration for any resource consents granted solely for construction activities;
- > A 40-year duration for any other section 9 land use consents granted, which is
1140 consistent with the term of the mining permits; and
- > A 35-year duration for any other section 13, 14 and 15 resource consent granted, being the maximum duration allowed under s123 of the RMA.

The following aspects, both distilled from case law and from the specific circumstances in this instance, support this request:

- > The adverse effects are not likely to increase or vary during the term of the consent;
- > Adaptive management, reporting and review conditions are able to control adverse effects not anticipated at the time of granting;
- > The Project represents significant capital investment and offers a range of positive benefits at a local and regional level;
- > A duration of 35 - 40 years allows Bathurst to implement the proposed compensation and mitigation strategies;
- > A duration of 35- 40 years will enable Bathurst to comply with the conditions of the
1150 resource consents for the existing mining infrastructure until they expire;

- 1155 > A longer consent duration provides certainty and financial and operational security to Bathurst in line with the requirements of its existing resource consents and its strategic goals;
- > A robust set of monitoring and review conditions is proposed by Bathurst to manage any new information, or environmental effects (including cumulative effects) which come to light during the term of the consents;
- 1160 > It is apparent from the technical assessments that, overall, the environmental effects of the proposal are well understood. Furthermore, where uncertainty remains, appropriate adaptive management methods and/or review provisions are proposed within the proffered conditions (**Part E**); and
- 1165 > A longer consent duration is consistent with the FTAA's obligations not to impose conditions that are more onerous than necessary.⁷⁷

Overall, a 40-year duration for all section 9 land use consents granted, and a 35-year duration for all section 13, 14 and 15 resource consents granted will best meet the RMA's purpose of sustainable management in this case. Moreover, this longer term is consistent with the overarching purpose of the FTAA.

1170 9.6 SECTION 127

The FTAA expressly provides that changes or cancellations of resource consent conditions may be sought as part of a substantive application, where such changes are material to the implementation or delivery of the Project, thereby enabling the equivalent of a section 127 application to be considered within the fast-track process.

1175 As outlined in **Chapter A.8**, Bathurst seeks to vary its suite of Cypress Mine approvals as part of the FTAA process to integrate the Cypress mining area within the broader BPCP framework and to avoid duplication or conflict between existing and proposed approvals. The BPCP intersects with areas previously subject to Cypress-specific management requirements, including pest control and snail enhancement areas, as well as operational

1180 infrastructure.

Technical assessments undertaken for the BPCP indicate that aspects of the existing Cypress compensation and management framework, particularly in relation to snail management, are not achieving the intended ecological outcomes and, in addition, constrain access to known mineral deposits that are integral to delivering the Project's

1185 regional and national benefits. However, the overall objectives of the existing provisions are

⁷⁷ FTAA Regulation 83.

not proposed to change. Instead, those objectives will be carried forward and implemented through revised, integrated management plans prepared for the BPCP.

Accordingly, Bathurst seeks to amend the Cypress consent conditions to enable a consolidated, Project-wide management framework that is more effective, efficient and enduring. The proposed amendments include:

- > Enabling the UWHR and associated operations to pass through the Cypress area, and removing obligations to rehabilitate the UWHR footprint on closure of Cypress Mine;
- > Incorporating Cypress bonds into the wider BPCP bond framework;
- > Removing existing Cypress-specific snail and kiwi management plan requirements, and replacing these with integrated BPCP management plans that apply across the wider Project area; and
- > Ensuring that residual effects associated with the Cypress mining area are addressed as part of the broader REP.

As part of this integrated approach, a temporary pest-exclusion fenced area enclosing approximately 12 ha of red tussock habitat (to be transferred via VDT as part of Cypress operations) is also proposed to support the achievement of existing consent objectives in the short term. This fenced area will provide site-specific management during the transition to the BPCP framework and will be reflected in the relevant management plans.

Once the Whirlwind Rise pest-exclusion fenced area is established, the Cypress fenced area will be incorporated into that wider enclosure, forming a contiguous pest-free management area. This integrated approach is intended to improve long-term ecological resilience, reduce fragmentation of management measures, and enable more effective predator control at a landscape scale, consistent with best-practice conservation outcomes. The Oparara Kiwi Treatment Area will remain unchanged and continue to be managed in accordance with existing obligations.

It is also noted that, pending the grant of the BPCP approvals, the Cypress mining area will continue to operate under existing resource consents and a recently granted WAA by existing Cypress-specific management plans. Upon approval of the BPCP, these arrangements will be superseded by the Project-wide approvals and management framework, supported through this variation being sought and a new WAA inclusive of Cypress.

Bathurst also seeks to ensure that there are no operational conflicts between the amended Cypress consents and the broader BPCP approvals.

Section 127 of the RMA is therefore relevant to the Project. S127 states:

- 1220 (1) *The holder of a resource consent may apply to a consent authority for a change or cancellation of a condition of the consent, subject to the following:*
- (a) *the holder of a subdivision consent must apply under this section for a change or cancellation of the consent before the deposit of the survey plan (and must apply under section 221 for a variation or cancellation of a*
- 1225 *consent notice after the deposit of the survey plan); and*
- (b) *no holder of any consent may apply for a change or cancellation of a condition on the duration of the consent.*
- (2) *[Repealed]*
- (3) *Sections 88 to 121 apply, with all necessary modifications, as if—*
- 1230 (a) *the application were an application for a resource consent for a discretionary activity; and*
- (b) *the references to a resource consent and to the activity were references only to the change or cancellation of a condition and the effects of the change or cancellation respectively.*

1235 The relevant matters identified in section 127 have been taken into account within the context of the broader statutory assessment. An assessment of effects arising from this variation is set out below. This should also be considered against the broader assessment set out in **Chapter A.6**.

9.6.1 Existing Ecological Obligations

1240 As discussed further in **Chapter A.3**, a number of legacy consent conditions apply across the Buller Plateaux (including the Stockon Plateau and surrounding areas), establishing large-scale habitat and biodiversity management zones relevant to the existing mining areas, including Cypress. However, implementation has generally relied on intermittent, predominantly aerial 1080 operations and has often been focused on a limited subset of

1245 pest species.

This approach has resulted in inconsistent and relatively narrow pest control regimes that do not adequately respond to the range and persistence of predator pressures across these habitats. Consequently, ecological outcomes have been constrained, with ongoing predation impacts limiting improvements in priority species and ecosystem health.

1250 The proposed biodiversity and pest management measures under the BPCP seek to address these shortcomings by building on the existing framework and including a more comprehensive, adaptive, and integrated pest management approach to improve overall effectiveness and ecological resilience.

9.6.2 Proposed Amendments to Cypress Consent Conditions and s127 Assessment

1255 As discussed earlier in this application, the BPCP seeks to amend several existing Cypress Mine consent conditions to better integrate the Cypress operations into the wider Project framework and to reflect updated management approaches, including those proposed under the FTAA application.

1260 The key changes proposed to the Cypress consent conditions can be summarised as follows:

- > Integration of Cypress within the BPCP operational footprint, including enabling infrastructure such as the UWHR to pass through the Cypress area;
- > Removal or replacement of certain existing ecological management obligations, including specific prescriptive requirements relating to snail and kiwi management plans, with these matters to be addressed through the broader BPCP management plans and residual effects framework;
- 1265 > Incorporation of Cypress-related ecological management into Project-wide management plans, including pest management, biodiversity enhancement, avifauna, and snail management;
- 1270 > Removal of duplicated or superseded post-closure obligations, including certain rehabilitation and biodiversity bond provisions, to be replaced by a consolidated BPCP bond and closure framework;
- > Continuation of existing management outcomes and objectives, but with revised delivery mechanisms aligned with updated ecological management approaches and monitoring frameworks.
- 1275

Section 127 of the RMA provides for the variation or cancellation of consent conditions upon application by the consent holder. In considering such changes, the assessment is required to focus on:

- 1280 > The effects of the proposed changes, when compared to the currently consented baseline; and
- > Whether those effects remain appropriate having regard to the purpose and principles of the RMA.

In this context, the relevant baseline environment comprises the existing Cypress Mine consent conditions, including the SEA, WHEA, and associated biodiversity management measures described above.

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The proposed amendments do not seek to remove the overarching requirement to manage ecological effects associated with the Cypress Mine. Rather, they:

- > Replace site-specific, prescriptive management regimes with an integrated, Project-wide framework;
- > Consolidate ecological obligations within a broader and more comprehensive management system; and
- > Align Cypress management with contemporary technical approaches, including those developed for the wider BPCP.

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Importantly, the proposed changes retain the underlying ecological objectives of the existing consents (including protection and enhancement of *Powelliphanta*, kiwi and wider biodiversity) but modify the method of delivery.

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Under the current consented regime, ecological management within the Cypress area is characterised by site-specific, prescriptive conditions, including separate snail and kiwi management plan requirements, and a reliance on intermittent pest control focused on a limited number of species. As outlined in Alliance Ecology (2026a), implementation of these measures has been variable and, in some cases, insufficient to adequately address the range and persistence of predator pressures across the Buller Plateaux, resulting in constrained ecological outcomes.

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The proposed amendments represent a shift away from this fragmented, consent-specific approach to a more integrated, Project-wide framework. In particular, they provide for:

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- > The incorporation of Cypress within the broader BPCP operational footprint, including enabling the UWHR and associated activities;
- > The consolidation of ecological management obligations into the BPCP management plans, including the Avifauna Management Plan, Snail Management Plan, Pest Management Plan, and associated monitoring frameworks;
- > The removal of duplicated prescriptive requirements (such as existing snail and kiwi management plan provisions), with these matters instead addressed through a consistent, plateau-wide management approach; and
- > The integration of bonds, closure obligations and residual effects management within a single, coordinated BPCP framework.

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Importantly, these changes do not remove or reduce the underlying ecological management obligations for Cypress but instead change the method by which those obligations are delivered.

1320 This includes the incorporation of the proposed Cypress pest exclusion fence, which is
specifically intended to support the achievement of existing ecological objectives under the
Cypress consents, particularly in relation to *Powelliphanta*. While this fenced area is distinct
from, and not relied upon as part of, the wider REP, it provides a targeted mechanism to
maintain and enhance biodiversity outcomes within the Cypress footprint under the revised
1325 consent framework. In this way, the proposed changes ensure continuity of ecological
outcomes while improving the effectiveness and certainty of their delivery.

Under the proposed framework, ecological management within the Cypress area will be
undertaken in the same manner as the wider Buller Plateaux, including application of a
comprehensive, multi-species pest control regime, implementation of species-specific
management measures through certified management plans, and inclusion within the
1330 broader REP where relevant. This includes the application of consistent approaches to
vegetation clearance, fauna management, monitoring and adaptive management, as well as
the incorporation of specific Cypress-related measures, such as the proposed Cypress pest
exclusion fence, within the relevant management plans.

As a result, ecological management will be more consistent, better coordinated across the
1335 landscape, and supported by ongoing monitoring and adaptive management.

When compared to the existing consented baseline, this shift in approach is expected to
result in improved ecological outcomes. In particular, the shift from intermittent, site-
specific pest control to a more comprehensive, sustained pest management regime is
expected to reduce predation pressure on priority species such as *Powelliphanta* and kiwi.
1340 This is particularly important in the case of *Powelliphanta*, where subsequent ecological
evidence indicates that predation, especially by weka, is the primary driver of population
decline. In that context, the site-based habitat enhancement and limited predator control
approach relied on under the Cypress consents is unlikely to reliably achieve the intended
population outcomes. The introduction of pest-exclusion fencing, therefore, represents a
1345 fundamental shift in management approach and is now considered the only practicable
method of maintaining sufficiently low predator pressure to enable population persistence
and recovery.

The alignment of Cypress management with the wider BPCP framework also improves
habitat connectivity, reduces fragmentation of management effort, and supports more
1350 effective long-term ecological management at a landscape scale.

Accordingly, the proposed changes represent a clear improvement in the effectiveness of
ecological management relative to the existing consented regime and therefore give rise to
positive ecological effects.

1355 The integration of Cypress ecological management into the wider BPCP framework also
results in positive cumulative effects. It enables landscape-scale pest and biodiversity
management across the Buller Plateaux, rather than fragmented and consent-specific
approaches. This improves ecological connectivity between managed areas, ensures that
management measures (including pest control, weed management and biosecurity) are
consistently applied across the landscape, and supports coordinated monitoring and
1360 reporting. The inclusion of Cypress within this broader framework is expected to result in
more coherent and effective biodiversity outcomes over time.

In terms of closure and long-term effects, the proposed consolidation of closure
requirements, bonds and residual effects obligations into a single BPCP framework
improves clarity, consistency and efficiency in long-term environmental management. This
1365 includes removing duplicated rehabilitation obligations (such as those associated with the
UWHR footprint under the Cypress consents) and replacing them with integrated closure
provisions under the BPCP. This approach reduces complexity, avoids conflicting
requirements, and strengthens alignment between closure outcomes and long-term
ecological management. As a result, long-term effects are considered to be neutral to
1370 positive.

When assessed against the existing consented baseline, the proposed amendments retain
the underlying ecological objectives of the Cypress consent conditions, including the
protection and enhancement of *Powelliphanta*, kiwi and wider biodiversity values, while
replacing less effective, prescriptive measures with a more comprehensive, integrated and
1375 adaptive management framework. On this basis, the changes are expected to improve
ecological and biodiversity outcomes over time.

Overall, the environmental effects of the proposed changes are no more than minor, and in
many respects positive. The proposed amendments are therefore considered appropriate
under section 127 of the RMA.

1380 9.7 RELEVANT PLANNING DOCUMENTS

9.7.1 Introduction

In accordance with section 104(1)(b) of the RMA, the following statutory planning
documents are considered relevant to the consideration of the resource consent
applications for the BPCP:

- 1385
- > New Zealand Coastal Policy Statement 2010 (“**NZCPS**”);
 - > Resource Management (National Environmental Standards for Freshwater) Regulations
2020 (“**NES-F**”);

- > Resource Management (National Environmental Standards for Air Quality) Regulations 2011 (“**NES-AQ**”);
- 1390 > Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations (“**NES-CS**”);
- > Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007 (“**NES-DW**”);
- 1395 > Resource Management (Measurement and Reporting Water Takes) Amendments Regulations 2020 (“**Water Management Regulations**”);
- > Resource Management (National Environmental Standards for Storing Tyres Outdoors) Regulations 2021 (“**NES-STO**”);
- > Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009 (“**NES-ETA**”);
- 1400 > National Policy Statement for Freshwater Management 2020 (“**NPS-FM**”);
- > National Policy Statement for Indigenous Biodiversity 2023 (“**NPS-IB**”);
- > West Coast Regional Policy Statement (“**RPS**”);
- > West Coast Regional Council: Land and Water Plan (“**RLWP**”);
- > West Coast Regional Council: Regional Air Quality Plan (“**RAQP**”);
- 1405 > Te Tai o Poutini Plan – Decisions Version (“**TTPP**”); and
- > Buller District Plan (“**BDP**”).

Each of these policy statements and plans is considered further in the following sub-sections. As a preliminary point, it is noted that while these documents have been prepared with consideration of the RMA's sustainable management purpose, they do not directly

1410 inform the purpose of the FTAA.

It is also noted that a full list of the objectives and policies considered relevant to the BPCP is provided in **Appendix 9.A** of these application documents for ease of reference.

For completeness, the following statutory planning documents are not considered relevant to the BPCP for the following reasons:

- 1415 > Resource Management (National Environmental Standards for Greenhouse Gas Emissions from Industrial Process Heat) Regulations 2023 (“**NES-GHG**”) are not relevant as the BPCP does not involve the emission of greenhouse gases from heat devices that produce industrial process heat; and

- 1420 > National Policy Statement for Greenhouse Gas Emissions from Industrial Process Heat 2023 (“**NPS-GHG**”) is not relevant as the BPCP does not involve the emission of greenhouse gases from fossil fuel-fired heat devices; and
- 1425 > National Policy Statement for Natural Hazards 2025 (“**NPS-NH**”) is not relevant as mining (and ancillary activities) are captured by the definition of *primary production* under the NPS-NH and National Planning Standards. This is relevant as, under Section 1.3(2) of the NPS-NH, primary production is exempt from the NPS-NH as follows:
- This National Policy Statement applies to all activities managed under the Act, except for infrastructure (as defined in the Act) and primary production (as defined in the National Planning Standards).*
- 1430 > The National Policy Statement for Highly Productive Land 2022 (“**NPS-HPL**”) only applies to highly productive land, which, under the NPS-HPL is defined as land which is identified as Land Use Capability Class (“**LUC**”) 1, 2, or 3, as mapped by the New Zealand Land Resource Inventory (“**NZLRI**”). According to the NZLRI, the Plateaux is identified as LUC 7 and LUC 8.⁷⁸
- 1435 > The National Policy Statement for Infrastructure 2025 (“**NPS-I**”) only applies to *infrastructure*, as defined by the RMA, and *additional infrastructure* as defined in the NPS. The BPCP is not infrastructure, as defined in the RMA, and is not additional infrastructure, as defined in the NPS-I. Mining and ancillary activities are instead captured by the definition of *primary production* under the NPS-NH and National Planning Standards.
- 1440 > The Wastewater Services (Wastewater Environmental Performance Standards) Regulations 2025 (“**WEPS**”) are not relevant as the sludge from the water treatment plants (which is required to be periodically removed, and pumped into geofabric dewatering bags, before being incorporated into ELF), does not result from treating wastewater, and it has not been treated to produce a nutrient-rich product to be applied
- 1445 to land. As such, the sludge does not meet the definition of *biosolids*. This is relevant as, under Section 3(a) of the WEPS, the regulations only specify wastewater environmental performance standards in relation to the discharge of biosolids to land.
- 1450 > Te Rūnanga o Makaawhio Pounamu Management Plan and Te Rūnanga o Ngāti Waewae Kaitiakitanga Pounamu Management Plan are iwi management plans (“**IMP**”) referred to in the RLWP. However, the purpose of these IMPs is limited to the management of the

⁷⁸ The key characteristics of LUC 7 and 8 land are non-arable (i.e. not suitable for cropping) and with moderate to very severe physical limitations, such as steep slopes, poor soil quality, wetness and drainage issues high erodibility or harsh climatic conditions.

pounamu (greenstone) resource by Te Rūnanga o Ngāi Tahu and its Papatipu Rūnanga (subtribal councils). Therefore, the IMPs are not relevant to the BPCP.

9.8 NEW ZEALAND COASTAL POLICY STATEMENT 2010

1455 The NZCPS applies to activities in the coastal marine area (“**CMA**”) and in the wider coastal environment. The Project is not directly located in the CMA, so NZCPS objectives and policies that apply only within the CMA are not directly applicable. However, **Policy 1** defines what is meant by the “*coastal environment*”. This is relevant to the BPCP because the coastal environment includes physical resources and built facilities, including infrastructure, that have modified the coastal environment (**Policy 1(2)(i)**), and, taking a very conservative basis, because discharges from the Plateaux ultimately flow to receiving environments within the coastal environment and CMA.

1460 The Ngākawau Rail Loadout is in the Coastal Environment Overlay (“**CEO**”) as defined in TTPP. The CEO recognises the landward extent and characteristics of the coastal environment where coastal natural character and coastal processes, including coastal erosion, influence, or are significant to, the area. The WCRC determined the extent of the CEO in TTPP with reference to Policy 1 of the NZCPS. The lower Ngākawau River and its estuary also form part of the coastal environment and therefore fall within the scope of the NZCPS.

1470 As such, an assessment of the BPCP against the relevant provisions of the NZCPS is required. The NZCPS objectives of most relevance to the BPCP are:

- 1475 > **Objective 1**, which seeks to safeguard the integrity, form, functioning and resilience of the coastal environment and sustain its ecosystems, including by maintaining coastal water quality and enhancing it where it has deteriorated because of discharges associated with human activity;
- > **Objective 2**, which seeks to preserve the natural character of the coastal environment, protect natural features and landscape values, and encourage restoration of the coastal environment;
- 1480 > **Objective 3**, which requires the principles of the Treaty of Waitangi to be taken into account, recognises the role of tangata whenua as kaitiaki, and provides for tangata whenua involvement in management of the coastal environment; and
- > **Objective 6**, which enables people and communities to provide for their social, economic and cultural wellbeing through subdivision, use and development, recognising that the protection of coastal values does not preclude use and

1485 development in appropriate places, forms and limits, and that functionally some uses and developments can only be located on the coast or in the CMA.

The NZCPS Policies of relevance to the BPCP are:

- > **Policy 1(2)(i)**, which recognises that the coastal environment includes physical resources and built facilities, including infrastructure, that have modified the coastal environment;
- 1490 > **Policy 4**, which requires integrated management of natural and physical resources in the coastal environment and of activities that affect the coastal environment. **Policy 4(c)(iv)** is particularly relevant, as it requires particular consideration of situations where land use activities affect, or are likely to affect, water quality in the coastal environment and marine ecosystems through increasing sedimentation;
- 1495 > **Policy 6(1)**, which recognises that the provision of infrastructure, the supply and transport of energy including the generation and transmission of electricity, and the extraction of minerals are activities which may be required for the social, economic and cultural well-being of people and communities;
- > **Policy 6(6)**, which considers that development that maintains the character of the
1500 existing built environment should be encouraged; and
- > **Policies 21–23**, which collectively require coastal water quality to be maintained and progressively enhanced, particularly where degradation already exists, and direct that sediment and contaminant discharges, whether direct or indirect, be avoided where practicable and otherwise appropriately remedied or mitigated such that significant
1505 adverse effects do not arise on coastal ecosystems, tangata whenua values, public health, or amenity and recreational values. Management at source is preferred.

1510 The Ngākawau Rail Loadout plays a key role in mining operations, serving as both a product stockpile area and a rail loadout facility. The mining infrastructure at the Ngākawau Rail Loadout was built in the 1950's and predates the NZCPS and has serviced and continues to service ongoing mining activity, which continues to contribute to the social, economic and cultural well-being of people and the community. The site is an existing physical resource and built facility within a modified coastal environment, consistent with the recognition in **Policy 1(2)(i)**. The BPCP does not propose any physical changes to the Ngākawau Rail Loadout, and as such, the character of the existing built environment will be maintained.

1515 While the Project's principal mining activities are located inland on the Buller Plateaux, the Ngākawau Rail Loadout has a functional relationship with the Project because it forms part of the established coal handling and transport chain (via the aerial ropeway which brings

1520 coal down in buckets from the Stockton Plateau to the Rail Loadout). More broadly, the Project's discharges require integrated catchment-to-coast management because land use activities on the Plateaux have the potential to affect downstream coastal receiving environments, including through sedimentation and contaminant loads. This is consistent with **Policy 4**, and in particular, **Policy 4(c)(iv)**, which requires particular consideration of land use activities that may affect coastal water quality and marine ecosystems through increasing sedimentation.

1525 The Project is consistent with **Objectives 1 and 2**, and **Policies 21 to 23**, as it avoids unmanaged discharges and provides for the active capture, treatment, and controlled discharge of mine-affected water upstream. This approach is intended to maintain and progressively improve water quality entering the lower Ngākawau River compared with a closure-only or attenuation-based scenario. Through comprehensive treatment, sediment control, monitoring and adaptive management, the Project reduces contaminant loads reaching the lower river and downstream coastal environment over time, thereby supporting the enhancement of ecological health, customary values and amenity within the Ngākawau coastal receiving environment.

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1535 The Project is also consistent with **Objective 6** and **Policy 6**. The NZCPS recognises that infrastructure and mineral extraction may be important to the social, economic and cultural well-being of people and communities, and that use and development may be appropriate in particular places and forms where coastal values are appropriately managed. In this case, the only Project component physically located within the mapped coastal environment is an existing, long-established and modified rail loadout facility, and no physical changes to that facility are proposed. The Project therefore maintains the character of the existing built environment while managing downstream effects on the coastal receiving environment through an integrated, source-control approach.

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On this basis, the BPCP is consistent with the relevant objectives and policies of the NZCPS.

9.9 NATIONAL ENVIRONMENTAL STANDARDS

1545 9.9.1 Resource Management (National Environmental Standards for Freshwater) Regulations 2020

1550 The Resource Management (National Environmental Standards for Freshwater) Regulations 2020 ("**NES-F**") came into effect on 3 September 2020 and were most recently amended in January 2026. The NES-F establishes nationally consistent rules to regulate activities that pose risks to the health of freshwater bodies and ecosystems.

1555 The NES-F is directly relevant to the BPCP as it includes provisions controlling activities associated with mineral extraction and ancillary activities, including those affecting natural inland wetlands, river extent, instream structures and fish passage. In particular, the NES-F regulates activities within wetlands and within 100 metres of wetlands, the reclamation or diversion of streams, and the construction and operation of structures such as culverts that may affect water quality and aquatic connectivity.

1560 As noted in **Chapter A.8** of the application, a number of activities associated with the BPCP fall within these regulated categories and cannot meet the permitted activity standards under the NES-F. Resource consent is therefore required under the NES-F (as well as the RLWP and TTPP) to authorise those activities.

For mining activities and associated works, the NES-F provides that consent may only be granted where the consent authority is satisfied that:

- 1565
- > The extraction of minerals will provide significant national or regional benefits;
 - > There is a functional or operational need for the extraction activities to occur in the proposed location; and
 - > The effects management hierarchy has been applied.

In respect of these matters:

- 1570
- > **Chapters A.4 and A.6** of the application describe the national and regional benefits of the BPCP;
 - > The functional and operational need for the location of the Project is addressed later in this chapter in relation to **Policy 7** of the NPS-FM; and
 - > The effects management hierarchy has been applied across the Project, as summarised in **Section 9.1.5.10** and assessed by Alliance Ecology (2026a) in **Part B**.

1575 In addition to these gateway matters, the NES-F imposes specific requirements for activities affecting freshwater systems. In particular:

- > Activities affecting natural inland wetlands, including those within 100 metres, require assessment of impacts on wetland extent, hydrology and ecological values;
 - > The reclamation or diversion of river extent requires demonstration of functional need and application of the effects management hierarchy; and
 - > Instream structures, including culverts, must be designed and installed to provide for fish passage and maintain aquatic connectivity.
- 1580

The requirements of the NES-F, and the associated effects of the proposed reclamation and loss of watercourses, impacts on wetlands, and installation of culverts, are addressed in detail in **Chapters A.6 and A.7** of the application and in the technical assessments in **Part B**.

Those assessments explain how the Project applies the effects management hierarchy to wetland and aquatic ecological effects, including through avoidance where practicable, rehabilitation, and where necessary compensation and enhancement measures.

The aquatic and terrestrial ecological assessments confirm that wetlands across the Buller Plateaux form part of interconnected headwater systems, and that effects are not confined to areas of direct disturbance. Changes to hydrology, sediment transport and water quality, as well as edge effects associated with vegetation clearance, have the potential to influence wetlands within and beyond the immediate disturbance footprint, including those falling within the NES-F 100 metre zone. To mitigate the adverse effects on wetlands, a total of 250 integrated terrestrial biodiversity monitoring stations will be established across the Project's proposed disturbance area, and the 26,259 ha of land include in the REP. Baseline monitoring will be undertaken and will continue for at least 35 years or until stated biodiversity outcomes have been verified. The baseline monitoring involves data collection at all terrestrial and wetland monitoring sites for the purpose of providing robust quantitative information on biodiversity characteristics and values prior to the commencement of Project activities at the rehabilitation and REP sites.

Thereafter, outcome monitoring at rehabilitation will follow a five-year rotational cycle, beginning once rehabilitation or Residual Effects Management actions commence at each site. Each year, one-fifth of the monitoring stations established at a particular site will be monitored. The timing of commencement of outcome monitoring following the initiation of ecological rehabilitation or REM measures will vary across the different ecological rehabilitation and REP sites, as confirmed in the Biodiversity Outcome Monitoring Plan (Bathurst, 2026u).

These effects have also been explicitly accounted for in the Ecological Impact Assessment undertaken by EcoLogical Solutions (EcoLogical Solutions, 2026a) through the application of buffers and ecological setbacks to the Disturbance Areas, which extend the assessed impact area to capture indirect effects such as changes in hydrology, microclimate and habitat condition. Notwithstanding this, the Terrestrial Ecological Impact Assessment report (EcoLogical Solutions, 2026a) identifies that permanent loss and modification of wetland habitat will occur within the Project footprint, including areas of pākihi and other natural inland wetlands.

Residual effects on wetlands beyond the immediate impact area are addressed through the broader freshwater response already described in this report, including site-specific

1620 rehabilitation and the wider REP. In summary, that response includes long-term pest-exclusion fenced areas, active management of Blackburn Pākihi as a large wetland-dominated system, and other measures intended to maintain and enhance wetland function and ecological values at a broader landscape scale, while acknowledging that localised wetland loss within the Project Area will remain.

1625 With respect to instream structures, the Project proposes the installation of approximately 60 culverts associated with the UWHR and MFS access road. As the detailed design and location of these structures are not yet finalised, compliance with permitted activity standards for fish passage and design requirements cannot be demonstrated at this stage. Accordingly, a resource consent is required under the NES-F, as set out in **Chapter A.8**.

1630 Bathurst has proposed conditions requiring post-installation reporting consistent with NES-F information requirements and confirming that baseline flows, fish passage (including for kōura), and aquatic connectivity are maintained. These measures are to be read alongside the freshwater fisheries approvals or dispensations sought in **Chapter A.13**.

1635 In relation to the proposed loss and reclamation of stream extent, Bathurst's approach is to avoid stream loss where practicable through mine design, staging and alignment selection, and where loss cannot be avoided, to manage those effects through the effects management hierarchy and progressive rehabilitation. As described elsewhere in this report, this includes the reinstatement or recreation of stream channels within rehabilitated landforms, the restoration of aquatic connectivity and fish passage, and the design of replacement channels and associated habitats to re-establish, to the extent practicable, hydrological and ecological function over time. These site-specific measures are
1640 supplemented by wider aquatic compensation and enhancement actions, including remediation of fish passage barriers and restoration of degraded stream environments beyond the immediate disturbance footprint. Together with monitoring, adaptive management and the proposed consent conditions, these measures provide the framework through which stream reclamation and residual stream loss are to be managed under the
1645 NES-F, while recognising that full like-for-like replacement of all affected headwater stream values is not practicably achievable in every case.

9.9.2 Resource Management (National Environmental Standards for Air Quality) Regulations 2011

1650 The NES-AQ came into effect in June 2011 and sets standards to ensure a minimum level of health protection for all New Zealanders. The NES-AQ specifies ambient air quality standards for a number of contaminants for the protection of public health – including fine particulates (PM₁₀), sulphur dioxide (SO₂), carbon monoxide (CO) and nitrogen dioxide (NO₂). It applies where people are likely to be exposed for periods commensurate with the relevant

1655 assessment averaging period. The NES-AQ also includes concentration limits and the specified number of occasions that those concentration limits may be exceeded within any year.

The standards specified in the NES-AQ, along with the Air Quality Guidelines in the RAQP, are considered in **Chapter A.7** of the application and T+T (2026a). In summary, the concentrations of PM₁₀, CO and NO₂ associated with any discharges of contaminants into
1660 air associated with the BPCP are expected to remain within the relevant standards.

As such, the NES-AQ is not an impediment to the granting of the air discharge permits required for the BPCP.

9.9.3 Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations

1665 The NES-CS came into effect in January 2012. It outlines standards for disturbing soil at potentially contaminated sites. The NES-CS ensures that land affected by soil contaminants is appropriately identified and assessed before development, and, if necessary, remediated or the contaminants contained to make the land safe for human use.

1670 Mining industries are included on the Hazardous Activities and Industries List (“**HAIL**”) (HAIL Activity E7). Existing and future mining areas associated with the BPCP are therefore subject to the NES-CS. Accordingly, the NES-CS will apply to soil disturbance activities in existing mining areas, as well as during the operation and closure of future mining areas.

1675 The UWHR is also captured by the HAIL (Activities H⁷⁹ and I⁸⁰), as during its construction, temporary water treatment systems will be constructed, and water treatment compounds will be used to manage sediment runoff. Additional hazardous substances will also be stored and used during the Construction and Operational phases of the UWHR.

1680 The NES-CS is therefore relevant with respect to the implementation of the Mine Closure Strategy (Bathurst, 2026ah) and the Continuation Rehabilitation Management Plan (Bathurst, 2026n) (provided in **Part G**), which provide the framework for earthworks, closure and rehabilitation activities, including ecological conservation. In accordance with the Mine Closure Strategy (Bathurst, 2026ah), any contamination generated by the mining operation within the Project site can be remediated or managed appropriately.

⁷⁹ Activity H: Any land that has been subject to the migration of hazardous substances from adjacent land in sufficient quantity that it could be a risk to human health or the environment.

⁸⁰ Activity I: Any other land that has been subject to the intentional or accidental release of a hazardous substance in sufficient quantity that it could be a risk to human health or the environment.

1685 The requirements of the NES-CS and the effects associated with contaminated land are discussed further in the Mine Closure Strategy (Bathurst, 2026ah) in **Part B**, and in **Chapters A.6 and A.7** of the application documents.

9.9.4 Resource Management (National Environmental Standards for Sources of Human Drinking Water) Regulations 2007

1690 The NES-DW came into effect in June 2008. It sets requirements to protect sources of human drinking water from contamination. A human drinking water source is a natural water body that is used to supply a community with drinking water.

The NES-DW applies to resource consent applications for activities located upstream of an abstraction point of a registered drinking water supply. The Water Quality Protect Guidelines Report (RMA Science, 2026) in **Part B** confirms that no registered (or known) drinking water supplies will be affected by the BPCP.

1695 The community water supply at Granity and its associated unnamed tributary are topographically separated from the Granity and Twins streams, which are affected by mining activities. Similarly, a domestic water take from the Rudolph Stream tributary is located within a granite catchment unaffected by both existing Stockton mining activities and the proposed BPCP.

1700 In the remaining Project areas, compliance with the proposed water quality limits set out in the water quality protection guidelines prepared by RMA Science (2026) will ensure no adverse effects on downstream water users. Accordingly, the NES-DW has not been assessed further.

9.9.5 Resource Management (Measurement and Reporting Water Takes) Amendments Regulations 2020

1705 As described in the relevant water management assessments in **Part B**, the Project includes a range of water takes during the construction, operational and closure phases. These takes include both takes from natural water bodies and the abstraction of water from mine-related infrastructure such as sumps, pits and stormwater management systems.

1710 The Water Measurement Regulations apply to specified takes of freshwater from natural water bodies. In accordance with those regulations, any consumptive take from a natural water body that exceeds 5 litres per second will be subject to the applicable water measurement, recording and reporting requirements.

1715 Water collected within mine infrastructure, including sumps, pit dewatering systems, stormwater detention structures and other artificial collection systems, does not constitute

a take from a natural water body and is therefore not subject to the Water Measurement Regulations. Such water will nevertheless be managed in accordance with the relevant consent conditions and management plans.

1720 The proposed conditions in **Part E** require that all relevant water takes subject to the Water Measurement Regulations are measured, recorded and reported in accordance with those regulations.

9.9.6 Resource Management (National Environmental Standards for Storing Tyres Outdoors) Regulations 2021

1725 Bathurst proposes to manage the new tyre storage areas at ESE in a manner similar to that at Stockton Mine, as outlined in T+T (2026c) in **Part B**. The proposed tyre storage measures require:

- > Tyres to be stored in areas that are accessible for firefighting vehicles;
 - > The provision of adequate fire-fighting foam at the tyre storage areas;
 - > Run off from the tyre storage areas to be captured and directed to the mine water treatment system; and
 - > Limiting the footprint and height of the tyre stockpiles.
- 1730

These measures are considered to meet relevant environmental performance requirements and are consistent with good practice in environmental risk management.

1735 Tyre use will also be staged for responsible end-of-life processing through initiatives such as the TyreWise scheme,⁸¹ ensuring that final disposal or recycling occurs in an environmentally responsible manner.

Therefore, the proposed outdoor storage of tyres associated with the BPCP is consistent with the requirements of the NES-STO.

9.9.7 Resource Management (National Environmental Standards for Electricity Transmission Activities) Regulations 2009

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Bathurst proposes to undertake early-stage mining activities using generator power initially, with a combination of mains and generator power thereafter. In the short term, a minor upgrade to the existing mains power line to 3-phase with the addition of voltage regulators

⁸¹ Tyrewise is an accredited priority product stewardship scheme which provides a free and accessible collection service for end-of-life tyres across New Zealand in accordance with the Waste Minimisation (Tyres) Regulations 2023.

1745 and capacitors to add 480kVA supply will be required. A short spur line will also likely be required. These upgrades will be designed to comply with the permitted activity standards in the NES-ETA; or, if required, approval(s) under the NES-ETA will be sought by the line owner separately.

Therefore, the NES-ETA has not been assessed further.

9.10 NATIONAL POLICY STATEMENT FOR FRESHWATER MANAGEMENT 2020

1750 The NPS-FM came into force on 3 September 2020 and provides direction on how freshwater should be managed under the RMA. It has been amended several times, most recently in December 2025. The objective of the NPS-FM is set out in clause 2.1; however, section 104(2F) of the RMA states that “[w]hen considering an application and any submissions received, a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPS-FM 2020 (which relates to the hierarchy of obligations in the NPS-FM 2020)”. The objective of the NPS-FM is to ensure that natural and physical resources are managed in a way that prioritises:

- > Firstly, the health and wellbeing of waterbodies and freshwater ecosystems;
- > Secondly, the health needs of people; and
- 1760 > Then the ability of people and communities to provide for their social, economic, and cultural wellbeing.

Central to the NPS-FM is the concept of Te Mana o te Wai, which is described as:

1765 *“a concept that refers to the fundamental importance of water and recognises that protecting the health of freshwater protects the health and well-being of the wider environment. It protects the mauri of the wai. Te Mana o te Wai is about restoring and preserving the balance between the water, the wider environment, and the community.”*

Te Mana o te Wai encompasses six principles relating to the roles of tangata whenua and other New Zealanders, these are:

- 1770 > **Mana whakahaere:** the power, authority, and obligations of tangata whenua to make decisions that maintain, protect, and sustain the health and well-being of, and their relationship with, freshwater;
- > **Kaitiakitanga:** the obligations of tangata whenua to preserve, restore, enhance and sustainably use freshwater for the benefit of present and future generations;
- 1775 > **Manaakitanga:** the process by which tangata whenua show respect, generosity, and care for freshwater and for others;

- > **Governance:** the responsibility of those with authority for making decisions about freshwater to do so in a way that prioritises the health and well-being of freshwater now and into the future;
- > **Stewardship:** the obligations of all New Zealanders to manage freshwater in a way that ensures it sustains present and future generations; and
- > **Care and respect:** the responsibility of all New Zealanders to care for freshwater in providing for the health of the nation.

Part F of the application documents the extensive engagement undertaken by Bathurst and mana whenua to understand the Project's cultural impacts. This engagement has been undertaken in a manner designed to be consistent with the principles of mana whakahaere, kaitiakitanga and manaakitanga. **Chapter A.6** of the application and the CIA (Ngāti Waewae, 2026) assess the cultural effects associated with the BPCP and document the measures proposed by Bathurst to recognise the relationship iwi have to the area within which the BPCP is proposed.

9.10.1 Relevant Policies

The policies of the NPS-FM are, to varying degrees, applicable to this application. These are considered below:

Policy 1: *Freshwater is managed in a way that gives effect to Te Mana o te Wai.*

Policy 2: *Tāngata whenua are actively involved in freshwater management (including decision making processes), and Māori freshwater values are identified and provided for.*

In accordance with Te Mana o te Wai, the activities proposed as part of the BPCP have been carefully identified and assessed to ensure that the health of freshwater and the wider environment is prioritised and managed, as summarised below:

- > The UWHR route has been selected to minimise ecological effects and higher value stream areas in particular;
- > Clean water will be diverted away from areas disturbed by mining activities wherever practicable (including through temporary clean water diversion channels and permanent rehabilitated stream diversion) to reduce the volumes of water affected by mining activities;
- > Stormwater will be redirected to various silt and sediment retention ponds for settling and treatment prior to discharge in accordance with the ESCPs for land-disturbance activities (Bathurst, 2026y) and mining (MWM, 2026b);

- 1810 > As mining progresses, MIW will be managed through various active and passive treatment systems;
- > Reinstatement and rehabilitation of wetlands, including tarns, and streams will mitigate the loss of wetland extent and values to the extent practicable (the design characteristics for stream reinstatement is considered in further detail in the
- 1815 Rehabilitation Management Plan (Bathurst, 2026n); and
- > Sediment and erosion control measures will be used to avoid or minimise effects on wetlands and streams.

1820 As demonstrated in **Chapters A.6** and **A.7** of this substantive application, the various activities undertaken in association with the BPCP will protect, as far as is practicable, the health and wellbeing of waterbodies and freshwater ecosystems, the health needs of people, and thus the ability of people and communities to provide for their social, economic and cultural wellbeing, now and into the future.

1825 Bathurst continues to work with mana whenua regarding activities occurring as part of the BPCP and to implement the recommendations set out in the CIA. Through this consultation process, the ways in which the Project protects the mauri of the wai and restores and preserves the balance between water, the environment and community, will be established.

***Policy 3:** Freshwater is managed in an integrated way that considers the effects of the use and development of land on a whole-of-catchment basis, including the effects on receiving environments.*

1830 While this policy focuses on actions to be undertaken by regional councils, the technical assessments commissioned by Bathurst (**Part B**) have considered the actual and potential effects of the Project on land and freshwater resources in an integrated manner. This includes considering the potential effects of the BPCP at both a localised and Project-wide scale, and downstream effects on receiving environments, as outlined in **Chapter A.6** of the

1835 application.

1840 While the NPS-FM defines freshwater to include groundwater, its policies do not directly reference groundwater or groundwater management. Notwithstanding, the cumulative effects of the BPCP on freshwater matters (including groundwater) have been assessed in detail in the Assessment of Environmental Effects on Aquatic Ecology (ESNZ, 2026a), the Residual Effects Management Report (Alliance Ecology, 2026a), the geotechnical assessment reports (PDP, 2026a and 2026b) and in the Water Quality Protection Guidelines (RMA Science, 2026). Overall, integrated freshwater management is therefore at the centre of Bathurst's management approach.

1845 ***Policy 5:** Freshwater is managed (including through a National Objectives Framework)*
to ensure that the health and well-being of degraded water bodies and freshwater
ecosystems is improved, and the health and well-being of all other water bodies and
freshwater ecosystems is maintained and (if communities choose) improved.

1850 While it is for the WCRC to establish a National Objectives Framework (“**NOF**”) for
waterbodies in the West Coast Region, Bathurst has sought to ensure that the condition
framework for the management of the effects of the BPCP addresses the potential for
adverse effects in associated waterbodies and maintains their overall health and well-being.
This includes measures to avoid direct discharges of construction stormwater to water, the
implementation of appropriate erosion and sediment controls, active and passive water
treatment systems and a comprehensive package of actions that go a considerable way
1855 towards addressing the impacts of the Project on wetlands and freshwater bodies.

Subpart 2 of the NPS-FM sets out the approach regional councils must follow in setting
freshwater objectives, attributes and limits for individual water bodies. The NPS-FM requires
that regional councils consider freshwater values and how they should apply to local or
regional circumstances. Appendix 1A of the NPS-FM sets out compulsory national values,
1860 while Appendix 1 B sets out other values to be considered.

There are four compulsory national values, being:

- > Ecosystem health;
- > Human contact;
- > Threatened species; and
- 1865 > Mahika kai.

Appendix 2 of the NPS-FM sets out the attribute tables applicable to a waterbody and
related to the compulsory national values of ecosystem health and human contact.

The WCRC has identified FMUs across the West Coast Region.⁸² However, a plan change
has yet to be undertaken that implements the NOF by identifying water quality targets and
timeframes for their implementation.
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It is also noted that the Resource Management (Freshwater and Other Matters) Amendment
Act 2024 inserted provisions into the RMA that require regional councils not to publicly notify
a freshwater planning instrument (i.e. an amendment to a regional plan to give effect to the
NPS-FM) until a new NPS-FM is published to replace the current NPS-FM 2020, or until 31

⁸² At Kawatiri, Grey, Hokitika and South Westland.

1875	December 2025. As the WCRC has yet to notify provisions that implement the NOF, there are no requirements for the BPCP to be assessed against in that regard. Policy 6: <i>There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted.</i> Policy 6 is supported by clause 3.22 of the NPS-FM, which requires regional councils to include a new policy in their regional plans which guides how this policy will be implemented at a regional level. Collectively, these provisions direct that natural inland wetland loss should be avoided; however, 3.22(1)(e) provides for unavoidable wetland loss, provided that <i>“the regional council is satisfied that:</i>
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1885	(i) <i>The activity is necessary for the purpose of the extraction of minerals and ancillary activities; and</i> (ii) <i>The extraction of the mineral will provide significant national or regional benefits; and</i> (iii) <i>There is a functional need or operational need for the activity to be done in that location; and</i>
1890	(iv) <i>The effects of the activity will be managed through applying the effects management hierarchy;”</i> EcoLogical Solutions (2026a) has identified that approximately 55% of the Disturbance Area comprises natural inland wetland (approximately 496 ha), including the following vegetation types:
1895	> Low pākihi; > Mānuka-tussock-wire rush shrubland; > Mānuka-mountain beech-podocarp shrubland; > Mānuka/Gahnia-wire rush shrubland; > Mānuka-mountain flax/wire rush shrubland;
1900	> Weedy low pākihi; and > At least one tussock-flax shrubland sub-type. Parts of the UWHR and ESE are also within Schedule 2 wetlands, as defined in the RLWP (and by reference included in the TTPP). As noted in Chapter A.6 and assessed by Alliance Ecology (2026a) and EcoLogical Solutions (2026a), the Project will result in residual effects on wetland ecological values, after the implementation of a comprehensive avoidance, minimisation, and remediation framework. Notwithstanding this, Bathurst has developed an extensive rehabilitation programme that includes the recreation of wetlands, including
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1910 tarns, which will restore wetland extent and functions to the extent practicable. Those measures are also complemented by the wider Blackburn Pākihi component of the REP, which provides a large, ecologically intact management landscape of approximately 1,505 ha, of which approximately 1,092.5 ha, or about 73%, comprises natural inland wetland. Blackburn Pākihi contains extensive low pākihi, wet shrubland, tussock-flaxland, herbfield, 1915 tarn, seepage and flush systems of very high ecological value and is therefore directly relevant to addressing residual wetland loss and wetland value loss associated with the Project.

1920 While it does not provide strict like-for-like offsetting or full ecological equivalence for all affected wetland values, active pest and weed management at Blackburn Pākihi is expected to secure and improve wetland condition, maintain indigenous dominance, and enhance habitat quality and resilience for wetland-dependent species over time. In that sense, Blackburn Pākihi forms an important component of the Project's wider wetland compensation and enhancement response under the NPS-FM, alongside site-specific rehabilitation and wetland reinstatement measures. These measures are expected to result in meaningful long-term ecological gains and support the re-establishment and enhancement of wetland values at a broader landscape scale.

1925 With respect to clause 3.22(1)(e) of the NPS-FM:

- 1930 > As detailed in **Chapter A.4** of the application, the activity is necessary for the purpose of the extraction of minerals and ancillary activities and will provide significant national or regional benefits;
- > As detailed below (in the assessment of Policy 7 of the NPS-FM), there is a functional and operational need for mining to be undertaken in this location; and
- > As detailed in the assessment prepared by Alliance Ecology (2026a), the effects of the activity have been managed in accordance with the effects management hierarchy described in the NPS-FM.

Policy 7: *The loss of river extent and values is avoided to the extent practicable.*

1935 Policy 7 is directed, in the first instance, to avoiding the loss of river extent and values *to the extent practicable*. The policy therefore does not impose an absolute prohibition on all loss of river extent or values. Rather, it requires a practical assessment of whether loss can be avoided, having regard to the nature of the activity, the location-specific constraints applying to it, and the options available to avoid or reduce effects through design, staging 1940 and construction methodology.

1945	On that basis, the assessment under Policy 7 begins with the extent to which the Project has avoided river loss through design. The UWHR alignment, mine layout, staging, and supporting infrastructure have been developed to avoid higher-value freshwater features where practicable, to use existing tracks and previously disturbed areas where available, and to limit the extent of direct disturbance to river systems. However, because the Project involves location-specific mineral extraction and associated infrastructure on the Buller Plateaux, some loss or substantial modification of headwater streams and associated values cannot practicably be avoided.
1950	Clause 3.24 of the NPS-FM then provides the more detailed implementation pathway for that policy direction. It requires regional councils to include provisions that avoid the loss of river extent and values unless there is a functional need for the activity to occur in that location, and the effects are managed through the effects management hierarchy. Clause 3.24(3) also makes clear that the hierarchy is to be applied to any loss of river extent or values associated with matters such as ecosystem health, indigenous biodiversity,
1955	hydrological functioning, Māori freshwater values and amenity.
1960	The effects management hierarchy requires adverse effects to be avoided where practicable, then minimised where practicable, then remedied where practicable. Where more than minor residual adverse effects cannot be avoided, minimised or remedied, aquatic offsetting is to be provided where possible, followed by aquatic compensation if offsetting is not possible. If aquatic compensation is not appropriate, the activity itself is to be avoided.
1965	Applying that framework, there is a functional need for the mining components of the BPCP to be located where loss of river extent and associated values will occur. Mining is inherently location-specific and can only occur where the coal resource exists. The proposed mining areas and essential ancillary activities must therefore be located on the Plateaux, where the remaining economically viable coal seams occur. There are no practicable alternative locations outside these areas that would enable access to the same resource. Some loss of river extent and values is therefore an unavoidable consequence of the physical and geological constraints of mining in this location.
1970	There is also a functional and operational need for ancillary infrastructure, including the UWHR, to be located on the Plateaux. The UWHR is an essential link between the ESE and MFS Sub-Areas and the existing infrastructure at Stockton Mine. If that existing infrastructure were not used, equivalent infrastructure would need to be replicated elsewhere on the Buller Plateaux, with additional environmental effects. Locating the UWHR
1975	on the Plateaux also avoids heavy mine haulage on public roads, reduces traffic safety and amenity effects, avoids longer haul distances and associated emissions, and minimises

1980	infrastructure duplication. The alignment has been selected to use existing tracks and areas of prior disturbance where practicable. In many locations where the UWHR or associated infrastructure intersects streams, culverts are proposed so that the physical continuity and extent of the stream channel is maintained, rather than the stream being fully reclaimed. However, it is acknowledged that culverting can still affect stream values, including natural character, bed and bank habitat, hydraulic conditions and aquatic connectivity. Those residual effects arise from the practical constraints of providing essential mining infrastructure in a location that supports overall Project delivery.
1985	Where river loss cannot practicably be avoided, the Project applies the remaining steps of the effects management hierarchy. Effects are minimised through footprint control, staging, erosion and sediment controls, clean-water diversion, and the design of crossings, culverts and drainage infrastructure. In culverted locations, the objective is to retain stream extent and convey flows, while designing the structure to maintain aquatic connectivity and provide
1990	for fish and kōura passage where appropriate and practicable. Those matters are addressed further in the fisheries assessment in Chapter A.13. Effects are remedied where practicable through progressive rehabilitation, stream reinstatement or recreation, tarn and wetland rehabilitation, and measures to restore aquatic connectivity and habitat function over time.
1995	Bathurst acknowledges that the Project will still result in the loss, culverting or substantial modification of some headwater streams and associated values, and that full like-for-like replacement is not practicably achievable for all affected freshwater attributes. In locations where streams are culverted, the physical extent of the stream may be maintained, but some values will nevertheless be altered or reduced. The residual response is therefore addressed through the aquatic rehabilitation and the REP. In summary, that response
2000	combines site-specific stream reinstatement and recreation, culvert design and fish passage measures, tarn and wetland rehabilitation, fish passage improvements and wider restoration actions. Those measures are intended to maintain and enhance aquatic ecosystem function at a broader landscape scale, while recognising that some residual effects will remain.
2005	Policy 8: <i>The significant values of outstanding waterbodies are protected.</i> The BPCP will not affect any identified outstanding waterbodies. Policy 9: <i>The habitats of indigenous freshwater species are protected.</i>
2010	A number of measures are proposed throughout all elements of Project construction and operation to ensure that the habitats of indigenous freshwater species are protected. As described by EcoLogical Solutions (2026a) and Earth Sciences New Zealand (2026a), these measures include:

	> A robust adaptive monitoring programme to assess ecological conditions and inform the management approach to achieve the proposed conditions of consents, including ○ Baseline, compliance and trend monitoring;
2015	○ Event-based monitoring; ○ Bryophyte community monitoring during passive treatment; ○ Kōura population protection and monitoring; ○ Focused recovery monitoring at compensation sites; and ○ Eutrophication risk management.
2020	> A suite of avoidance, mitigation and rehabilitation measures are proposed to restore, rehabilitate and enhance aquatic ecosystems. These include stream recreation, tarn creation and rehabilitation, and other suitable closure waterbodies, which have been designed to provide ecological values, ecosystem services and long-term resilience.
	Overall, the protection measures proposed will achieve Policy 9.
2025	Policy 11: <i>Freshwater is allocated and used efficiently, all existing over-allocation is phased out, and future over-allocation is avoided.</i>
2030	The assessment in Chapter A.6 concludes that the Project does not raise significant water allocation issues, because water associated with Stockton occurs within an already highly modified and water-abundant environment, and is managed in a way that maintains downstream availability. The hydrological assessments show that, while mining activities involve the interception, capture, and treatment of mine-impacted water, changes to catchment-scale flows are generally small relative to natural variability in this very high-rainfall environment and do not materially reduce flows available to other users.
2035	At Stockton, reductions in natural stream flows during operations largely reflect controlled capture of contaminated water for treatment, and are temporary, with modelling indicating that flows return to near pre-development levels following closure and rehabilitation. Importantly, treated discharges are used to support downstream flow regimes, particularly during low-flow periods, meaning the Project does not result in an overall net loss of water availability within receiving catchments. Given the limited number of existing lawful surface-
2040	water and groundwater takes in the area, and the fact that effects remain localised within already modified systems, it is concluded that the Project does not compromise equitable water allocation or the ability of other users to continue accessing water downstream of the Project. Monitoring and adaptive management is proposed, including a condition that requires a minimum flow to be applied where more than 20% of any stream has been

2045 allocated, consistent with RLWP **Policy 7.3.2**, to ensure any unanticipated allocation-related effects are identified and addressed if they arise.

***Policy 12:** The national target (as set out in Appendix 3) for water quality improvement is achieved.*

2050 Policy 12 sets a national target for increasing proportions of rivers (and lakes) that are suitable for primary contact to at least 80% by 2030 and 90% no later than 2040. Bathurst recognises that, to restore and preserve the balance between water, the wider environment, and the community (in accordance with Te Mana o te Wai), there is a reasonable expectation that some catchment-wide water-quality improvements will be required over time. The BPCP will not impede the WCRC's ability to achieve the directives of Policy 12 of the NPS-FM, acknowledging, in particular, that downstream of Stockton is on a progressive-betterment trajectory over the next 80 years, and the water quality limits are being proposed ensure ongoing protection of waterways downstream of the new Project Sub-Areas.

2060 ***Policy 13:** The condition of water bodies and freshwater ecosystems is systematically monitored over time, and action is taken where freshwater is degraded, and to reverse deteriorating trends.*

***Policy 14:** Information (including monitoring data) about the state of water bodies and freshwater ecosystems, and the challenges to their health and well-being, is regularly reported on and published.*

2065 In relation to Policies 13 and 14 of the NPS-FM, Bathurst is proposing, as part of the proposed conditions (refer to **Part E** of these application documents), to undertake a robust adaptive monitoring programme as detailed above and in the various Management Plans provided in **Part G** including, as examples, the AMD Water Management Plan (Bathurst, 2026aj) and the Water Management Plan (Bathurst, 2026i). As outlined in the Erosion and Sediment Control Plan (Bathurst, 2026y), compliance monitoring will also be undertaken

2070 during the Construction and Operational Phases of the Project covering the range of earthworks and infrastructural elements required within each phase. The Erosion and Sediment Control Plan includes the methodology for designing water infrastructure specifically for sediment control within the BPCP where runoff is directly to a receiving waterway. Alternatively, the Water Infrastructure Design Plan (Bathurst, 2026x) sets out the

2075 methodology for designing water infrastructure that discharges into water management infrastructure within the mine (and not directly into any natural catchment), Ongoing reporting obligations will also be embedded in the Erosion and Sediment Control Plan and in the proposed conditions of consent.

2080 **Policy 15:** *Communities are enabled to provide for their social, economic, and cultural well-being in a way that is consistent with this National Policy Statement.*

The utilisation of freshwater (via the take, diversion and discharge of water and contaminants) as part of the construction and operation of the BPCP is critical to delivering the social and economic wellbeing the Project will provide to the wider community. This will occur in a manner that seeks to manage the residual effects of the Project on the values of wetlands and water bodies within the Project's catchment areas.

9.10.2 NPS-FM Summary

The NPS-FM anticipates that, for activities with a clear functional need and significant regional or national benefits, some adverse effects on streams, wetlands and receiving environments may be unavoidable, provided those effects are minimised and appropriately managed, and that residual effects in this situation are addressed through remediation, enhancement/compensation and robust discharge management. In this context, the Project includes a comprehensive approach to managing discharges, ensuring that contaminants are captured, treated, and controlled to reduce downstream effects and, over time, improve or maintain water quality in receiving environments relative to the existing legal and physical baseline. It also includes a broader wetland and freshwater compensation and enhancement response through site-specific rehabilitation, tarn and wetland reinstatement, fish passage remediation, and active management of Blackburn Pākihi as a large wetland-dominated landscape directly relevant to the residual wetland, vegetation and habitat effects of the Project.

At the same time, the freshwater and wetland evidence does not support an overstatement of those gains. The Residual Effects Report (Alliance Ecology, 2026a) acknowledges that, while the wider REP provides a substantial and relevant wetland compensation and enhancement response, it does not fully offset or replace all wetland losses within the Project footprint, and some residual net loss in wetland extent and values remains. The better characterisation is therefore that the Project provides a strong and integrated freshwater response, including betterment in some already affected receiving environments and meaningful enhancement for some wetland systems, while still accepting that not all wetland and stream effects are fully neutralised.

The Project demonstrates a practical and integrated policy response, enabling an inherently location-specific and infrastructure-dependent activity to proceed, while ensuring that freshwater receiving environments are appropriately managed, discharges are controlled and monitored, and people and communities can provide for their social, economic and cultural wellbeing.

2115 **9.11 NATIONAL POLICY STATEMENT FOR INDIGENOUS BIODIVERSITY 2023**

The NPS-IB came into force on 4 August 2023 and was amended in December 2025. It provides direction to councils and decision-makers to protect, maintain and restore indigenous biodiversity, with the overall objective of maintaining indigenous biodiversity across Aotearoa New Zealand so that there is no overall loss after its commencement date.

2120 The NPS-IB also recognises tangata whenua as kaitiaki and provides for the social, economic and cultural wellbeing of people and communities now and in the future.

The NPS-IB is relevant to the BPCP in two principal respects:

- 2125 > **Significant Natural Areas (“SNAs”)** — the NPS-IB establishes a framework for identifying and protecting SNAs, and for managing adverse effects from subdivision, use and development on those areas; and
- > **Indigenous biodiversity outside SNAs** — the NPS-IB recognises that significant indigenous biodiversity may also exist outside mapped SNAs and requires significant adverse effects on that biodiversity to be managed through the effects management hierarchy.

2130 For the purposes of the NPS-IB, an SNA is an area that has been **identified through a statutory policy statement or plan process**, including areas already recognised in a plan as significant indigenous vegetation or significant habitat of indigenous fauna, regardless of the terminology used.

2135 In the West Coast Region, the RPS provides the relevant direction for identifying SNAs. In particular, Chapter 7, **Policy 1** requires areas of significant indigenous vegetation and significant habitats of indigenous fauna to be identified using the Appendix 1 significance criteria and mapped within regional and district plans⁸³. However, that direction has not yet been fully implemented at the district plan level.

2140 In Buller, the Te Tai o Poutini Plan (“TTPP”), despite being a recent plan, did not undertake a comprehensive, district-wide SNA identification and mapping exercise under the NPS-IB framework as part of the plan-making process that produced the current provisions. Instead, the TTPP largely carried forward existing regional plan layers and expressly deferred the wider Buller and Westland district-wide assessment, identification and mapping of Significant Natural Areas to a future plan change to be introduced no later than 31 December 2030. In the interim, ECO-P1 of the TTPP confirms only that areas already

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⁸³ It is acknowledged that the definition of SNA in the West Coast Regional Policy Statement is broader than this and includes: *an area which although not included as a SNA in a regional or district plan nevertheless meets one or more of those criteria listed in Appendix 1 or 2.*

identified in Schedule Four, together with Regionally Significant Wetlands identified in Schedule 1 of the West Coast Regional Land and Water Plan, are to be treated as part of that framework pending the broader district-wide exercise. As a result, there is not yet a complete or purpose-built SNA mapping exercise for the Buller District derived from a full NPS-IB implementation process. That is important context here: it indicates that the current mapped SNA position is incomplete, but it also tends against treating all ecologically significant land as if it had already been identified and mapped as SNA.

The only mapped biodiversity layer that therefore meets the NPS-IB definition of an SNA “by default” is the Schedule 2 wetland mapping in the RLWP, which is incorporated into the TTPP (via Schedule Four, which refers to all scheduled wetlands – unlike ECO-P1, which only refers to Schedule 1 wetlands). This is because those wetlands have already been identified through a statutory plan as ecologically significant areas and therefore fall within the NPS-IB definition of SNA, irrespective of their label.

For this Project, the relevant mapped biodiversity layer is the Schedule 2 wetland area, which overlaps much of the ESE Project Sub-Area (as well as a smaller area within the Whirlwind pest exclusion fence and the Blackburn Pākihi area). That area is therefore treated as the only recognised SNA scheduled area within the Project footprint for the purposes of this assessment.

The remainder of the Project footprint is therefore largely outside any mapped/scheduled SNA layer. However, this does not indicate an absence of ecological value and significance. The Project’s ecological assessments identify extensive areas of significant indigenous vegetation, wetland systems, pākihi ecosystems, and habitat for indigenous fauna outside mapped SNAs (EcoLogical Solutions; 2026a).

The interaction between the NPS-IB and the freshwater planning framework is also important. Clause 1.3 of the NPS-IB confirms that where an SNA contains a natural inland wetland, that wetland may be treated as part of the SNA. However, clause 1.4 provides that where there is conflict between the NPS-IB and the NPS-FM or NES-F, the freshwater instruments prevail. Accordingly, while the mapped Schedule 2 wetland values at ESE are relevant to the NPS-IB assessment, the more specific freshwater provisions in the NPS-FM and NES-F remain central to the assessment of effects for all areas across the Project as containing natural inland wetlands, river extent and freshwater values.

Overall, the Project must be assessed through both the SNA and non-SNA pathways. This is particularly relevant for the Stockton Sub-Area. Treating such an environment as an SNA would be inconsistent with both its physical reality and the planning context, which has long anticipated, enabled, and managed mineral extraction within this location. Accordingly,

Stockton is appropriately considered within the context of a modified working environment, rather than as an SNA or SNA-equivalent area.

For the mapped or scheduled biodiversity areas, the assessment has regard to the SNA-related provisions, including the mineral extraction pathway and the effects management hierarchy. For the remainder of the Project footprint, clause 3.16 applies and requires significant adverse effects on indigenous biodiversity outside SNAs to be managed through the effects management hierarchy. The Project as a whole responds to both pathways by avoiding the highest-value habitats where practicable, minimising and remedying effects where avoidance is not practicable, and addressing residual effects through rehabilitation, compensation and enhancement measures.

9.11.1 Policies 1–3 — Decision-Making Principles, Treaty Principles and Precautionary Approach

Policies 1–3 of the NPS-IB require indigenous biodiversity to be managed in a way that gives effect to the decision-making principles, takes into account the principles of the Treaty of Waitangi, and adopts a precautionary approach when considering adverse effects.

In this case, Bathurst’s engagement with mana whenua, together with the ecological investigations, species-specific assessments and proposed monitoring and management plans, provides an informed basis for effects management and adaptive decision-making. The proposed compensation package also provides a mechanism for recognising and providing for mātauranga Māori, with Bathurst continuing to work with mana whenua so that mātauranga Māori informs the design, implementation, monitoring and adaptive management of ecological compensation measures.

Policy 3 is particularly relevant because the Project involves large-scale open-cast coal mining in an ecologically complex and highly valued part of the Buller Plateaux. Some uncertainty remains regarding species detection, responses to management interventions, rehabilitation trajectories and the timeframes over which ecological outcomes will be achieved. Those uncertainties are acknowledged. However, the Project is location-specific, a substantial proportion of the wider Plateaux will remain unaffected by direct disturbance, and Bathurst has sought to manage uncertainty through avoidance, staging, progressive rehabilitation, monitoring, adaptive management and a substantial REP.

In particular, the proposed pest-exclusion fenced areas provide for the long-term prevention of reinvasion by pest species, and are expected to deliver the most reliable and enduring biodiversity gains in the plateaux landscape, especially for species that are highly sensitive to even low predator densities and are already subject to ongoing decline (Alliance Ecology, 2026a).

Overall, while the Project will result in residual adverse effects on indigenous biodiversity, the assessment and management framework adopted for the BPCP is consistent with Policy 3. The Project acknowledges ecological uncertainty and responds through technical assessments, proposed management plans, consent conditions, rehabilitation, monitoring, adaptive management and landscape-scale compensation measures intended to improve ecological resilience and support the persistence and recovery of affected species and ecosystems over the life of the Project and beyond mine closure.

9.11.2 Policies 7 and 9 — SNAs and the Project

Policy 7 directs that SNAs are protected by avoiding or managing adverse effects from new subdivision, use and development. As noted above, the principal mapped or scheduled biodiversity area relevant in an SNA-equivalent sense is the Schedule 2 wetland area that encompasses much of the ESE Project Sub-Area. However, wetland values are not confined to ESE, and effects on natural inland wetlands in other parts of the Project footprint are addressed through the Project's avoidance, minimisation, remediation, rehabilitation and compensation measures, and through the wetland-specific framework under the NPS-FM and NES-F.

Although there has not yet been a district-wide SNA mapping exercise in Buller, the high biodiversity values of the Buller Plateaux remain directly relevant to the assessment of effects and to the appropriateness of the proposed effects management response.

Policy 9 provides for certain established activities within and outside SNAs. It is potentially relevant to the scheduled wetland areas within ESE that are treated as defined SNA-type areas, given that those areas sit within a long-established mining environment and are, in part, within the TTPP BCZ, which expressly provides for mineral extraction. However, its assistance is limited. Clause 3.15 makes it clear that established activities may continue only where their adverse effects on the SNA are no greater in intensity, scale, or character over time than at the commencement date of the policy, and where they do not result in the loss of, or degradation to, the ecological integrity of the SNA.

Given the scale of change proposed within the scheduled wetland/SNA areas at ESE, Policy 9 cannot be treated as a broad enabling pathway for the Project. At most, it provides contextual support for the continuation of aspects of an established mining environment, while the substantive assessment must still determine whether the proposal remains within the limits imposed by clause 3.15.

Beyond those SNA areas, clause 3.16 applies. That clause addresses adverse effects on indigenous biodiversity outside SNAs and requires a management-first application of the effects management hierarchy. In broad terms, that is the approach adopted here: the

Project seeks to avoid the highest-value habitats where practicable, minimise disturbance through design, staging and footprint control, apply progressive rehabilitation and remedial measures, and address residual effects through the wider biodiversity compensation and enhancement package. This is discussed further below.

2255 9.11.3 Policy 8 — Indigenous Biodiversity Outside SNAs And Effects Management

Policy 8 recognises the importance of maintaining indigenous biodiversity outside SNAs and requires significant adverse effects to be managed using the effects management hierarchy. Although much of the Project footprint lies outside any identified or scheduled SNA, ecological evidence confirms that it supports highly significant indigenous vegetation communities, including extensive pākihi and wetland systems, as well as habitat for a range of indigenous fauna of conservation importance. These values are therefore directly relevant to assessing effects and the adequacy of the proposed management response.

It is also appropriate to recognise the broader environmental context of the West Coast, where large areas, many of which are managed within the public conservation estate, contain similarly high ecological values. In this setting, the absence of mapped SNAs in parts of the Project area reflects the current state of plan implementation rather than a lack of ecological significance. It also reflects that, in a region where high ecological values are widespread, the planning framework does not assume all such areas will be identified or managed as SNAs; instead, it provides a range of management responses depending on context.

Accordingly, while these areas exhibit ecological characteristics comparable to SNA-type values, they are most appropriately assessed under the NPS-IB framework for indigenous biodiversity outside SNAs, applying the effects management hierarchy in a way that recognises both their intrinsic ecological importance and their wider landscape context.

The Project applies the effects management hierarchy as follows:

- > **Avoid:** Project design has sought to avoid the highest-value habitats where practicable, including specific wetlands, streams and areas identified in the terrestrial ecology assessments, and to limit new disturbance where existing tracks or modified areas can be used, including aspects of the UWHR alignment.
- > **Minimise:** Where adverse effects cannot be avoided, the Project proposes controls to minimise vegetation clearance and habitat loss, including staged works, tight construction footprints, biosecurity controls and progressive rehabilitation.
- > **Remedy / rehabilitate:** Disturbed areas are to be progressively reshaped and rehabilitated to establish self-sustaining ecosystems over time, using techniques

2285 proven at Stockton, including VDT where suitable, supported by management plans and monitoring.

> **Compensate:** For residual effects that cannot practicably be avoided, minimised or remedied, the Project proposes a comprehensive REP, including long-term pest-exclusion fenced areas, landscape-scale predator control, weed management, species-focused management measures and ongoing monitoring. These measures are intended to deliver enduring biodiversity gains across the wider Buller Plateaux and support the recovery of Threatened and At Risk species, including predator-vulnerable terrestrial invertebrates such as *Powelliphanta* land snails, as well as avifauna. A key component of that package is also the Blackburn Pākihi, which provides a large, high-value management landscape containing extensive inland natural wetlands, indigenous vegetation, and associated habitats.

2300 It is acknowledged that biodiversity compensation under Appendix 4 of the NPS-IB is a last-resort response to more than minor residual adverse effects, available only after the earlier steps in the effects management hierarchy have been sequentially applied. It is also not appropriate in all cases, particularly where the affected biodiversity values are irreplaceable, vulnerable, subject to significant uncertainty, or where adverse effects may be irreversible.

2305 In this case, it is accepted that the Project's REP does not strictly satisfy every Appendix 4 principle for all affected biodiversity values. In particular, given the scale, nature and permanence of some residual effects, it cannot be demonstrated that the positive biodiversity outcomes will outweigh all adverse effects in every respect.

2310 However, that does not mean the Package is without ecological value. The Package has been developed by applying the effects management hierarchy and includes substantial measures consistent with the intent of many Appendix 4 principles, including additionality, long-term pest exclusion, predator and weed control, landscape-scale ecological benefits, monitoring, adaptive management, and ongoing engagement with tangata whenua and stakeholders.

2315 Accordingly, while the Package should not be characterised as biodiversity compensation that strictly meets Appendix 4 for every affected value, it remains a substantial biodiversity compensation and enhancement response. It will deliver meaningful and enduring ecological benefits across the wider Buller Plateaux, support the persistence and recovery of Threatened and At Risk species, and improve ecological resilience in areas that would otherwise remain subject to ongoing pest, weed and habitat pressures. Blackburn Pākihi is particularly important in that regard because it provides a large, high-value wetland and indigenous vegetation landscape in which active management can secure and improve

habitat quality, indigenous dominance, ecological connectivity and resilience over time. On that basis, the package remains a relevant and important part of the Project's overall response to residual biodiversity effects, notwithstanding that it does not fully eliminate, offset, or outweigh all adverse ecological effects.

2325 **9.11.4 Policies 10, 13, 14, 16 & 17**

Policies 10, 13 and 14 are also relevant. Policy 10 recognises that activities contributing to social, economic, cultural and environmental wellbeing are to be provided for, while ensuring that indigenous biodiversity outcomes are appropriately addressed. Policies 13 and 14 are directed toward positive biodiversity outcomes: Policy 13 promotes the restoration of indigenous biodiversity, and Policy 14 promotes an increase in indigenous vegetation cover.

The Project's rehabilitation and REP responds to those directions by providing for an activity with significant regional and national benefits, while also including substantial measures to restore indigenous habitats, progressively rehabilitate disturbed areas, and support increased indigenous vegetation cover over the medium to long term.

In the context of the Project's scale and location specific nature, the significance of its social and economic benefits, and the extent of residual effects that cannot practicably be avoided, the proposed REP response is considered proportionate and appropriate. It reflects a substantial commitment by Bathurst to address biodiversity effects through rehabilitation, pest exclusion, predator and weed control, monitoring and adaptive management, rather than relying on the Project's benefits alone to justify residual adverse effects on biodiversity values.

Policy 16 is concerned with achieving coordinated, landscape-scale biodiversity outcomes, including through strategic and integrated approaches to maintaining and restoring indigenous biodiversity. The Project's package is consistent with that direction because it includes extensive, long-term, landscape-scale pest and weed control, including pest-exclusion fencing, intensive ground control, weed management and a wider aerial 1080 / ground-suppression halo.

Policy 17 seeks to improve information about indigenous biodiversity and ensure it is monitored over time. The Project responds to that policy through proposed monitoring and adaptive management of biodiversity outcomes including through research, pest control effectiveness, rehabilitation success, biosecurity risks and species-focused responses over time.

9.11.5 NPS-IB Summary

2355 Overall, while the BPCP will result in residual adverse effects on indigenous biodiversity, it
adopts an integrated approach to effects management to maintain biodiversity values at a
broader landscape scale. It is acknowledged that some components of the proposed REP
may not strictly satisfy every biodiversity compensation principle in Appendix 4 of the NPS-IB
and therefore do not amount to “biodiversity compensation” as that term is defined for all
2360 affected values. However, the Package provides substantial ecological compensation and
enhancement, including long-term pest-exclusion fenced areas, predator and weed control,
rehabilitation, species-focused management and monitoring that directly respond to the
Project’s residual ecological effects. This includes the active management of Blackburn
Pākihi as a large, high-value wetland and indigenous habitat landscape capable of delivering
2365 enduring gains in habitat condition, ecological resilience and biodiversity outcomes relevant
to the Project’s residual wetland, vegetation and habitat losses.

That position is important in policy terms. The attached Residual Effects Management
Report (Alliance Ecology, 2026a) concludes that, although the Package is expected to
deliver meaningful and enduring gains for some values, it does not fully counterbalance the
2370 Project’s effects on all biodiversity values. In particular, for some highly vulnerable or
irreplaceable habitats, communities and species, the limits to compensation are unlikely to
be met, and net loss outcomes remain.

In this context, the Package is best characterised as a substantial and relevant ecological
response that materially addresses many residual effects but does not fully resolve all
2375 biodiversity effects. The Project is therefore not advanced solely on the basis of a
biodiversity trade-off. Rather, it is part of a broader continuation proposal within an existing
mining environment, which includes progressive rehabilitation, long-term ecological
management, and, in some areas, enhancement as part of the overall response.

9.12 WEST COAST REGIONAL POLICY STATEMENT

2380 The RPS provides a broad direction and framework for managing the West Coast’s natural
and physical resources under the RMA. It includes the principles important to West Coast
communities, identifies regionally significant issues, sets objectives to address them, and
outlines policies and methods to achieve those objectives. The current operative RPS
became fully operative on 24 July 2020, following a comprehensive review process. It is
2385 therefore noteworthy that the RPS predates both the NPS-FM 2020 and the NPS-IB 2023, as
well as the more recent 2025 amendments to national direction relevant to freshwater,
indigenous biodiversity, infrastructure and mining activities.

The guiding principles of the RPS are set out below:

- 2390 > **People** - People are at the heart of the RPS. All district and regional plans should have regard to people and communities and their need for a healthy environment, well managed infrastructure, employment, business opportunities and education for their wellbeing and long-term economic success.
- 2395 > **Economy and environment** - The RPS seeks to give due consideration to economic and environmental factors in resource management decision-making. It recognises that a healthy West Coast economy needs a healthy environment. This RPS is enabling, balancing improving the economy and using our resources wisely, with managing and investing in the environment to achieve our future aspirations for improvement throughout the West Coast.
- 2400 > **Effectiveness** - The Regional Council believes that environmental regulation needs to be clear and simple with quick processes. It recognises that solutions must be affordable, fit for purpose and achieve the objectives. The policy instruments used should match the resource management issues and opportunities identified. In line with affordability this avoids unnecessary compliance costs.
- 2405 > **Adaptive management** - The management of the natural and physical resources of the West Coast is a complex task as the environment, resources and systems are dynamic. Understanding of these also changes over time. The management regime is therefore adaptive and able to respond to change as required in order to achieve sustainable resource management.
- 2410 > **Affordability** - There may be circumstances where current resource management practices may have to change over time in order for these resources to be managed sustainably. Where these changes may impose a significant financial burden, or a practical solution is not currently available, a reasonable time is to be allowed for desired environmental outcomes to be achieved. This is to take into account the need
- 2415 for change and the costs and effects of not acting, or not acting quickly.

Chapters 3, 4, 5, 7, 7A, 7B, and 8–11 of the RPS include objectives and policies relevant to the BPCP. A summary of each chapter, including consideration of the relevant objectives and policies, is provided under the following subheadings and a table including the provisions in full is included in **Appendix 9.A** of the application.

2420 **9.12.1 Chapter 3: Resource Management Issues of Significance to Poutini Ngāi Tahu**

The BPCP is consistent with the relevant RPS objectives and policies within Chapter 3 that address resource management issues of significance to Poutini Ngāi Tahu (specifically Te

Rūnanga o Ngāti Waewae) and the relationship of Poutini Ngāi Tahu and their culture and traditions with their ancestral lands, water, sites, wāhi tapu, and other taonga within the West Coast Region because:

- > Te Rūnanga o Ngāti Waewae have been involved as a key stakeholder in the existing mining operations and other activities across the Plateaux for many years; and
- > The Project provides for their cultural well-being, and their involvement as a partner inherently aligns with the principles of the Treaty of Waitangi while offering tangible ways for them to exercise their kaitiaki duties to achieve tino rangatiratanga.

9.12.2 Chapter 4: Resilient and Sustainable Communities

The RPS objectives and policies designed to achieve resilient and sustainable communities on the West Coast are fully achieved for the following key reasons:

- > The BPCP will result in a wide range of economic benefits, by enabling existing and new economic activities to occur, including mining activities that are likely to provide substantial employment that benefits the longer-term sustainability of the region's communities, combining to deliver significant positive effects; and
- > The Project provides for the continuation and expansion of mining activities on the Buller Plateaux, in a manner whereby significant values of historic heritage are appropriately managed in a manner which contributes to the economic, social and cultural well-being of the West Coast.

9.12.3 Chapter 5: Use and Development of Resources

Chapter 5 of the RPS recognises the central role of resource use and development on the West Coast and its contribution to enabling people and communities to provide for their social, economic and cultural wellbeing,⁸⁴ and address the uses and conflicts that arise from the development of resources on the West Coast.⁸⁵ The Project achieves the objectives and policies within Chapter 5 of the RPS mainly due to the following factors:

- > The Project is important to the West Coast's economy and will provide for the economic, social and cultural well-being of the region; and
- > The Project involves the extraction of significant mineral resources on land that is, in part, specifically zoned for this purpose. For those areas of the Project that are outside the special-purpose BCZ, as detailed above and in **Chapter A.2** of this application, the

⁸⁴ RPS: Chapter 5 (1): Significant issues in relation to the use and development of resources on the West Coast.

⁸⁵ RPS: Chapter 5 (2): Significant issues in relation to the use and development of resources on the West Coast.

2455 Project has a functional need to occur at the proposed locations. The coal resource in the current Stockton operations is also nearing depletion, and additional resources are required to maintain blending quality and sustain ongoing production. Securing access to the coal resources in the additional Project Sub-Areas will ensure the continuity of export coal supply, enable the economically sustainable operation of the mines and enable the full extraction of remaining mineable resources.

9.12.4 Chapter 7: Ecosystems and Indigenous Biological Diversity

2460 Chapter 7 of the RPS contains the operative regional framework for ecosystems and indigenous biological diversity. Its objectives are directed to the regionally consistent identification of areas of significant indigenous vegetation and significant habitats of indigenous fauna; the protection of those areas and habitats; provision for sustainable subdivision, use and development so that people and communities can maintain or
2465 enhance their economic, social and cultural wellbeing in such areas; and the maintenance of the region's terrestrial and freshwater indigenous biological diversity.

The policies then give effect to those objectives through a structured framework. Policy 1 provides that areas of significant indigenous vegetation and significant habitats of indigenous fauna are to be identified using the Appendix 1 criteria, known as SNAs, and
2470 mapped in the relevant regional and district plans. Policy 2 then sets the key substantive thresholds for activities. In essence, activities are to be designed and undertaken so as not to prevent indigenous species or communities from persisting within their natural range in the Ecological District, not to worsen the Threatened Environment Classification in the manner identified by the policy, not to further measurably reduce indigenous cover in
2475 category one or two threatened environments at the Ecological District scale, and not to cause a reasonably measurable reduction in local populations of nationally critical, nationally endangered or nationally vulnerable threatened taxa.

Policies 3, 4 and 5 then provide the sequential response to adverse effects within SNAs, but only on the premise that Policy 2 is met. Policy 3 requires adverse effects to be avoided where possible, remedied where they cannot be avoided, and mitigated where they cannot
2480 be remedied. For residual adverse effects that cannot be avoided, remedied or mitigated, Policy 4 allows biodiversity offsetting to be considered where the offset can maintain the relevant biodiversity values and satisfy the principles identified in the policy, including additionality, permanence, no-net-loss, equivalence, appropriate landscape context and minimised temporal lag. Where offsetting is not achievable, Policy 5 allows biodiversity
2485 compensation to be considered, again provided Policy 2 is met, including where the compensation is proportionate, achieves the best practicable ecological outcome, is preferably close to the development or within the same Ecological District, is additional,

2490 endures for at least as long as the adverse effects, and minimises temporal lag. Policy 6 separately allows subdivision, use or development within SNAs in limited circumstances, including continuation of existing lawfully established activities where effects are the same or similar in scale, character or intensity, and activities with no more than minor adverse effects where SNA values are maintained.

2495 That structure is important to the BPCP assessment. Chapter 7 does not establish a free-standing biodiversity effects-management hierarchy that applies uniformly across the whole Project area. Rather, the SNA-specific sequence in Policies 3–6 is tied back to Policy 1 identification and mapping, and to the threshold outcomes in Policy 2.

2500 That point must also be read together with the NPS-IB analysis set out earlier in this report. As noted there, while Policy 1 of the RPS contemplates that areas meeting the Appendix 1 criteria are SNAs, the more recent TTPP process did not undertake a comprehensive district-wide SNA identification and mapping exercise and instead largely carried forward the existing regional plan layers. In practical terms, that means the only areas presently identified through the operative planning framework in a way that clearly engages the SNA pathway are the regionally scheduled wetland areas. The balance of the Project footprint, while containing extensive areas of significant indigenous vegetation and significant habitats of indigenous fauna, is not presently mapped as SNA land. That is not because those areas lack ecological significance. Rather, as recognised in the NPS-IB assessment above, it reflects the current state of plan implementation. At the same time, the fact that the recent TTPP process did not identify and map the wider Project area as SNA land also tends against treating all ecologically significant land on the Coast as if it were already mapped SNA land by default.

2510 Accordingly, Policies 3–6 are most directly engaged in relation to the scheduled wetland/SNA areas. The broader biodiversity assessment for the remainder of the Project footprint must still give full weight to the Chapter 7 objectives and to Policy 2, and to the ecological significance of those areas, but it is not the same as applying the SNA-specific offsetting and compensation pathway across the whole Project area as if the entire area had been identified and mapped under Policy 1. This does not diminish the importance of Chapter 7 or the biodiversity values outside mapped SNAs. It is rather an attempt to apply the provisions according to their terms and in light of the present planning framework.

2520 Applying that framework, the BPCP remains in clear tension with Chapter 7, particularly Policy 2. The location-specific nature of large-scale mining on the Buller Plateaux means that some loss and modification of significant indigenous vegetation and habitat cannot practicably be avoided, and some adverse effects on threatened and highly vulnerable taxa are unavoidable at the site level. That tension is not resolved by pointing to the scale of the

2525 proposed REP. As the residual effects evidence indicates, biodiversity offsetting cannot be
demonstrated for the Project, and for a number of important biodiversity values the limits to
compensation are unlikely to be met. In particular, some habitats, communities and species
affected by the Project are irreplaceable, highly vulnerable, or unable to be restored,
replaced or compensated for within acceptable timeframes. For those values, net loss
2530 outcomes remain notwithstanding the proposed package.

The Project has nevertheless been designed and assessed by reference to the sequential
approach reflected in Policies 3, 4 and 5 where those policies are engaged. It has first sought
to avoid the highest-value habitats where practicable, then to minimise residual effects
through siting, staging and footprint control, and then to remedy and rehabilitate disturbed
2535 areas progressively. However, the evidence on residual effects demonstrates that those
earlier steps do not eliminate all significant biodiversity effects. Given the nature, scale and
location-specificity of the Project, biodiversity offsetting is not a realistic or demonstrable
response for all affected attributes. The Project therefore relies, in part, on biodiversity
compensation and broader ecological enhancement through a landscape-scale package
2540 within the same Ecological District. That package is substantial and relevant and is intended
to achieve positive biodiversity outcomes that would not otherwise occur, to endure for
lengthy periods, and to minimise temporal lag where possible. However, the application
does not support a conclusion that it can compensate for all affected values on a like-for-
like basis, or that it overcomes the limits identified for highly vulnerable or irreplaceable
2545 biodiversity values.

Accordingly, while the Project does not achieve full consistency with every element of
Chapter 7, and remains in material tension with Policy 7(2) in particular, that is not the end
of the statutory analysis. The relevant RPS provisions should be read together and applied in
the round. It would not be appropriate to isolate Policy 7(2) and treat it as determinative of
2550 the application, nor would it be correct to dilute its force by overstating the extent to which
the REP resolves the Project's biodiversity effects.

The more balanced conclusion is that the Project remains in clear tension with aspects of
Chapter 7 - especially Policy 7(2) and because some significant biodiversity losses cannot
be fully avoided, offset or compensated in the strict ecological sense contemplated by that
policy framework. However, that tension must be understood within the broader statutory
context. The RPS provides directional guidance, but its policies are not applied in a vacuum
and do not operate as absolute prohibitions. In particular, the policy framework in Chapter 7
does not expressly account for the full range of positive environmental effects and broader
measures that may be relevant to an application of this scale and nature. Those wider
2560 considerations are, however, an established part of the statutory assessment under section
104(1)(ab), which enables the consent authority to have regard to measures proposed or

agreed by the applicant to offset or compensate for adverse effects, even where those measures fall short of strict biodiversity offsetting or compensation in a technical sense.

The Project must also still be assessed by reference to the overall thrust of the RPS, including its location-specific nature, functional need, regional and national benefits, and the substantial measures proposed to avoid, minimise, remedy, rehabilitate and respond to unavoidable biodiversity effects. In that respect, the assessment does not proceed on the basis that the REP provides a complete answer to biodiversity effects. Rather, it recognises the package as one component of a broader response to a continuation Project with economic benefits within an existing mining environment, alongside longer-term management and improvement of already affected receiving environments.

9.12.5 Chapter 7A: Natural Character and Chapter 7B: Natural Features and Landscapes

The focus of Chapter 7A of the RPS is on activities which contribute to people's wellbeing that may affect the natural character of the region's wetlands, lakes and rivers and their margins, whereas the focus of Chapter 7B of the RPS is on activities which contribute to people's wellbeing that may adversely affect ONLs and ONFs.

ONLs are identified in Schedule Five, and ONFs are identified in Schedule Six of the TTPP. As detailed in **Chapter A.3** of the application, small parts of the Project footprint sit within scheduled ONLs. However, neither the BDP nor the TTPP identifies any ONF on the Denniston Plateau.

In terms of managing activities which may adversely affect the natural character of the region's wetlands, lakes and rivers and their margins, the BPCP is consistent with the policy guidance provided by the RPS due to the following key reasons:

- > Substantial compensation measures are proposed to address moderate or higher residual adverse effects on wetlands, streams and their margins, which will substantially benefit non-impacted habitats as well as affected species (particularly fauna) across the plateaux and surrounding landscape.
- > Further, to address the adverse effects of the Project on freshwater, a suite of avoidance, mitigation and rehabilitation measures is proposed to restore, rehabilitate and enhance aquatic ecosystems. These include stream recreation, tarn creation and rehabilitation, each of which has been designed to provide ecological values, ecosystem services, and long-term resilience. The net result is a comprehensive package of actions that will provide broad, long-lasting benefits to species and habitats and go a considerable way towards addressing the Project's impacts on wetlands, rivers and their margins.

In terms of managing activities which may adversely affect ONL, the BPCP is generally consistent with the policy guidance provided by the RPS due to the following key reasons:

- > As detailed **Chapter A.6** of the application, and in the technical assessments provided in **Part B**, the Project has been developed to minimise the adverse effects on ONL. The magnitude of effects on ONL is assessed in the Landscape Assessment Report (RMMLA, 2026) and will vary by Sub-Area, Project phase, and timeframe. The adverse effects of the Project on ONL will, however, reduce over time owing to the sequential nature of rehabilitation and as natural processes of erosion, colonisation and canopy cover establish, with adverse effects ranging between ‘no’, to ‘very low’ across all Project Sub-Areas in the medium to long term.

9.12.6 Chapter 8: Land and Water

Regarding provisions relating to the effects on water quality, arising from point source and diffuse source discharges to waterbodies:

- > As detailed in the assessment of water quality (RMA Science, 2026), a combination of guidance documents/standards, assessments of the existing environment and historic activities and the anticipated effects of future activities associated with the BPCP have been undertaken to recommend compliance limits for relevant contaminant discharges, and assess why those limits are appropriate to either manage or improve water quality and ecology outcomes.

The following measures have been specifically developed for this Project:

- Guidelines for bioavailable metals incorporating Toxicity Modifying Factors (“**TMFs**”) — pH, hardness, and dissolved organic carbon (“**DOC**”). These guidelines are designed to be protective of macroinvertebrate and fish communities in these naturally acidic streams on the Buller Plateaux and provide a range of Levels of Protection (“**LoPs**”);
- A classification scheme using chemistry and biological measures to identify streams with differing levels of AMD impact in streams across the Plateaux from ESE and MFS Sub-Areas. Reduced LoPs are recommended for AMD-affected streams; and
- Site-specific sediment (turbidity) guidelines for macroinvertebrate and fish protection.

These measures are intended to manage the adverse effects on water quality arising from point-source and diffuse-source discharges to waterbodies, consistent with the objectives and policies in Chapter 8 of the RPS.

2630 **9.12.7 Chapter 9: Coastal Environment**

This chapter of the RPS is only relevant insofar as the Ngākawau Rail Loadout is within the CEO, as defined in TTPP, and the CMA, as the ultimate receiving environment for discharges from the activities. The BPCP does not propose any changes to the Ngākawau Rail Loadout, and as such, the existing character of the coastal environment will be maintained, consistent with **Objectives 1 and 2** and **Policies 1 and 3** in Chapter 9 of the RPS. Treatment and water quality limits ensure that downstream effects on the CMA are minimised.

9.12.8 Chapter 10: Air Quality

2640 The Project involves the discharge of contaminants into the air (primarily dust and combustion products) associated with an activity that will contribute to the social, economic, and cultural well-being of people and communities on the West Coast, while managing the adverse effects of those discharges. On this basis, the Project is consistent with the objectives and policies in Chapter 10 of the RPS.

9.12.9 Chapter 11: Natural Hazards

2645 Regarding natural hazards, the BPCP's design adopts conservative risk factors to ensure that the integrity, operation, and commercial viability of the Project are maintained in the event of any future hazard – even when the effects of climate change are considered.

9.12.10 RPS Conclusion

2650 Overall, the Project does not fully align with all relevant objectives and policies of the RPS, particularly those directed at the protection of indigenous biodiversity, natural character and water quality, where residual adverse effects will remain. Those tensions have been identified in this assessment and are acknowledged.

2655 However, the RPS must be considered as a whole. Its provisions should not be applied in isolation or treated as individually determinative. While the RPS contains strong direction for environmental protection, it also recognises the importance of resource use and development to the social, economic and cultural wellbeing of West Coast communities. The assessment, therefore, requires a balanced consideration of the full policy framework, including the Project's functional and operational requirements, its regional and national benefits, and the measures proposed to avoid, minimise, remedy, rehabilitate, compensate for, monitor and manage adverse effects.

2660 The TTPP (Decisions Version) is also relevant as the most recent district planning instrument with legal effect. It provides more specific and contemporary land-use direction for the Project area, including through the BCZ provisions. The RPS and TTPP have therefore been considered together as part of an integrated planning assessment.

2665 Under the FTAA, the Panel is required to have regard to the RPS and other relevant planning
instruments but must give the greatest weight to the purpose of the FTAA. In that statutory
context, an identified inconsistency or tension with particular RPS or TTPP provisions does
not, of itself, determine the outcome of the application. Rather, those tensions must be
weighed alongside the Project's location-specific nature, its significant regional and national
benefits, and the enforceable mitigation, rehabilitation, compensation, monitoring and
2670 adaptive management measures proposed.

On that basis, while the Project is not fully consistent with all relevant RPS provisions,
particularly those relating to biodiversity outcomes, the identified policy tensions must be
considered in the specific context of this Project, and alongside the Project's significant
regional and national benefits and the overall REP proposed by Bathurst. The BPCP is not
2675 advanced on the basis that its REP fully cancels out or neutralises all adverse effects,
including adverse effects on biodiversity. Rather, the Project acknowledges that residual
effects will remain and proposes a substantial, enforceable and long-term response to
address them, including pest-exclusion fenced areas, long-term predator and browser
control, weed management, rehabilitation, wetland and stream enhancement, monitoring
2680 and adaptive management.

9.13 WEST COAST REGIONAL PLANS

The WCRP consists of several separate plans, the most relevant to the BPCP being:

- 2685 > **The RLWP:** Which became operative in 2014, with key updates in 2020, 2021 and most
recently in 2024. This plan manages water quality, water quantity, and land use
activities (e.g. earthworks) to protect freshwater resources; and
- > **The RAQP:** Which became operative in 2002 and was amended in 2024 and 2025. It
outlines how the region manages air discharges, including particulate matter, odour,
combustion products, ozone, and greenhouse gases.

2690 It is noted that the objectives and policies set out in each of these regional plans are
required to give effect to the RPS. However, because the RPS is a much newer plan, there
are inconsistencies which will need to be addressed as part of future plan review processes.
In the meantime, for any conflict, the RPS provisions should carry greater weight.

9.13.1 Regional Land and Water Plan Assessment Overview

2695 **Table 9-1** sets out the key RLWP objectives and policies of relevance to the BPCP, and the
following provides a high-level assessment regarding the Project's level of alignment with
these respective provisions.

Table 9-1: Relevant provisions of the RLWP

Chapter/s	Relevant Provisions
Chapter 2: Natural and Human Use Values	3. Natural and Human Use Values Objective 3.2.1 - <i>To provide for the sustainable use and development of land and water resources.</i> Objective 3.2.2 - <i>To protect water bodies from inappropriate use and development by maintaining and where appropriate enhancing their natural and amenity values including natural character and the life supporting capacity of aquatic ecosystems.</i> Objective 3.2.3 - <i>To maintain or where appropriate enhance the spiritual and cultural values and uses of significance to Poutini Ngāi Tahu.</i> Policy 3.3.1 - <i>In the management of any activity involving water, to give priority to avoiding, in preference to remedying or mitigating:</i> (1) <i>Adverse effects on:</i> a) <i>The habitats of threatened species identified in Schedule 7A;</i> b) <i>Water supply values identified in Schedule 7B;</i> c) <i>Spiritual and cultural values and uses of significance to Poutini Ngāi Tahu identified in Schedule 7C;</i> d) <i>The significant natural character of wetlands, and lakes and rivers and their margins;</i> e) <i>Outstanding natural features and landscapes;</i> f) <i>Significant indigenous vegetation and significant habitat of indigenous fauna assessed in accordance with Policy 9.2 of the West Coast Regional Policy Statement;</i> g) <i>Existing public access to and along lakes and rivers;</i> h) <i>Significant historic heritage;</i> (2) <i>Adverse effects which cause or exacerbate flooding, erosion, land instability, sedimentation or property damage;</i> (3) <i>Adverse effects on existing lawful uses including regionally significant infrastructure.</i> Policy 3.3.7 - <i>In the management of any activity involving water, to avoid, remedy, or mitigate adverse effects on:</i> a) <i>Water quality;</i> b) <i>Amenity values;</i> c) <i>Indigenous biological diversity;</i> d) <i>Intrinsic values of ecosystems;</i> e) <i>The natural character of wetlands, and lakes and rivers and their margins, not described in 3.3.1(1)(d); and</i>

Chapter/s	Relevant Provisions
	f) <i>Historic heritage not described in 3.3.1(1)(h).</i>
Chapter 3: Land, Lake, Riverbed and Wetlands	4. Land Management Objective 4.2.1 - <i>To avoid remedy or mitigate adverse effects from land disturbance so that the region's water and soil resources are sustainably managed.</i> Policy 4.3.2 - <i>To manage earthworks (for example, mining) to avoid effects on the environment where the activity may produce any of the following geochemical processes, above background levels:</i> (a) <i>Release of acid rock drainage;</i> (b) <i>Precipitation of iron oxides;</i> (c) <i>Release of heavy metals.</i> Policy 4.3.10 - <i>To encourage the retention, maintenance, or planting of appropriate riparian vegetation.</i> 5. Lake and River Management Objective 5.2.1 - <i>To avoid, remedy, or mitigate the adverse effects of lake and riverbed activities on:</i> a) <i>The stability of beds, banks, and structures;</i> b) <i>The flood carrying capacity of rivers;</i> c) <i>The natural character of wetlands, lakes and rivers and their margins;</i> d) <i>Indigenous biodiversity and ecological values, including fish passage;</i> e) <i>Amenity, heritage, and cultural values;</i> f) <i>Sports fish habitat values;</i> g) <i>Water quality;</i> h) <i>Navigation; and</i> i) <i>Regionally significant infrastructure.</i> 6. Wetland Management Objective 6.2.1 - <i>To recognise and provide for the protection of the natural character, indigenous biodiversity and other values of wetlands in the region.</i> Policy 6.3.2 - <i>To recognise the significant wetlands in Schedule 2 that are shown to meet any one of the ecological criteria in Schedule 3, and to identify and protect their values by controlling activities in those wetlands and their margins to ensure their natural character and ecosystems (including ecosystem functions and habitats) are sustained.</i> Policy 6.3.5 - <i>To recognise and provide for the protection of wetlands by promoting the maintenance and enhancement of the natural values of all</i>

Chapter/s	Relevant Provisions
	wetlands in the region and by managing adverse effects of activities on the values present, including natural character, ecosystems (including ecosystem functions and habitats), aesthetic values or amenity values. Policy 6.3.6⁸⁶ - <i>The loss of extent of natural inland wetlands is avoided, their values are protected, and their restoration is promoted, except where:</i> (e) <i>The West Coast Regional Council is satisfied that:</i> (i) <i>the activity is necessary for the purpose of the extraction of minerals and ancillary activities; and</i> (ii) <i>the extraction of the mineral will provide significant national or regional benefits; and</i> (iii) <i>there is a functional need for the activity to be done in that location; and</i> (i) <i>the effects of the activity will be managed through applying the effects management hierarchy; or</i> <i>The West Coast Regional Council is satisfied that:</i> i. <i>the activity is necessary for the construction or upgrade of specified infrastructure; and</i> ii. <i>the specified infrastructure will provide significant national or regional benefits; and</i> iii. <i>there is a functional need for the specified infrastructure in that location; and</i> iv. <i>the effects of the activity are managed through applying the effects management hierarchy.</i>
Chapter 4: Water	7. Surface Water Quantity Objective 7.2.1 - <i>To retain flows and water levels in water bodies sufficient to maintain their in-stream values, natural character, and life supporting capacity.</i> Policy 7.3.8A⁸⁷ - <i>The loss of river extent and values is avoided, unless the West Coast Regional Council is satisfied <u>that</u>:</i>

⁸⁶ Part 1 Preliminary provision 1.7(1) of the NPSFM provides that Implementation Requirement 3.22(1) (Natural inland wetlands) must be added to regional plans without using the public consultation process in Schedule 1 of the RMA. Under section 55(2A) of the RMA, Implementation Requirement 3.22(1) (Natural inland wetlands) is accordingly included in the RLWP as Policy 6.3.6.

⁸⁷ Part 1 Preliminary provision 1.7(1) of the NPS-FM provides that Implementation Requirement 3.24(1) (Rivers) must be added to regional plans without using the public consultation process in Schedule 1 of the Resource Management Act 1991 (the RMA). Under section 55(2A) of the RMA, Implementation Requirement 3.24(1) (Rivers) is accordingly included in the RWLP as Policy 7.3.8A.

Chapter/s	Relevant Provisions
	a) <i>That there is a functional need for the activity in that location; and</i> b) <i>the effects of the activity are managed by applying the effects management hierarchy</i> Policy 7.3.12 - <i>To require, where necessary, desirable and practicable, provision for fish migration.</i> Policy 7.3A.1⁸⁸ - <i>When considering any application the consent authority must have regard to the following matters:</i> a) <i>the extent to which the change would adversely affect safeguarding the life supporting capacity of freshwater and of any associated ecosystem; and</i> b) <i>the extent to which it is feasible and dependable that any adverse effect on the life supporting capacity of fresh water and of any associated ecosystem resulting from the change would be avoided.</i> 8. Surface Water Quality Policy 8.3.2 - <i>Rivers which have acid drainage issues will be managed as follows:</i> a) <i>Activities that reduce pH of receiving waters must avoid, remedy or mitigate acidity effects and should achieve the natural pH level of the affected river wherever practicable; and</i> b) <i>Activities that increase dissolved iron concentrations or the concentration of any other metal or non-metal in the receiving water must avoid, remedy or mitigate adverse effects and the natural metal/non-metal concentration of the receiving water should be achieved wherever practicable.</i> Policy 8.3.5 - <i>When considering applications for resource consents to discharge contaminants to water to have regard to:</i> a) <i>The nature of the discharge and the sensitivity of the receiving environment to adverse effects;</i> b) <i>The financial implications, and the effects on the environment of the proposed method of discharge when compared with other options;</i> c) <i>The current environmental mitigation technology and the likelihood that the proposed method can be successfully applied;</i> d) <i>The cumulative effects of discharges of contaminants and the assimilative capacity of the water body and actual or potential effects in the coastal marine area;</i>

⁸⁸ The NPS-FM contains four objectives and seven policies in relation to freshwater quantity. Policy B7 of the NPS-FM, and direction under section 55(2A) of the RMA, requires every regional council to amend regional plans (without using the process in Schedule 1 of the RMA) to the extent needed to ensure that plans include Policy B7 of the NPS. Policy B7 of the NPS is accordingly included in the RLWP as Policies 7.3A.1 to 7.3A.3.

Chapter/s	Relevant Provisions
	e) <i>Any relevant industry codes of practice or guidelines relating to the management of potential discharges; and</i> f) <i>The best practicable option for the treatment and disposal of sewage effluent, including the use of land disposal or wetland treatment.</i> Policy 8.3A.1⁸⁹ - <i>When considering any application for a discharge the consent authority must have regard to the following matters:</i> a) <i>The extent to which the discharge would avoid contamination that will have an adverse effect on the life-supporting capacity of fresh water including on any ecosystem associated with fresh water; and</i> b) <i>The extent to which it is feasible and dependable that any more than minor adverse effect on fresh water, and on any ecosystem associated with fresh water, resulting from the discharge would be avoided.</i> Policy 8.3A.2 - <i>Policy 8.3A.1 applies to the following discharges (including a diffuse discharge by any person or animal):</i> a) <i>a new discharge; or</i> b) <i>a change or increase in any discharge – of any contaminant into fresh water, or onto or into land in circumstances that may result in that contaminant (or, as a result of any natural process from the discharge of that contaminant, any other contaminant) entering fresh water.</i> 10. Groundwater Objective 10.2.1 - <i>To sustain existing uses of the West Coast’s groundwater, by protecting water quantity and quality and avoiding depleting surface water flows.</i>
Chapter 6: Discharges	13. Liquid Contaminants Objective 13.2.1 - <i>To ensure that the adverse effects from the discharge of liquid contaminants into or onto land, on water and soil quality, social, cultural, and amenity values, and human health are avoided, remedied, or mitigated.</i> 15. Hazardous Substances Objective 15.2.1 - <i>To ensure that the adverse effects from the discharge of hazardous substances into or onto land, on water and soil quality,</i>

⁸⁹ The NPS-FM contains two objectives and four policies in relation to freshwater quality. Policy A4 of the NPS-FM, and direction under section 55(2A) of the RMA, requires every regional council to amend regional plans (without using the process in Schedule 1 of the RMA) to the extent needed to ensure that plans include Policy A4 of the NPS-FM. Policy A4 of the NPS-FM is accordingly included in the RLWP as Policies 8.3A.1 to 8.3A.3.

Chapter/s	Relevant Provisions
	<i>social, cultural, and amenity values, indigenous flora and fauna, and human health are avoided, remedied, or mitigated.</i> Policy 15.3.2 - <i>To recognise, where appropriate, relevant industry codes of practice or guidelines relating to the management of hazardous substances and potential associated discharges.</i>

In terms of relevant RLWP objectives and policies, the following key observations are noted:

- 2700 > Relevant provisions regarding natural and human use values are partly achieved. For example, the Project provides for the use and development of land resources (**Objective 3.2.1**) and maintains the spiritual and cultural values and uses of significance to Poutini Ngāi Tahu, as demonstrated via Poutini Ngāi Tahu's support for the Project (**Objective 3.2.3**). However, with respect to the management of activities
- 2705 involving water (**Objective 3.2.2** and **Policies 3.3.1** and **3.3.7**), Bathurst cannot fully protect, avoid, mitigate or offset the adverse effects of the Project on all waterbodies.
- > As detailed above and in **Chapter A.6** of the application, there are wetlands and streams that will either be unavoidably lost or significantly altered in the ESE and MFS Sub-Areas. However, lost headwater streams and habitats will be progressively
- 2710 replaced, and streams and wetlands of very high ecological value, such as the Billo Stream tarn below MFS and the headwaters of Conglomerate Stream on the Denniston Plateau, have been avoided. The rehabilitation and REP for the Project also encompasses a range of measures designed to achieve, as far as possible, no net loss of aquatic ecosystem function.
- 2715 > Objectives and policies regarding land management will be adequately achieved through a combination of the BPCP's design initiatives, management plans, suite of compensation measures and consent conditions.
- > Consistency with relevant provisions designed to manage lake and riverbeds and wetlands is supported for the reasons already set out in the freshwater sections above.
- 2720 In summary, the Project combines avoidance where practicable, site-specific stream and wetland rehabilitation measures, and a wider compensation and enhancement response to address residual effects on wetlands, streams and their margins, while acknowledging that some localised losses will remain.
- > The proposed suite of construction and operational management plans, in combination
- 2725 with active and passive water treatment systems and enforceable compliance limits, is

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designed to ensure that point-source and diffuse discharges of contaminants are appropriately controlled so that the life-supporting capacity of downstream water bodies is maintained and, where practicable, progressively improved. This is particularly relevant in already highly modified and degraded catchments such as Stockton, where ongoing intervention is required to manage legacy effects. In all other Project areas, water quality limits have been set at levels intended to protect downstream water quality and aquatic ecological values, and compliance with those limits will be achieved through design-led controls, monitoring and adaptive management.

9.13.2 RLWP Conclusion

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Overall, the BPCP is considered generally consistent with the outcomes anticipated in the RLWP.

9.13.3 Regional Air Quality Plan Overview

Table 9-2 sets out the key RAQP objectives and policies relevant to the BPCP, and the following provides a high-level assessment of the Project's alignment with these provisions.

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Table 9-2: Relevant provisions of the RAQP

Chapter/s	Relevant Provisions
Chapter 7: Dust	Objective 7.3.1 - <i>The protection of human health, property, structures and ecosystems from the adverse effects of discharges of dust to air.</i> Policy 7.4.1 - <i>Adverse effects of the deposition of dust will be avoided, remedied, or mitigated by ensuring that any discharge of dust does not occur at a volume, rate or in a manner that could cause an offensive or objectionable effect, including the significant restriction of visibility or the soiling of property.</i>
Chapter 8: Products of combustion	Objective 8.3.1 - <i>The protection of human health and the environment from the adverse effects of discharges of products of combustion.</i> Policy 8.4.1 - <i>To minimise or reduce where practicable the discharge of products of combustion to air at their source.</i>
Chapter 9: Discharges of Greenhouse Gases into air	Objective 9.3.1 - <i>The reduction and minimisation of adverse effects from discharges of contaminants to air of global significance, such as ozone depleting substances or greenhouse gases.</i> Policy 9.4.2 - <i>To promote the reduction of emissions of greenhouse gases.</i>

In terms of relevant RAQP objectives and policies, the following key observations are noted:

- > Tonkin and Taylor (T+T, 2026a) has confirmed that the discharges of particulate matter (primarily dust) into air associated with the BPCP can be undertaken in a manner that maintains existing good practice standards and achieves air quality outcomes that protect human health, amenity, and the wider receiving environment over the life of the Project, consistent with the objectives and policies in Chapters 7 and 8 of the RAQP.
- > The provisions relevant to discharges of greenhouse gases (“**GHG**”) to air (Chapter 9) are achieved on the basis that GHG emissions reduction opportunities associated with the BPCP are also proposed, including a reduction of diesel fleet usage where possible, such as via electrification of support vehicles or use of biofuels, and investment in lower emissions equipment. Other GHG emissions reduction measures include:
 - Maintaining vehicles and equipment in line with good practice to optimise fuel efficiency;
 - Backfilling with material produced during mining operations, which minimises emissions from carting waste rock offsite and importing fill materials; and
 - Investigating reduction and mitigation strategies for fugitive coal seam emissions.

9.14 TE TAI O POUTINI PLAN (DECISIONS VERSION)

The TTPP is a single, unified district planning framework covering the Buller, Grey and Westland Districts on the West Coast. Following the public notification, submission and hearing process, decisions on TTPP were issued on 10 October 2025. The appeal period closed on 8 December 2025, and it is understood that all appeals remain unresolved.

The TTPP rules now have legal effect following the issue of decisions and are therefore relevant to determining the activity status and rule framework applying to the BPCP.

However, a number of TTPP provisions relevant to the Project remain subject to appeal. Accordingly, while the objectives and policies of the TTPP are an important and contemporary expression of district-level planning direction for the West Coast, the weight to be given to those provisions requires an evaluative assessment, having regard to the nature and extent of any appeals, the degree to which the provisions remain contested, and their consistency with higher-order planning instruments.

For that reason, the corresponding provisions of the Operative BDP cannot yet be disregarded. This assessment, therefore, considers both the TTPP and the Operative BDP, while recognising that the TTPP represents the more recent district planning framework and that its rules have legal effect following decisions.

2775 **9.14.1 TTPP Assessment Overview**

Table 9-3 sets out the key TTPP objectives and policies relevant to the BPCP, and the following provides a high-level assessment of the Project’s alignment with these provisions.

2780 As a preliminary matter, the BCZ is a special-purpose zone that provides important context for assessing the Project under TTPP. The zone is directed specifically at the Buller Coalfield and recognises the national and regional significance, scale and operational characteristics of mineral extraction activities in that area, as well as their contribution to the economic and social well-being of the Buller District and wider West Coast region. The BCZ framework, therefore, does not treat mining as an incidental or unexpected activity; rather, it expressly provides for existing lawfully established mineral extraction and processing activities, 2785 together with opportunities for reasonable growth and expansion to meet future demand, while requiring adverse effects on the environment, the community and Ngāti Waewae values to be managed.

2790 That zoning context is particularly relevant to the BPCP because parts of the Project, including Stockton and parts of ESE, are located within the BCZ. While the Project does not fall wholly within the BCZ, the continuation of mining on the Buller Plateaux depends on the integrated operation of mining areas, coal blending, transport, water management, processing and loadout infrastructure. The BCZ provisions, therefore, assist in understanding the land use planning context for those parts of the Project within the zone, while recognising that effects on biodiversity, water, landscape, cultural and amenity values 2795 must still be managed through the proposed conditions, management plans, rehabilitation and REP.

2800 Importantly, the presence of Schedule 2 wetlands — treated as SNA-equivalent areas in this assessment — within parts of the BCZ gives rise to an inherent tension within the planning framework itself. On the one hand, the SNA-related provisions seek to protect significant biodiversity values, including wetlands, from adverse effects. On the other, the BCZ is expressly designed to enable the continuation and expansion of mineral extraction activities within the same spatial area, recognising both the location-specific nature of the resource and its broader economic importance. These two directions are not readily reconcilable in a strict or absolute sense.

2805 In that context, it would be inappropriate to treat either framework as automatically prevailing over the other, or to apply the SNA provisions in a manner that effectively negates the purpose and function of the BCZ. Rather, the provisions must be read together and applied in an integrated way, recognising that the planning framework anticipates and accepts a degree of tension between enabling mineral extraction and protecting biodiversity 2810 values in this location. The appropriate task is therefore to undertake a balanced evaluative

judgement across the relevant provisions as a whole, rather than allowing any single policy direction to be determinative in isolation.

Table 9-3: Relevant provisions of TTPP

Chapter/s	Relevant Provisions
Part 2: District-Wide Matters	Hazardous Substances - Ngā Matū Mōrearea Objective HS-01 - <i>The benefits associated with the use of hazardous substances are recognised while ensuring that risks to the environment and human health arising from subdivision use and development activities involving hazardous substances are minimised.</i> Policy HS-P1 - <i>Activities and facilities involving the use and storage of hazardous substances shall be designed, located, constructed and operated so as to minimise residual risk to people and the environment.</i> Historic Heritage – Ngā Tuku Ihotanga Objective HH - O1 - <i>Recognise, protect and celebrate the benefits of historic heritage of Te Tai o Poutini/the West Coast and its contribution to wellbeing through supporting a sense of place, community identity, culture and economic opportunities.</i> Objective HH - O2 - <i>Provide for development opportunities that are sensitive to the identified values of scheduled historic heritage items and areas while providing for the protection of these values.</i> Ecosystems and Indigenous Biodiversity - Ngā Pūnaha Rauropi me te Kanorau Koiora Objective ECO-01 - <i>To maintain indigenous biodiversity across Te Tai o Poutini/the West Coast so there is at least no overall loss in indigenous biodiversity, while providing for the social, economic, and cultural wellbeing of people and communities now and in the future.</i> <i>Maintaining indigenous biodiversity requires:</i> 1. <i>the maintenance and at least no overall reduction of all of the following:</i> a) <i>the size of populations of indigenous species;</i> b) <i>indigenous species occupancy across their natural range;</i> c) <i>the properties and function of ecosystems and habitats used or occupied by indigenous biodiversity;</i> d) <i>the full range and extent of ecosystems and habitats used or occupied by indigenous biodiversity;</i> e) <i>connectivity between, and buffering around, ecosystems used or occupied by indigenous biodiversity;</i> f) <i>the resilience and adaptability of ecosystems; and</i>

Chapter/s	Relevant Provisions
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2. *where necessary, the restoration and enhancement of ecosystems and habitats.*

Objective ECO-02 - *To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna.*

Objective ECO-03 - *To manage the adverse effects of subdivision, use and development on significant indigenous vegetation and significant habitats of indigenous fauna.*

Policy ECO-9 - *Maintain indigenous habitats and ecosystems across Te Tai o Poutini/the West Coast by:*

- a) *Protecting, and where appropriate enhancing or restoring indigenous biodiversity, including the functioning of ecological corridors, linkages, dunes and indigenous coastal vegetation and wetlands;*
- b) *Minimising adverse effects on, and providing access to, areas of indigenous biodiversity which are significant to Poutini Ngāi Tahu;*
- c) *Restricting the modification or disturbance of coastal indigenous vegetation, dunes, estuaries and wetlands;*
- d) *Protecting the significant habitats of indigenous fauna, including threatened and at-risk species;*
- e) *Encouraging and enabling site and landscape scale biosecurity programmes to manage plant and animal pests; and*
- f) *Encouraging and enabling active conservation management of indigenous biodiversity, including voluntary animal and plant pest and stock control and/or formal legal protection.*

Natural Character and Margins of Waterbodies - Ngā Āhua me ngā Mahi ka Noho Hāngai ki ngā Hopua Wai

Objective NC-01 - *To preserve the natural character of lakes, rivers and wetlands and their margins and the protection of them from inappropriate subdivision, use and development.*

Objective NC-03 - *To provide for activities which have a functional need to locate in the margins of lakes, rivers and wetlands while ensuring adverse effects on natural character are minimised.*

Policy NC-P4 - *Encourage the restoration and enhancement of the natural character of the riparian margins of lakes, rivers and wetlands including pest plant and pest animal control.*

Chapter/s	Relevant Provisions
	Natural Features and Landscapes - Ngā Āhua me ngā Horanuku Aotūroa Objective NFL – 01 - <i>The values of outstanding natural landscapes and outstanding natural features on Te Tai o Poutini/the West Coast are protected from inappropriate subdivision, use and development.</i> Policy NFL-P2 - <i>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:</i> <i>a) Existing land uses and lawfully established activities including residential activities, regionally significant infrastructure, network utilities, renewable electricity generation activities, mineral extraction, agricultural, horticultural and pastoral activities;</i> <i>b) Conservation activities;</i> <i>c) Recreational activities;</i> <i>d) Maintenance and repair of existing lawfully established natural hazard mitigation structures;</i> <i>e) Upgrading of existing lawfully established natural hazard mitigation structures where this is undertaken by a statutory agency of authorised contractor acting on its behalf;</i> <i>f) Operation, maintenance and upgrade of existing lawfully established renewable electricity generation facilities;</i> <i>g) Operation, maintenance and upgrading of existing lawfully established network infrastructure and regionally significant infrastructure;</i> <i>h) New renewable electricity generation activities where there is a functional need to be located in these areas;</i> <i>i) Poutini Ngāi Tahu activities; or</i> <i>j) The alteration, maintenance or removal of existing lawfully established buildings or structures; and</i> <i>k) Use and development of Māori land.</i> Earthworks - Te Huke Whenua Objective EW-01 - <i>To provide for earthworks to facilitate subdivision, use and development of Te Tai o Poutini/the West Coast's land resource, while ensuring adverse effects on the environment are avoided, remedied or mitigated.</i> Policy EW-2 - <i>Manage the adverse effects of earthworks on natural landscape values, natural character, amenity values, natural features, indigenous biodiversity, cultural and heritage items and areas and the</i>

Chapter/s	Relevant Provisions
	<i>quality of the environment to avoid, remedy or mitigate adverse effects, as appropriate.</i>
Part 3: Area-Specific Matters	Buller Coalfield Zone - Te Takiwā Waro o Kawatiri Objective BCZ – 01 - <i>Mineral extraction activities in the BCZ - Buller Coalfield Zone are enabled by inclusion of a special purpose zone that recognises its national and regional significance, the scale and operational characteristics and the contribution that these activities make to the economic and social wellbeing of the region and Buller District.</i> Objective BCZ – 02 - <i>To ensure that the exploration, extraction and processing of minerals within the BCZ - Buller Coalfield Zone manages adverse effects on the environment, the community and the relationship of Ngāti Waewae with their ancestral lands, sites, water, wāhi tapu and other taonga.</i> Policy BCZ - P1 - <i>To provide for the existing lawfully established mineral extraction and processing activities in the BCZ - Buller Coalfield Zone and the opportunities for reasonable growth and expansion to meet future demands, while managing adverse effects on the environment.</i> Policy BCZ - P2 - <i>To acknowledge the importance of the mineral deposits in the BCZ - Buller Coalfield Zone and prevent future activities or developments from establishing in locations which could compromise access to these mineral deposits.</i> Policy BCZ – P3 - <i>To ensure that after mineral extraction, all mine sites in the BCZ - Buller Coalfield Zone are rehabilitated to best practice environmental standards and to provide for future use and activities appropriate to the area.</i> Policy BCZ - P4 - <i>Maintain the quality of the environment, landscape, ecological values, Poutini Ngāi Tahu cultural values, character and amenity of the areas surrounding the BCZ - Buller Coalfield Zone as far as practicable by:</i> <i>a) Utilising management, monitoring, rehabilitation and mine closure plans as a key tool;</i> <i>b) Managing dust, noise, vibration, access and lighting to maintain amenity values and avoid significant adverse effects;</i> <i>c) Managing traffic generation impacts on the operation, maintenance and safety of the transport network and avoiding significant adverse effects;</i> <i>d) Managing and avoiding adverse effects on significant indigenous vegetation and significant indigenous fauna habitat and avoiding and mitigating significant adverse effects on indigenous biodiversity;</i>

Chapter/s	Relevant Provisions
	e) <i>Managing and avoiding adverse effects on Poutini Ngāi Tahu values;</i> f) <i>Ensure well located appropriately formed vehicle entrances, parking, loading and manoeuvring areas to sufficiently accommodate the requirements of the activity;</i> g) <i>Ensuring buildings and structures are appropriately located in relation to boundaries and natural features and are of an appropriate scale;</i> h) <i>Undertaking remedial measures during extraction operations; and</i> i) <i>Requiring sites to be rehabilitated and ensuring that appropriate methods are used for this purpose.</i>

2815	In terms of relevant TPPP objectives and policies, the following key observations are noted:
2820	> With respect to the Objectives and Policies of the BCZ, the BCZ overlay applies to the Stockton Mine area and to parts of the ESE Project area but does not encompass the full footprint of the BPCP. Notwithstanding this, a holistic assessment of the BCZ provisions has been undertaken, recognising that the continuation of mining on the Buller Plateaux depends on the integrated operation of multiple mining areas and supporting infrastructure, including access to coal resources located both within and outside the BCZ. As detailed in Chapter A.4 of the application, access to multiple coal sources is essential to meeting bespoke blending requirements, maintaining product specification, and ensuring the overall functionality and economic viability of the existing mining operation.
2830	> The Project is entirely consistent with Objective BCZ-01, which recognises the national and regional significance of mineral extraction activities in the Buller Coalfield, the scale and operational characteristics of those activities, and their contribution to the economic and social well-being of the Buller District and wider region. The BPCP enables the continuation and reasonable expansion of existing mining activities, thereby safeguarding employment, supporting regional infrastructure (including rail and port supply chains) and sustaining the long-term use of a nationally significant mineral resource.
2835	> In relation to Objective BCZ-02, the Project has been designed to manage adverse effects on the environment, the community and the relationship of Ngāti Waewae with their ancestral lands, sites, waters, wāhi tapu and other taonga. This is achieved through the avoidance of the most sensitive areas where practicable, comprehensive effects management and monitoring plans, progressive rehabilitation, and the

2840 implementation of a substantial REP that addresses biodiversity, water quality,
landscape and cultural values.

2845 > The Project also aligns with **Policy BCZ-P1**, in that it provides for the continuation of
lawfully established mineral extraction activities and supports reasonable growth and
expansion to meet future demand, while managing adverse environmental effects
through enforceable consent conditions and adaptive management. While some
components of the Project extend beyond the mapped BCZ, those areas are functionally
and operationally necessary to support the continued extraction and processing of coal
resources within the coalfield, and their inclusion does not undermine the purpose or
intent of the BCZ framework when assessed in the context of the Project as a whole.

2850 > **Policy BCZ-P2** seeks to acknowledge the importance of mineral deposits within the BCZ
and to prevent other activities from establishing in locations that would compromise
access to those deposits. The BPCP directly aligns with this policy by safeguarding
continued access to coal resources within the BCZ and adjacent supporting areas, and
by ensuring that incompatible land uses are not established in a manner that would
sterilise the resource. The Project actively reinforces, rather than compromises, the
2855 long-term availability and strategic use of coal resources within the Buller Coalfield.

2860 > Consistent with **Policy BCZ-P3**, the Project includes a comprehensive rehabilitation and
mine closure framework that requires all mine sites to be rehabilitated to best-practice
environmental standards following extraction. Rehabilitation is designed not only to
address adverse effects but also to enable future land uses appropriate to the receiving
environment, including opportunities for recreation and tourism, as identified in the
recreational and tourism assessment undertaken by Rob Greenaway & Associates
(2026). In this way, the Project gives effect to the BCZ provisions by enabling mineral
extraction while providing for long-term environmental recovery and post-mining land-
use outcomes.

2865 > **Policy BCZ-P4** seeks to maintain the quality of the environment, landscape, ecological
values, cultural values and amenity of areas surrounding the BCZ as far as practicable,
through the use of management plans, controls on dust, noise and traffic, rehabilitation,
and the avoidance or mitigation of significant adverse effects on indigenous biodiversity
and Ngāti Waewae values. The Project does not fully avoid adverse effects on all
2870 environmental values, particularly during active mining phases. However, it adopts a
comprehensive suite of management, monitoring and mitigation measures - including
dust and noise controls, traffic management, water treatment systems, biodiversity
compensation and progressive rehabilitation - designed to limit the extent, duration and
intensity of those effects and to provide for recovery over time. While some residual
2875 effects remain, the Project achieves the policy's "as far as practicable" qualifier through

a disciplined, effects-focused response that is proportionate to the scale and significance of the mining activity. The Project is also being advanced with a full suite of management plans consistent with this policy direction.

- 2880 > Overall, when assessed against the BCZ objectives and policies in the context of the integrated nature of mining on the Buller Plateaux, the BPCP is consistent with the purpose and intent of the BCZ framework and appropriately provides for the continuation and development of mining activities of regional and national significance while managing adverse effects.

2885 Relevant provisions regarding hazardous substances are achieved as the storage and use of hazardous substances have significant benefits (**Objective HS-01**), with some of the hazardous substances to be stored and used on site, being used for sediment and erosion control purposes, to respond to fires and support the Project's comprehensive water management and treatment programme. The storage of hazardous substances will also be designed, located, constructed, and operated in accordance with HSNO Act controls and

2890 the Health and Safety at Work (Hazardous Substances) Regulations ("**HSW-HS**") to minimise residual risk to people and the environment, consistent with **Policy HS-P1**.

- 2895 > Objectives and policies relating to historic heritage are partly achieved as the Project has been designed to be sensitive to the identified values of scheduled historic heritage items and areas (**Objective HH-02**). For example, the proposed UWHR alignment has been designed to avoid impacting on all archaeological and other historic heritage sites or features within the Denniston Historic Area (TTPP Heritage Schedule HH5), including the extensive and significant early settlement and coal mining remains at Burnett's Face and Coalbrookdale, and the surface remains of the Iron Bridge Mine (L29/98) and Kiwi Mine.

- 2900 > The Project is generally aligned with the provisions relating to the management of ecosystems and indigenous biodiversity, particularly **Objective ECO-01**, in that it adopts a comprehensive effects management and rehabilitation strategy intended to maintain ecological function over time while providing for the social, economic and cultural wellbeing of people and communities. The proposed approach recognises that,
- 2905 in the context of large-scale, location-specific mining, some adverse effects on biodiversity values are unavoidable, and that "no net loss" outcomes cannot be demonstrated for all affected attributes. Rather, the Project has been designed to achieve ecological resilience and long-term functional outcomes through progressive rehabilitation, including the reinstatement and enhancement of ecosystems such as
- 2910 wetlands and tarns, consistent with **Objective ECO-01(2)**.

2915 > With respect to **Objective ECO-02** and **Policy ECO-9**, the Project does not fully protect or avoid adverse effects on all areas of significant indigenous vegetation and significant habitats of indigenous fauna. That outcome reflects the location-specific nature and scale of mineral extraction on the Buller Plateaux, and the fact that some residual effects cannot practicably be avoided while still accessing the identified coal resource. Within those constraints, the Project has been designed to avoid the highest-value biodiversity areas where practicable, minimise the extent and duration of disturbance, and manage residual effects through a substantial landscape-scale biodiversity response. That response includes an integrated biosecurity programme, long-term pest-exclusion fencing, predator and weed control, rehabilitation, monitoring and active conservation management measures. It also includes Blackburn Pākihi as a large, high-value wetland and indigenous habitat management area, where active pest and weed control is expected to improve habitat condition, ecological resilience and indigenous dominance over time. While these measures do not eliminate adverse effects at a site-specific level, they are intended to deliver enduring biodiversity gains at a broader landscape scale, support ecological resilience, and assist the long-term recovery and sustainability of indigenous ecosystems across the wider Buller Plateaux.

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2930 > As noted above, the TTPP planning framework also reflects an inherent tension between biodiversity protection and mineral extraction outcomes. Parts of the Project are within high biodiversity areas / SNAs and within the BCZ, which expressly recognises and provides for mineral extraction and associated reasonable growth and expansion, subject to effects management and rehabilitation. Accordingly, while effects on significant indigenous biodiversity within the scheduled wetland/SNA areas require careful assessment and management under the NPS-IB and TTPP ECO framework, those provisions should be read alongside the BCZ framework. On that integrated reading, the TTPP does not require all adverse effects of mineral extraction within those overlapping areas to be avoided in absolute terms; rather, it requires those effects to be assessed, minimised where practicable, and addressed through enforceable management, rehabilitation and compensation measures.

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2940 The BPCP is generally consistent with the provisions which relate to the natural character and margins of waterbodies insofar as the Project is not considered to be an inappropriate use or development (**Objective NC-01**), as directed by **Policy 3** in Chapters 7A and 7B of the RPS. Further, for the reasons given in **Chapters 3 and 4** of the application, the BPCP has a functional need⁹⁰ to be in the proposed location and includes a suite of remediation and compensation measures that will ensure adverse effects on natural character are

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⁹⁰ As defined in the NPS-FW.

minimised (**Objective NC-03**). The BPCP is also generally consistent with **Policy NFL-P2 (a)**, in that it involves mining extraction in an ONL and will, in time, restore (but not maintain) the values that contribute to these natural landscapes being outstanding, owing to the sequential nature of rehabilitation and ongoing natural processes (high precipitation, erosion, colonisation, etc.) which will progressively assist to restore the landscape.

> Objectives and policies relating to earthworks will be adequately achieved. Large-scale vegetation and soil removal, open pits and waste rock piles in the ESE and MFS Sub-Areas will result in extensive areas of bare earth and spoil being exposed during the Operational phase of the Project (note: the total disturbance footprint area for the ESE and MFS Sub-Areas combined is 630 ha). Heavy rainfall, which frequently occurs on the Denniston Plateau, can produce sustained runoff laden with suspended solids from these exposed areas. To manage the effects of these earthworks, an ESCP will be implemented to minimise the potential for sediment discharges into receiving waters. The ESCP will involve:

- Diverting clean runoff around work areas;
- Keeping exposed soils to a minimum; and
- Use of sediment retention devices to capture surface runoff (e.g., ponds, silt fences).

Further, to ensure sediment retention ponds are performing as expected, regular sampling and testing will be undertaken in accordance with the testing schedule and performance targets outlined in the Erosion and Sediment Control Plan for Land Disturbance Activities (Bathurst, 2026y). This includes testing for compliance with water quality limits at compliance monitoring sites downstream of the works areas during the construction and operational phases of the Project. A range of practical steps will also be taken to reduce sediment release into streams and wetlands during the Project's Construction and Operational phases. These steps include:

- Timing particular works in drier seasons to reduce runoff/erosion;
- Stabilising exposed soils quickly (e.g., hydroseeding road cuts); and
- Constructing frequent cross-drains that disperse water onto vegetated ground.

- A combination of channel designs, silt fences, sediment ponds, stabilisation and revegetation techniques and staged earthworks, as well as inspection and maintenance regimes, will also be implemented to mitigate the sediment discharge risks for the Project, consistent with **Objective EW-01** and **Policy EW-2**.

Overall, the BPCP is considered generally aligned with the purpose and thrust of the relevant TTPP provisions, while recognising that tensions remain regarding significant indigenous biodiversity, wetlands, and some landscape values. Those tensions are addressed through a substantial, long-term package of management, rehabilitation, monitoring, and compensation/enhancement measures, but are not wholly eliminated.

9.15 BULLER DISTRICT PLAN

The Buller District Plan sets out the objectives, policies, rules, regulations, and methods that provide the framework for managing natural and physical resources in Buller. The Buller district is currently operating under two District Plans – the operative BDP (2000) and the decision version of TTPP (2025). Greater weight will now be given to TTPP provisions. However, the provisions in the operative BDP relating to those parts of TTPP under appeal (and not yet operative) cannot yet be disregarded. An assessment of the BDP provisions of relevance to the BPCP is therefore provided below.

9.15.1 BDP Assessment Overview

Table 9-4 sets out the key BDP objectives and policies of relevance to the BPCP, and the following provides an assessment regarding the Project’s level of alignment with these respective provisions.

Table 9-4: Relevant provisions of the BDP

Chapter/s	Relevant Provisions
Part 4: Significant Resource Management issues	Water Resource Objective 4.4.13.1 - <i>Promote land use activities which maintain or improve the water quality of the District’s rivers and do not adversely affect water quantity, in order to safeguard the life supporting capacity of water.</i> Policy 4.4.14.3 - <i>To control the modification of significant natural wetlands to protect their natural character, landscape values, and their significance as areas of indigenous vegetation and habitats for indigenous fauna, and to sustain their life supporting capacity as indigenous ecosystems.</i> Policy 4.4.14.4 - <i>The protection of water resources from adverse effects of land based activities shall be encouraged and promoted.</i> Policy 4.4.14.7 - <i>To protect and enhance riparian margins adjacent to rivers, streams, lakes, wetlands and the coast for the purposes of:</i>

Chapter/s	Relevant Provisions
	(i) <i>Maintenance of the natural character of waterways, natural habitats and water quality including the mitigation of adverse effects of contaminant discharges and other natural and aesthetic and amenity values associated with the adjacent waterway.</i> (ii) <i>Public recreation.</i> (iii) <i>Public access.</i> (iv) <i>Maintenance of bank stability and reduction in sedimentation.</i>
	Mineral Resources Objective 4.5.4.1 - <i>To enable people and communities to provide for their economic and social wellbeing through the efficient utilisation and development of mineral resources.</i> Objective 4.5.4.2 - <i>To safeguard the life supporting capacity of air, water, soil and ecosystems and avoid, remedy or mitigate adverse effects from the use and development of mineral resources.</i> Policy 4.5.5.1 - <i>The adverse effects of activities related to the utilisation of mineral resources shall be avoided, remedied or mitigated.</i> Policy 4.5.5.2 - <i>The rehabilitation of mining sites shall be required where practicable.</i> Policy 4.5.5.3 - <i>Co-ordination and liaison with the West Coast Regional Council shall be maintained on matters relating to mining activities where water resources and soil conservation are affected.</i> Policy 4.5.5.4 - <i>To enable the investigation of the District's known mineral potential and the utilisation of mineral resources of regional significance while safeguarding the life supporting capacity of air, water, soil and ecosystems and ensuring the adverse effects of activities related to the investigation and utilisation of mineral resources are avoided, remedied or mitigated.</i> Policy 4.5.5.5 - <i>To require mineral resource related activities to incorporate measures to protect water quality and ecosystems, and provide for the rehabilitation of disturbed areas to generally their original condition or another suitable condition as approved by Council.</i>

Chapter/s	Relevant Provisions
	Cultural/Historic Resources Objective 4.6.7.1 - <i>To protect places and sites of historical and cultural value from the adverse effects of land use activities and to ensure where appropriate, access to historic and cultural sites is maintained and enhanced.</i> Policy 4.6.8.2 - <i>Evaluate and protect heritage resources by identifying those resources of historic, cultural or architectural value or of special significance to the District.</i> Ecosystems and Natural Habitats Objective 4.8.6.1 - <i>To protect areas of significant indigenous vegetation and significant habitats of indigenous fauna and to recognise their importance to the character and quality of the natural and physical environment and to the wellbeing of the people and communities in Buller.</i> Policy 4.8.7.1 - <i>The adverse effects of land use activities on natural habitats and ecosystems shall be taken into account when considering development proposals which impact on these areas.</i> Landscapes and Natural features Objective 4.9.3.1 - <i>To protect the distinctive character and unique values of outstanding landscapes and natural features.</i> Policy 4.9.4.1 - <i>To discourage activities which would significantly alter the character of outstanding landscapes.</i> Hazardous Substances Objective 4.11.5.1 - <i>To encourage and promote the safe and efficient handling and disposal of hazardous substances throughout the District.</i> Policy 4.11.6.1 - <i>Compliance with approved codes of practice and national guidelines and standards shall be required for all activities involving the use, storage and transport of hazardous substances.</i>

In terms of relevant BDP objectives and policies, the following key observations are noted:

- > Relevant provisions regarding water resources are achieved as the Project involves a range of monitoring, mitigation, rehabilitation and compensation measures to minimise adverse effects on water resources and support ecological recovery. With respect to

3005	improvements to water quality in the district's rivers (Policy 4.4.14.3) and the mitigation of adverse effects of contaminant discharges (Policy 4.4.14.7), the extensive mining history on the Denniston Plateau has led to degraded water quality, loss of habitat, and reduced ecological diversity in affected water bodies. In response, the management strategies proposed under the BPCP focus on active and passive treatment of mine water discharges. These include limestone dosing, water treatment systems, settling ponds, mussel-shell reactors (which increase pH and remove heavy metals from AMD), and ecological rehabilitation efforts such as stream diversions and revegetation).
3010	Treatment efforts initiated at Stockton Mine in the early 2000s have significantly improved water quality in Mangatini Stream and the lower Ngākawau River, supporting the recovery of native fish populations such as kōaro (ESNZ, 2026a). Treatment of AMD in the St Patrick Stream catchment began around 2005 and continues today.
3015	Considerable work has also been undertaken at the Stockton Mine to recreate or rehabilitate tarns (small alpine and sub-alpine ponds) since the early 2000s. A recent assessment indicates many recreated (i.e., constructed) tarns provide new and important habitats for macroinvertebrates (that prefer slow or standing waters) similar to nearby natural tarns on the Stockton Plateau (ESNZ, 2026a).
3020	> Consistency with the relevant provisions related to mineral resources is achieved because: ○ The Project enables people and communities to provide for their economic and social well-being through the efficient utilisation and development of mineral resources (Objective 4.5.4.1);
3025	○ A range of monitoring, mitigation, rehabilitation and compensation measures to minimise the effects from the use and development of mineral resources are proposed (Objective 4.5.4.2); and ○ The mine sites will be rehabilitated (Policy 4.5.5.2).
3030	> A range of measures are proposed which will manage the residual effects on water quality and ecosystems and provide for the rehabilitation of disturbed areas in a way that aims for no net loss of biodiversity values in time (Policy 4.5.5.5).
3035	> Objectives and policies regarding cultural and historical resources will be adequately achieved through a combination of the BPCP's design initiatives, a range of specific mitigation measures, the proposed HHMP (Bathurst, 2026af) and through Ngāi Tahu's support for the Project.

- 3040 > The existing character and unique values of outstanding natural landscapes cannot be fully protected, particularly during the Operational phases of the Project, and particularly where the Project Sub-Areas adjoin TPP ONL50 (**Objective 4.9.3.1**). Notwithstanding, consistency with the provisions relating to the management of landscape and natural features is achieved in the medium to long term, because the Project involves the staged rehabilitation of disturbed areas, mitigation measures, and pest-free exclusion areas, which will reduce residual effects on landscapes. Assessed in that context, it is considered that the residual effects on landscape values will be mitigated.
- 3045 > The BPCP is consistent with the provisions for the management of hazardous substances, as the storage, use and transportation of hazardous substances will be undertaken and managed in accordance with HSW-HS controls (**Policy 4.11.6.1**). Further recommended ongoing voluntary controls include:
- 3050 o Upgrade to the drainage provided for the lime slurry tanks at the LDP in Stockton to provide diversions to the on-site sumps;
- o All new tanks to be double-skinned;
- o Require all areas where packages of hazardous liquids are stored or used to include secondary containment sufficient to contain at least 110% of the largest package; and
- 3055 o Equipment refuelling, lubrication or mechanical repairs must be undertaken with appropriate controls to ensure that a spill of hazardous substances into a waterbody does not occur, including that refuelling must not occur within 20 m of a waterway.

Overall, the BPCP is considered consistent with the relevant provisions of the BDP.

3060 9.16 OTHER RELEVANT MATTERS

Section 104(1)(c) of the RMA directs that the Panel must also have regard to any other matter they consider relevant and reasonably necessary to determine a resource consent application. The consideration of such matters remains subject to Part 2 of the RMA.

The relevant other matters to the consideration of these resource consent applications are:

- 3065 > Mineral Strategy for New Zealand;
- > Te Rūnanga o Ngāi Tahu's Freshwater Policy Statement ("**FPS**");
- > Ngāi Tahu Statutory Acknowledgement Areas;

- > West Coast Regional Pest Management Plan (“**RPMP**”); and
- > West Coast Tai o Poutini Conservation Management Strategy (“**CMS**”).

3070 **9.16.1 Mineral Strategy for New Zealand**

New Zealand’s Minerals Strategy, launched in January 2025, aims to double the annual value of mineral exports to \$3 billion by 2035 by fostering the responsible and sustainable development of minerals, including critical minerals, to support economic growth, secure supply chains, and build international partnerships. It establishes a Critical Minerals List and a delivery roadmap to guide actions, improve data, attract investment, and increase public understanding of the sector’s value.

The key Components of the Strategy are:

- > Critical Minerals List: Identifies minerals essential for New Zealand's economy, technological needs, clean energy transition, and international trade; and
- > Delivery Roadmap: Outlines government actions and timelines to achieve the strategy's goals, including implementing preferential development pathways and reviewing the Critical Minerals List.

Importantly, metallurgical coal is now on the Critical Minerals List and therefore falls within the scope of minerals for which the New Zealand Government is committed to exploring strategic pathways and broader system settings to support their development and supply.

The main rationale for New Zealand's Minerals Strategy is summarised below:

- > Economic Benefits: Supports high-paying jobs, regional investment, local businesses, and generates tax revenue for essential services.
- > Modern Society: Minerals are fundamental for everyday items, infrastructure, medical equipment, and renewable energy.
- > Strategic Independence: Aims to secure New Zealand's supply of vital minerals and reduce reliance on external sources.

The Strategy’s key goals and objectives are:

- > Economic Growth: Increase the value of mineral exports to \$3 billion by 2035.
- > Supply Chain Resilience: Secure access to minerals essential for clean energy, technology, and international trade.
- > Strategic Partnerships: Build international alliances for critical minerals and foster joint trade initiatives.

- 3100
- > Investment and Modernisation: Attract investment and modernise exploration, processing, and workforce solutions.
 - > Public Understanding: Improve data, public awareness, and understanding of the sector's role and performance.

3105 The BPCP is strongly aligned with and fully supports the key goals and objectives of the New Zealand Government's Critical Minerals Strategy and will positively contribute to the country's aim to double mineral exports to \$3 billion by 2035.

9.16.2 Te Rūnanga o Ngāi Tahu Freshwater Policy Statement

3110 Te Rūnanga o Ngāi Tahu's Freshwater Policy Statement ("**FPS**") is the first FPS to be produced by Te Rūnanga o Ngāi Tahu. It covers the rohe of Ngāi Tahu as described in Te Rūnanga o Ngāi Tahu Act 1996 (which includes the West Coast region). It describes in general terms:

- > Ngāi Tahu's association with freshwater resources;
- > The ways in which Ngāi Tahu as tangata tiaki want to participate in freshwater management; and
- > The environmental outcomes sought.

3115 The FPS has the status of an IMP as Te Rūnanga o Ngāi Tahu has formally adopted it as such. Of relevance to the BPCP is **Objective 6.2** of the FPS, which seeks to restore, maintain and protect the mauri of freshwater resources.

Policy 6.2.1 is also relevant as it seeks to identify freshwater resources where:

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- > Mauri is unaffected by modification and human activity so that these waterbodies can be afforded total protection; and
 - > Mauri is adversely affected, and the activities that cause such effects.

3125 Historically, mining activities undertaken on the Buller plateaux have resulted in adverse effects on freshwater resources. The BPCP will also have adverse effects on freshwater resources, with the magnitude of effect ranging from negligible, to significant, depending on the catchment (and whether it is a mainstream river or a tributary), the Project-phase and whether the effect is prior to or after Bathurst's proposed management actions have been applied.

However, as noted in **Chapter A.7 of the application**, to address the adverse effects of the Project on freshwater resources, a suite of avoidance, mitigation and rehabilitation

3130 measures are proposed to restore, rehabilitate and enhance aquatic ecosystems. These include stream recreation, tarn creation and rehabilitation, and the development of artificial lake habitats, each of which has been designed to provide ecological values, ecosystem services and long-term resilience, which will, in time, restore the mauri of these freshwater resources.

3135 9.16.3 Ngāi Tahu Statutory Acknowledgement Areas

3140 In the Buller District, Treaty of Waitangi settlements are covered primarily by the Ngāi Tahu Claims Settlement Act 1998 (the Settlement Act). The Settlement Act gives effect to the Deed of Settlement signed by the Crown and Te Rūnanga o Ngāi Tahu to achieve a final settlement of Ngāi Tahu's historical claims against the Crown. The Settlement Act includes a Statutory Acknowledgement by the Crown of Ngāi Tahu's mana in relation to a range of Crown-owned land and waterbodies⁹¹ in the South Island and provides for this to be reflected in the management of those areas.

3145 The Project will not occur in a Statutory Acknowledgement area or in any area that the Minister for Treaty of Waitangi Negotiations otherwise considers necessary for Treaty Settlement purposes.

Notwithstanding this, it does not diminish the importance of Ngāi Tahu's associations with the land.

3150 As detailed in **Chapter A.6** of the application and set out within the CIA (Ngāti Waewae, 2026), Bathurst has engaged extensively with Ngāi Waewae as mana whenua regarding the BPCP. The letter received from Ngāi Tahu (**Part F**) acknowledges this engagement and also the mana whenua status of Ngāi Waewae with respect to this area. The CIA recognises the benefits and significance of the Project and records Ngāti Waewae's position on the cultural values associated with the Project area, the potential cultural effects of the Project, and the measures recommended to recognise and provide for those values. The CIA has informed 3155 the Project's design, proposed conditions, and wider mitigation and REP.

9.16.4 West Coast Regional Council Pest Management Plan 2018

The purpose of the West Coast Regional Pest Plant Management Plan ("**RPMP**") is to outline the framework to efficiently and effectively manage or eradicate specified organisms in the West Coast region. In doing so, its aim is to:

⁹¹ Including the Buller River (Kawatiri) and the Ngākawau River.

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- > Minimise the actual or potential adverse or unintended effects associated with those organisms; and
 - > Maximise the effectiveness of individual actions in managing pests through a regionally coordinated approach.

The RPMP sets objectives for each pest, or class of pests, and includes:

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- > The particular adverse effects to be addressed
 - > The intermediate outcomes of managing the pest
 - > The geographic area to which the objectives apply
 - > The level of outcome (and the timeframe for achieving the outcomes); and
 - > The intended outcome in the first 10 years of the RPMP.

3170 Consistent with the objectives of the RPMP, the Buller Plateaux and Blackburn Pākihi Weed Management Plan (“**WMP**”) (Bathurst, 2026t) defines the Weed Management Area (“**WMA**”) and describes the actions to be undertaken to manage weeds and their effects associated with the Project. The WMA includes the Project footprint and immediate surrounds, along with nearby historic mine sites and the Blackburn Pākihi area. The goals of the WMP are consistent with the objectives of the RPMP insofar as it seeks to:

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- > Manage and progressively reduce the impacts of exotic weeds within the WMA; and
- > Prevent effects due to weeds spreading beyond the BPCP.

In terms of Bathurst’s broader approach to pest management, the focus of the RPMP is on pest plants, whereas the focus of the Project’s Pest Control and Elimination Plan (“**PCEP**”) (Bathurst; 2026ag) is on the control and elimination of mammalian pests. Notwithstanding, the control and eradication of the two pest species is interlinked, with many of the pest plants identified in the RPMP providing food and / or habitat for the pest animals identified as requiring control and/or elimination in Bathurst’s Pest Control Plan (2026ag).

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The wider managed landscape surrounding the Buller Plateaux, including the ecological catchments adjoining the Buller, Orikaka (Mackley), and Ngākawau Rivers, forms the broader management zone for the Project’s proposed ongoing pest control and biodiversity enhancement package. In total, 26,259 ha will be subject to pest management, which consists of:

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- > 911 ha of pest exclusion fenced areas on the Buller Plateaux;
 - > 1,505 ha of intensive ground and aerial control in the Blackburn Pākihi area;
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- > 23,843 ha of landscape control in the surrounding area, maintained under a rolling regime of aerial 1080 operations combining a baseline three-year cycle of aerial 1080 operations with the ability to implement mast-responsive control when monitoring indicates elevated pest risk; and

- 3195 > 1,363 ha of existing ground control around the Stockton mine which will be maintained.

Weed control and mammalian pest control will be ongoing, including following mine closure if required. This will assist in mitigating the effects of weeds and pests on vegetation and fauna and maintain surrounding populations to assist in recolonising the mined areas as rehabilitation proceeds. A Biosecurity Management Plan (“**BMP**”) (Bathurst, 2026s) has also been prepared to minimise the impacts of new pests entering the Project Area, consistent with the objectives of the RPMP.

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These measures represent a substantial, long-term commitment to pest management across the wider Buller Plateaux landscape. Pest control outside the fenced areas is proposed to continue for 35 years, while the pest-exclusion fences themselves are expected to endure for approximately 50 to 60 years, depending on when each fence is constructed. This duration is significant and is intended to ensure that the ecological benefits of pest exclusion, predator suppression and biodiversity enhancement are sustained well beyond the active mining period.

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9.16.5 West Coast Tai o Poutini Conservation Management Strategy 2010-2020

3210 The West Coast Tai o Poutini Conservation Management Strategy (“**CMS**”) sets out DOC’s proposed intentions for the integrated management of natural and physical resources within the West Coast Tai Poutini region. The CMS was approved in 2010 and is currently under review.⁹²

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The CMS recognises that gold and coal is of cultural and economic significance, and that coal mining was, and still is, an important resource use in the northern part of the Conservancy, including at high altitude sites such as the Buller coal plateaux.⁹³

Of relevance to the BPCP is **Objective 1 - Maintenance and restoration of the indigenous natural character of ecosystems** of the CMS, which seeks to maintain, and restore where practicable, the indigenous natural character of the full range of West Coast Te Tai o Poutini

⁹² The CMS review process is currently paused until there is greater clarity around the proposed policy direction for conservation land management. The new CMS for Te Tai Poutini (once drafted and notified), will set the direction for management of natural, cultural, historic, and recreational values. Until then, the current CMS remains active.

⁹³ CMS Part 3 – section 3.4.1.3 - management objectives and policies.

3220 terrestrial, freshwater and marine ecosystems. Of the Policies that give effect to this Objective, **Policy 1** is relevant to the BPCP. It states:

1. *Management of threats to terrestrial and freshwater species, habitats and ecosystems across all public conservation lands on the West Coast Te Tai o Poutini should be prioritised, taking into account the need to:*

3225 a) *prevent the loss of indigenous species and the full range of their habitats and ecosystems;*

b) *maintain contiguous sequences of indigenous ecosystems (e.g. from mountains to sea);*

3230 c) *maintain representative examples of the full range of indigenous ecosystems;*

d) *maintain populations of indigenous species, habitats and ecosystems with unique or distinctive values;*

e) *achieve recovery of threatened indigenous species (including their genetic integrity and diversity) and restore their habitats where necessary;*

3235 f) *restore threatened indigenous ecosystems and connections between ecosystems where necessary;*

g) *maintain the ecological integrity of indigenous ecosystems consistent with the purposes for which the land is held;*

h) *protect recreational freshwater fisheries and freshwater fish habitats; and*

3240 i) *achieve integrated management at priority sites.*

The BPCP will result in the loss of approximately 17.1 km of existing natural stream extent and the loss of the associated stream values (e.g., high-quality diverse habitat for aquatic and riparian species, including bryophytes and macroinvertebrate communities) in the ESE and MFS Sub-Areas. Stream reinstatement following headwater stream removal is therefore
3245 a critical component of the Project, aimed at restoring ecological function, hydrological connectivity and habitat within the catchment, consistent with **Policy 1(f)** of the CMS.

Following the completion of mining operations and progressive rehabilitation of the mined landforms, approximately 20.8 km of stream length will be reinstated on the Denniston Plateau. Streams will be reinstated and rehabilitated with the intention of meeting the
3250 following seven high-level objectives:

> *Restore hydrological connectivity:* Re-establish natural flow pathways to maintain upstream–downstream linkages and support catchment-scale water movement.

> *Recreate natural channel morphology:* Design and construct stream channels that mimic pre-disturbance dimensions, sinuosity, gradient, and substrate composition (to
3255 the extent practicable) to promote stability and ecological function.

- 3260 > *Re-establish riparian and aquatic habitat:* Provide suitable conditions for colonisation by native flora and fauna through riparian planting and addition of instream habitat features (e.g., woody debris, riffle-pool sequences).
- > *Improve water quality and sediment dynamics:* Implement measures to reduce erosion (e.g., riparian planting, use of suitably sized substrate in stream channels), manage sediment transport, and maintain nutrient cycling processes typical of headwater systems.
- 3265 > *Enhance biodiversity and ecosystem services:* Support recovery of bryophytes, macroinvertebrate communities, and riparian wildlife, contributing to overall ecological catchment health.
- > *Ensure long-term stability and resilience:* Incorporate design elements that withstand variable flow regimes and climate impacts, reducing maintenance requirements.
- 3270 > *Meet regulatory and cultural obligations:* Align stream reinstatement with environmental legislation, resource consent conditions, and cultural values, including recognition of mana whenua perspectives on freshwater ecosystems.

These seven high-level objectives align with **Policy 1(b), (c), (e) and (g)** of the CMS.

3275 As detailed in **Chapter A.7** of the application, and in the technical assessments in **Part B**, substantial measures are proposed to address moderate or higher residual adverse effects of the Project on terrestrial and freshwater species, habitats and ecosystems. These measures will substantially benefit non-impacted habitats and affected species (particularly fauna) across the plateaux and the surrounding landscape.

3280 For those residual effects that cannot feasibly be avoided, minimised or remedied, the Project proposes a comprehensive REP. This package is directed toward addressing ongoing pressures on indigenous ecosystems arising from legacy and contemporary threats, particularly weeds and introduced mammalian pests, which are recognised drivers of ecological decline across the Buller Plateaux irrespective of the Project. The proposed measures are intended to arrest and, over time, improve ecological condition at a landscape scale, and to support the persistence and recovery of Threatened and At-Risk fauna populations. While these measures cannot fully offset site-specific losses, they are

3285 expected to enhance ecological resilience and maintain species viability within their natural range, including by facilitating recolonisation of rehabilitated mine areas as revegetation and habitat re-establishment proceed. In this respect, the REP is consistent with the outcomes sought by **Policy 1(d) and (f)** of the CMS, particularly in relation to supporting species recovery and sustaining indigenous ecosystems over the long term.

3290 **Objective 1**, which relates to the management of geodiversity and landscapes, is also
relevant to the BPCP. This objective seeks to protect geodiversity and landscape values from
the adverse effects of human use and management. Of the policies that give effect to this
objective, **Policy 1** is of particular relevance, as it seeks to protect and preserve the natural
character, integrity and values of landscapes, landforms, geological and soil features and
3295 processes across conservation lands.

As outlined above and in **Chapter A.6** of the application, the Project will result in a range of
adverse effects on geodiversity and landscape values, most notably through visual and
physical modifications to the Buller Plateaux over the life of the Project. The nature and
severity of these effects vary depending on proximity, viewing audience, Project phase and
3300 broader landscape context, as assessed in the Landscape and Visual Effects Assessment
(RMMLA, 2026).

In physical terms, mining activities will result in the modification of natural landforms, the
removal of indigenous vegetation, and the disturbance of existing hydrological and
geodiversity patterns, with consequent reductions in natural character, legibility, and visual
3305 coherence during extraction. These effects will be most pronounced in areas where
ridgelines and skylines are altered, including at MFS, and where Project Sub-Areas adjoin
outstanding natural landscape (i.e. ONL-50) under the TTPP.

It is acknowledged that, during Operational phases, changes to landscape character and
geodiversity will be substantial and cannot be fully avoided. However, these effects are
3310 managed through a combination of avoidance where practicable, careful siting and design,
operational controls and progressive rehabilitation. Over time, landform reshaping, the
reinstatement of drainage patterns, and the reestablishment of vegetation are expected to
progressively reduce the magnitude of landscape and geodiversity effects. While the
proposed pest exclusion fences do not directly mitigate landscape effects, they provide a
3315 broader ecological counterbalance at the landscape scale and form part of the integrated
response to the Project's residual environmental effects when considered in the round.

Post-mining, rehabilitation will involve engineered landform reshaping, stream
reinstatement, and re-establishment of native ecosystems using VDT, direct planting, and
long-term management measures. While the engineered landforms will initially be
3320 discernible, the sequential nature of rehabilitation will shorten the timeframes for
establishing canopy cover. Ongoing natural processes (high precipitation, erosion,
colonisation, etc.) will progressively help restore natural patterns. In the medium to long
term, the rehabilitated landforms and vegetation are anticipated to naturalise to a level
where landscape coherence, legibility, and perceived natural character are reinstated,
3325 reducing adverse effects as ecosystems become self-sustaining and mature, consistent

with the CMS objectives and policies, which seek to manage geodiversity and landforms in the West Coast Tai Poutini region.

9.16.6 Conservation Act 1987

3330 A statutory assessment of the BPCP against the provisions of the Conservation Act 1987 is included in **Chapter A.10** (Conservation Act and Reserves Act) of this substantive application document.

9.16.7 Wildlife Act 1953

A statutory assessment of the BPCP against the provisions of the Wildlife Act 1953 is included in **Chapter A.11** (Wildlife Act Approvals) of this substantive application document.

3335 9.16.8 Heritage New Zealand Pouhere Taonga Act 2014

A statutory assessment of the BPCP against the provisions of the HNZPT is included in **Chapter A.12** (Heritage Approvals) of this substantive application document.

9.16.9 Freshwater Fisheries Regulations 1983

3340 A statutory assessment of the BPCP against the provisions of the Freshwater Fisheries Regulations 1983 is included in **Chapter A.13** of this substantive application document.

9.17 CONCLUSION

3345 In the context of the RMA, Bathurst acknowledges that the BPCP will result in adverse environmental effects, including effects that cannot be fully avoided, remedied or mitigated. In particular, during the early and operational phases of the Project, there will be areas of tension with the environmental outcomes anticipated by higher-order planning instruments, including those relating to indigenous biodiversity, freshwater, wetlands, natural character, landscape values and historic heritage. These tensions are acknowledged and have not been understated in this assessment.

3350 However, the RMA does not require that all adverse effects be avoided in every case. The statutory assessment requires consideration of the proposal as a whole, including the extent to which adverse effects are avoided, remedied, mitigated, offset or compensated; the proposal's positive effects; the relevant planning framework; and the purpose and principles in Part 2.

3355 In this regard, section 104(1)(ab) is particularly relevant, as it enables consideration of any measures proposed by the applicant to ensure that positive environmental effects offset or compensate for adverse effects. In this case, the Project includes a comprehensive package

of such measures in the proposed REP, aimed at generating enduring positive ecological and environmental outcomes in response to residual adverse effects.

3360 In this case, the Project has been developed and refined through mine planning, staging, and, where practicable, avoidance of higher-value areas, together with progressive rehabilitation and a comprehensive REP. This includes long-term pest exclusion, sustained predator and weed control, aquatic habitat enhancement, historic heritage and recreation measures, and ongoing monitoring, review and adaptive management.

3365 When assessed in the round, the BPCP is considered overall consistent with the purpose of the RMA, having regard to the balance of its effects, the Project's social and economic benefits, and the extent to which adverse effects are managed through avoidance, mitigation, rehabilitation, and the REP.

3370 The Project will enable the continued use and development of a location-specific mineral resource, support the efficient use of existing mining infrastructure, maintain employment and economic activity in the Buller District and wider West Coast region, and provide wider regional and national benefits. These positive effects are material to the overall assessment and must be weighed alongside the Project's adverse effects. That evaluative exercise is consistent with the approach set out in the relevant regional and district planning instruments that apply here, which recognise and provide for mineral extraction activities, 3375 including within the BCZ, while requiring that the adverse effects of those activities be appropriately managed. In that context, the planning framework anticipates that mining and associated development will occur and requires a balanced assessment of the effects and benefits, rather than defaulting to avoiding such activities altogether.

3380 It is also relevant under Part 2 of the RMA that the Stockton Mine and its associated infrastructure constitute an existing physical resource of significant regional importance. Sections 5 and 7 of the RMA recognise the ongoing use and development of natural and physical resources, including the efficient use of established infrastructure and the benefits derived from its continued operation. In this case, the BPCP builds on a long-established mining environment and utilises existing infrastructure and management systems, including 3385 those associated with water management and rehabilitation. Recognising and providing for the continued use and optimisation of this existing physical resource is an important component of the overall assessment, particularly where it enables both economic benefits and the ongoing management and improvement of environmental effects associated with historic and current mining activities.

3390 The Project also incorporates a substantial and long-term response to residual ecological effects. While some biodiversity and freshwater values will be permanently lost or modified within the disturbance footprint, those effects are addressed through a combination of

avoidance where practicable, enforceable management controls, progressive rehabilitation, and landscape-scale biodiversity and freshwater initiatives. Ongoing water management, treatment and monitoring are expected to support progressive improvements in downstream water quality and aquatic ecosystem condition over time, particularly in already modified catchments such as Stockton. Terrestrial biodiversity outcomes are similarly supported through long-term pest and weed control, habitat enhancement, pest-exclusion fencing, biosecurity measures, species monitoring and adaptive management at a landscape scale.

Part E of the application documentation sets out a comprehensive suite of proposed conditions to secure the implementation of these measures. These conditions provide the mechanism through which mitigation, rehabilitation, compensation, monitoring and adaptive management will be delivered over the life of the Project and are an integral component of the conclusion that the Project's effects can be appropriately managed within the RMA framework.

The actual and potential effects of the activities have been assessed against the relevant provisions of the RMA, including sections 5, 6, 7, 104, 105 and 107, as well as the applicable national, regional and district planning instruments. While the Project does not fully align with every relevant provision, and while residual adverse effects remain, it is considered that the BPCP is broadly consistent with the purpose of the RMA when viewed as a whole. This reflects that neither the RMA nor the FTAA is a "no effects" statutory regime; rather, both contemplate that some adverse effects may be acceptable where they are appropriately managed and balanced against the broader purpose of sustainable management and the benefits of the proposal.

That conclusion is reinforced in the FTAA context, which requires the greatest weight to be given to the purpose of facilitating infrastructure and development Projects with significant regional or national benefits. In that context, inconsistency with one or more policies or provisions is not, of itself, determinative of the outcome. When the RMA assessment is read together with that statutory weighting, the BPCP satisfies the relevant statutory tests and represents an appropriate overall planning response to the effects, benefits and circumstances of the Project, having regard to the proposal as a whole and the integrated nature of the statutory framework.