

**Before Hearings Commissioners
appointed by Selwyn District Council
and Canterbury Regional Council**

Under

the Resource Management Act
1991

And

In the matter

of applications under section 88 of
the Act by Bathurst Coal Limited in
relation to mining activities at the
Canterbury Coal Mine in the Malvern
Hills

**Joint Memorandum on behalf of
Bathurst Coal Limited, Environment
Canterbury and Selwyn District
Council**

Dated: 8 July 2021

MAY IT PLEASE THE COMMISSIONERS:

Introduction

1. The purpose of this joint memorandum is to:
 - (a) Update the Commissioners on Bathurst Coal Limited's (**Bathurst**) current regional and district consent applications for the Canterbury Coal Mine; and
 - (b) Address a proposed timetable leading to a hearing.

Update on Applications

Addendum AEE for Closure and Rehabilitation

2. As the Commissioners may be aware, in February 2021, Bathurst's parent company, Bathurst Resources Limited, announced its intention to close the Canterbury Coal Mine. This will involve a final few months of coal winning until the end of July 2021 and then a rehabilitation and closure process, with the Canterbury Coal Mine land being returned to the underlying land owners for post-mining land use.
3. Since the reluctant decision to close the Canterbury Coal Mine, Bathurst has been in regular contact with Environment Canterbury and Selwyn District Council in order to continue to progress the current applications with the necessary refinements to respond to the closure.
4. The rehabilitation and closure process is already provided for within the scope of Bathurst's existing consents and the current applications. However, to provide additional detail on the closure process, which results in a significant reduction in effects, and detail on how those remaining environmental effects will be appropriately managed, Bathurst filed an Addendum AEE for Closure and Rehabilitation (**Addendum AEE**) on 6 April 2021.
5. The Addendum AEE effectively refines and reduces the scope of the current applications in accordance with Bathurst's closure proposal. Environment Canterbury and Selwyn District Council have specifically considered, and taken planning and legal advice, as to whether the amendments are within the scope of the Applications as notified. This advice confirms that the

changes are within scope. Further information on this can be provided to the Commissioners if required.

6. The Addendum AEE is provided to the Commissioners with this memorandum.

Variations to Existing Consents

7. As outlined in the previous memorandum for Bathurst filed on 26 November 2020, there was remaining disagreement between Bathurst and Environment Canterbury on the extent of the existing environment/consented baseline for the purpose of assessment of the current regional consent applications.
8. To enable a pragmatic way forward following further discussions with Environment Canterbury, Bathurst has agreed to apply for variations to the conditions of two of its existing regional consents to address the shortfall Environment Canterbury considered existed in the geographical coverage of the existing consents. Bathurst's application for these variations was lodged with Environment Canterbury on 10 May 2021.
9. As you will be aware, Environment Canterbury has delegated its decision-making on this additional application to Commissioners Graham Taylor and Sharon McGarry. The Commissioners have determined that the application should be processed on a non-notified basis.

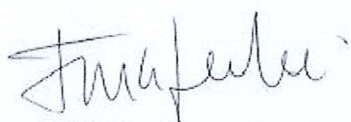
Hearing Timetable

10. The original applications as reduced and refined by the Addendum AEE remain to be heard by the Commissioners. The scope of matters to be determined has been greatly reduced since notification.
11. Bathurst, Environment Canterbury and Selwyn District Council have been communicating about a proposed hearing timetable. This broadly includes:
 - (a) Addendum AEE to be provided to all parties by Environment Canterbury by 14 July 2021 (or as soon as practicable after the Commissioners have considered this memorandum);

- (b) All parties to advise if they intend to call expert witnesses and, if so, the names and contact details of their expert witnesses by 6 August 2021;
 - (c) Environment Canterbury's and Selwyn District Council's section 42A reports due by 13 August 2021;
 - (d) Bathurst's evidence due by 3 September 2021;
 - (e) Submitters' expert evidence (if any) due by 17 September 2021;
 - (f) Expert witness conferencing to be concluded by 24 September 2021;
 - (g) A hearing during the weeks starting 18 or 25 October 2021 (subject to the Commissioners' availability), with up to five days scheduled and actual hearing time depending on any resolution of issues in advance, including through expert witness conferencing, and submitter involvement given the reduced scope of the proposal.
12. In order to narrow and potentially reduce some of the technical matters in issue at the hearing, Bathurst, Environment Canterbury and Selwyn District Council seek the inclusion of expert witness conferencing in the hearing timetable. The reasons for this are twofold:
- (a) Firstly, to enable the identification of effects from the original application that are no longer at issue due to the reduced scope of the Addendum AEE (including potentially acoustic, dust, traffic, archaeology and lighting); and
 - (b) Secondly, conferencing is considered beneficial in areas such as landscape, geotechnical, water management, hydrology, aquatic ecology, terrestrial ecology and offsetting, given expansion is no longer proposed and the focus is the closure process.
13. The parties consider that there would be significant efficiency benefits and reductions in hearing time and cost for all parties if certain matters were able to be narrowed through this expert conferencing. If any submitters intend to call expert witnesses, those witnesses would also be able to participate in the conferencing.

14. Bathurst, Environment Canterbury and Selwyn District Council therefore respectfully request that the Commissioners set down a hearing timetable including the steps outlined in paragraph 11 above.
15. Counsel are available for a teleconference or pre-hearing conference before the Commissioners if required.

Dated this 8th day of July 2021



J Leckie/A Hawkins
Counsel for Bathurst Coal Limited



L de Latour
Counsel for Environment Canterbury



P Rogers
Counsel for Selwyn District Council