

**CANTERBURY REGIONAL COUNCIL AND SELWYN DISTRICT COUNCIL**

**RESOURCE MANAGEMENT ACT**

**JOINT HEARING OF RESOURCE CONSENT APPLICATIONS**

**BY BATHURST COAL LIMITED**

**MINUTE #3 OF THE HEARING COMMISSIONERS**

1. This Minute relates to Bathurst Coal Limited's (BCL) applications for resource consents for mining activities at the Canterbury Coal Mine, Malvern Hills and the joint hearing of these applications. The Canterbury Regional Council (CRC) applications are referenced as resource consent numbers CRC184166, CRC200500, CRC201366, CRC201367, CRC201368 and CRC203016. The Selwyn District Council (SDC) application is referenced as RC185622.
2. The hearing was held on 26 – 29 October 2021 inclusive and was adjourned following the completion of hearing of evidence.
3. The purpose of this Minute is to update the parties and outline the process for further expert conferencing on conditions and provision of a revised set of proposed consent conditions, prior to receiving BCL's written right of reply.
4. Given that the applications have been amended to facilitate the closure of the mine, and subsequent site rehabilitation works, the focus of evidence at the hearing related to matters concerning mine closure, site rehabilitation, environmental offsetting and compensation, and ongoing discharge and site monitoring. It was also acknowledged that retrospective resource consents are also required for mining activities, which although now ceased, have resulted in adverse environmental effects, that in some cases are ongoing, therefore will require remedying and/or mitigation through appropriate conditions.
5. During the course of the hearing, it became evident that although there was mutual agreement between BCL and Council expert witnesses as to the majority of environmental effects and proposed conditions, there were also considerable differences in opinion and position that remained unresolved between experts. These include but are not limited to:
  - a) The extent and values of wetland areas removed and/or adversely affected by mine operations, and the appropriate quantum, location, monitoring and protection mechanisms for any areas provided for environmental offset and/or compensation.
  - b) The appropriate level and point of measurement of contaminants in Tara and Bush Gully Streams to support and maintain a healthy aquatic environment, including Canterbury Mudfish habitat.
  - c) The ability of No. 2 pit pond to provide an adequate water supply for contaminant dilution purposes at the Tara Stream discharge point.

- d) The establishment of appropriate thresholds and duration for on-going post closure phase monitoring and trigger action response plans (TARPs).
  - e) The potential need for ongoing post closure restrictions on land use such as production forest to ensure that engineered landforms (ELFs) are not compromised, and possible land owner implications.
6. Following the hearing of evidence, Counsel for BCL, Mr Leckie tabled a memorandum setting out a tentative timetable for post hearing steps, that would involve staged expert conferencing, followed by the production of annotated draft conditions reflecting any agreements reached during conferencing. Due to the interrelationships and reliance of some experts on the findings of others (e.g. wetland ecology matters will rely on findings as to water flows and contaminant discharge levels), it was proposed that the conferencing is staged over a number of weeks throughout November and December, with a view to providing a revised set of proposed condition in mid-December. We agree that this is an appropriate way forward and note this was also agreed with by the Council reporting officers present. It was also agreed that the revised proposed conditions would clear outline any outstanding differences between BCL and the Council reporting officers and any differences between proposed and recommended conditions.
7. Following receipt of the revised proposed conditions and any other subsequent amendments to the proposal (such as amended TARPs and any wetland offsetting / compensation / enhancement proposals), this material will be circulated to all parties and we will issue a further Minute setting out the timeframe for the provision of further written comments. We anticipate this will be in mid-December and that submitters will have until the end of January 2022 to provide any further written comments.
8. We wish to emphasise that any written comments received must relate to the revised proposed conditions and related amendments to the proposal only. It is not an opportunity to raise any other matters or to reiterate issues raised in submissions. We also stress that at this stage, no decision has been made to grant or refuse the consents, and the preparation of revised draft conditions should not be seen as pre-determining this.
9. We appreciate there is a large amount of information regarding the suite of applications and that much of this related to the initial documentation for consents for the continued operating of the mine. Background to closure and information informing the drafting of conditions can be found on Environment Canterbury's website by reference to 'Addendum AEE for Closure and Rehabilitation' dated 6 April 2021 and Memorandums 1-4.
10. Any questions as to further clarification in relation to this Minute, and the lodgement of any comments on conditions or additional / amended proposals as set out above are to be directed to:

Ms Alison Cooper, CRC Consents Hearings Officer  
Environment Canterbury  
PO Box 345  
Christchurch 8140

Email: [Hearings@ecan.govt.nz](mailto:Hearings@ecan.govt.nz)

Phone 0800 765588.

**DATED** 4 November 2021

A handwritten signature in dark ink, appearing to read 'S. McGarry', is written on a light green rectangular background.

Sharon McGarry (Chair)  
On behalf of the Hearing Commissioners