

**Before a Hearings Panel Appointed by the
Selwyn District Council and the Canterbury Regional Council**

Under

the Resource Management Act 1991
(Act)

And

In the Matter

applications under section 88 of the
Act by Bathurst Coal Limited in
relation to the completion of mining,
closure and rehabilitation of the
Canterbury Coal Mine in the Malvern
Hills, Canterbury

**Supplementary Reply Evidence of
Craig John Pilcher
for Bathurst Coal Limited**

Dated: 14 April 2022

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INTRODUCTION

1. My full name is Craig Pilcher. I am the General Manager of Domestic Operations for the Bathurst Resources Limited (**BRL**) group of companies which includes BT Mining Limited and Bathurst Coal Limited (**BCL**). BCL owns and operates the Canterbury Coal Mine (**CCM**).
2. I have the qualifications and experience set out at paragraphs 1 - 4 of my statement of evidence dated 1 October 2021.
3. This supplementary brief of evidence is for the purpose of providing the Commissioners with information about:
 - (a) the proposed wetland compensation package offered by BCL and described in the Reply Evidence of Dr Gary Bramley¹ (**BCL Proposed Compensation Package**); and
 - (b) the additional wetland compensation (**SDC Additional Compensation Proposal**) proposed by Selwyn District Council in the final reply comments of Mr Henderson.²

SCOPE OF EVIDENCE

4. My evidence will cover the following:
 - (a) my discussions with landowners Avoca Trust and Matariki Forests Limited about the potential to provide further protection (fencing and covenanting) of the main upper reach of Bush Gully Stream on their land; and
 - (b) the estimated cost of the BCL Proposed Compensation Package.

DISCUSSIONS WITH LANDOWNERS

5. In the final reply comments provided for Selwyn District Council (**SDC**), Mr Henderson proposed that the SDC Additional Compensation Proposal be provided by BCL by way of protection/restoration along the main upper reach of Bush Gully Stream involving the following: ³
 - (a) secure legal protection in perpetuity for the natural floodplain of, and an additional 20m riparian buffer along, the length of Bush Gully Stream between

¹ Reply Evidence of Dr Gary Bramley, 25 February 2022.

² Final Reply Comments of Andrew Henderson, 25 March 2025.

³ At [23].

the mine site (North ELF landform) and the North property wetland. Protection no less secure than that provided by a QEII Open Space Covenant;

- (b) securely fence the area to exclude grazing animals;
 - (c) control plant and animal pests to maintain and enhance wetland and riparian values for a period of 25 years. Ensure funds are set aside to achieve this management objective; and
 - (d) strategic localised planting, to facilitate natural regeneration.
6. The SDC Additional Compensation Proposal would involve third party land as follows:
- (a) Matariki Forests Limited (up to 15 hectares of fenced and covenanted land);
 - (b) Avoca Trust (up to 8 hectares of fenced and covenanted land); and
 - (c) Legal road (up to 3 hectares of fenced and covenanted land).
7. The experts called by BCL have previously explained the difficulties of securing significant long term compensation outcomes over third party land.⁴ However, Mr Henderson comments that, to date, it is unclear whether BCL has had any discussions with the landowners about the possibility of access or agreement.⁵ Below I confirm the content of the discussions had in relation to the third party land:

Matariki Forests Limited

- (a) Discussions with Matariki Forests were held in 2017 and 2018 regarding potential sites to construct offset wetlands to meet requirements of CRC190172 (CRC173889) and for locating a compensation wetland as part of CRC183000. During these discussions, BCL raised the potential for protection in perpetuity of these sites within Matariki Forest land. However, this idea was not tenable to Matariki Forest Limited.
- (b) At the commencement of this hearing, BCL proposed compensation at the Bush Gully Wetland over Matariki Forests land. As part of the process of exploring this compensation proposal, BCL staff again discussed with Matariki Forests Limited as to a possible protective covenant over the Bush Gully Wetland compensation area. The response from Matariki Forests continued to be that agreement to a protective covenant over its land would not be tenable. This was one of the reasons for BCL experts suggesting a move away from offering the Bush Gully Wetland compensation area and the

⁴ Statement of Evidence of Claire Hunter, 1 October 2021 at [258].

⁵ Final Reply Comments of Andrew Henderson, 25 March 2025 at [20].

offering of greater compensation at the North Property Wetland site owned by BCL in its place.

- (c) Since receiving the final reply comments from SDC, I have conferred with Matariki Forests Limited again on the matter. I confirm that the position of Matariki Forests Limited on the possibility of a protective covenant over its land has not changed.

Avoca Trust

- (d) The majority of the mine site is owned by Avoca Trust
- (e) Discussions were previously had between BCL staff and Avoca Trust trustees regarding siting offset wetlands on Avoca's land that were required by CRC190172 (formerly CRC173889). Various options for siting these offsets on Avoca Trust land were discussed. BCL also raised the potential to protect these offset wetlands in perpetuity. However, the trustees of the Avoca Trust were not able to agree to the proposals for protection in perpetuity given the need to use the land for productive purposes.
- (f) After receiving expert and submitter feedback during the hearing and conferencing on the current consent applications, BCL has offered the current BCL Proposed Compensation Package including areas within Avoca Trust land. These areas include riparian planting around ponds, fencing around the bog wetland, and 0.77Ha of wīwī planting in the West pit landform. BCL staff discussed possible covenanting of these planting areas with Avoca Trust. However, no formal protection outside of that required by regional and district planning laws could be agreed.
- (g) Since receiving the final reply comments from SDC, I have again conferred with the trustees of the Avoca Trust as to the Additional Compensation Proposal. The Trustees of Avoca Trust have confirmed that the part of Additional Compensation Proposal on its land would cause undue disruption to its farming activity. This is because the Avoca Trust farms on both sides of the Bush Gully stream and requires regular access through the area via the formed farm roads. BCL has already undertaken fencing works on the riparian margin of the Bush Gully Stream on the Avoca Trust land. However, the Avoca Trust has confirmed that it is unable to support any additional fencing or covenanting of the stream and riparian margin as proposed by SDC. A letter from the trustees of the Avoca Trust on this matter is attached to my evidence at **Appendix A**.

Legal Road

- (h) The SDC Additional Compensation Proposal also sits across unformed legal road. BCL staff have contacted the QEII Trust about this matter. The QEII Trust staff confirmed that a QEII covenant would not be available in respect to the unformed legal road.

COST OF BCL COMPENSATION PROPOSAL

8. BCL staff have worked on the preparation of an estimate for the cost of the Proposed Compensation Package in order to provide understanding of the likely financial commitment of offering the package. This estimate excludes the price of purchasing the land.
9. The estimated breakdown is set out below:

Compensation Wetlands		
location planning		0
plants	\$	140,543
planting	\$	246,025
fencing	\$	2,800
weed control	\$	33,250
Management Plan	\$	12,000
covenant	\$	20,000
monitoring	\$	30,000
Stakeholder engagement - ECAN/ Landowner/ Ecologists meeting	\$	20,000
Consent applications (may not be required)		0
TOTAL \$		504,617

10. BCL's purpose for preparing this estimate was to plan for the provision of the compensation after the grant of the proposed consent. However, I consider it worthwhile making the above estimate available to the Commissioners for informational purposes.



Craig John Pilcher

14 April 2022

Appendix A

Letter from Trustees of the Avoca Trust

11.04.2022

Bathurst Coal Limited
PO Box 5963
Lambton Quay
Wellington 6145
Attention Craig Pilcher

Dear Craig

SDC Proposed Mine Compensation

1. Avoca Trust (**Trust**) owns part of the land over which compensation is proposed by Selwyn District Council.
2. I understand that the compensation proposal involves the following over the Trust's land:
 - 2.1 secure legal protection in perpetuity for the natural floodplain of, and an additional 20m riparian buffer along Bush Gully Stream with protection no less secure than that provided by a QEII Open Space Covenant;
 - 2.2 securely fence the above area to exclude grazing animals;
 - 2.3 control plant and animal pests to maintain and enhance wetland and riparian values for a period of 25 year; and
 - 2.4 strategic localised planting, to facilitate natural regeneration
3. I confirm that the trustees of the Trust are not able to support covenanting of the riparian buffer along Bush Gully Stream upon the Trust's land as suggested above. Such protection would cause undue disruption to the Trust's farming activity given that we require regular access across the stream, and access to hillside paddocks via the formed farm track along Bush Gully stream.
4. I note that Bathurst Coal Limited has already funded the installation of fencing along a significant portion of the riparian margin of the Bush Gully Stream on the Trust's land. The Trust was willing to agree to this fencing despite the disruption to the Trust's farming operations. The fencing and removal of grazing stock from the area does appear to be showing benefits to the stream heath. However, additional fencing and covenanting would not be appropriate.

Yours Faithfully,



Evan Miles Frew
Trustee of the Avoca Trust