

Response ID ANON-URZ4-5FAF-Q

Submitted to Fast-track approval applications
Submitted on 2024-05-01 13:35:42

Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
Stevenson Mining Ltd

2 Contact person

Contact person name:
Anne Brewster

3 What is your job title

Job title:
Chief Operating Officer

4 What is your contact email address?

Email:
s 9(2)(a)

5 What is your phone number?

Phone number:
s 9(2)(a)

6 What is your postal address?

Postal address:
s 9(2)(a)

7 Is your address for service different from your postal address?

Yes

Organisation:
Stevenson Mining Ltd

Contact person:
Anne Brewster

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
COO

Please enter your service address:

Suite 10, 152 Quay Street, Auckland Central, Auckland 1010, New Zealand

Section 1: Project location

Site address or location

Add the address or describe the location:

The proposed Te Kuha mine is covered by the Mining Permit 41-289. This mining permit covers 884 hectares approximately 12 kilometres south-east of Westport at an elevation ranging from 600 to 800 metres above sea level.

The mine footprint is 144 ha of which 130ha is Buller District Council Water Conservation Reserve and 12ha of public conservation land classified as Stewardship land on the hills behind Westport on the West Coast.

Refer attached map

File upload:

Te Kuha Map Overview and Legal Property Boundaries.pdf was uploaded

Upload file here:

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Do you have a current copy of the relevant Record(s) of Title?

Yes

upload file:

Stevenson_Mining_Property_Titles_36028_739252.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

The land required for the mine footprint, road and coal load out facility are owned by various parties.

The mine footprint of 144ha is on:

- 130ha of land administered by Buller District Council as Water Conservation Reserve
- 12ha of public conservation land classified as Stewardship land.
- 2ha which some is privately owned land by Stevenson that forms part of the mine access road and the balance on KiwiRail land where the coal loadout facility would be located.

Detail the nature of the applicant's legal interest (if any) in the land on which the project will occur

Please write your answer here:

The only legal interest that Stevenson Mining has is in some of the land is a small amount of land required for the mine access road.

Having this land in Stevenson ownership means no access agreement is required from a third party and enables the access road to be built in the most suitable location geographically.

Section 2: Project details

What is the project name?

Please write your answer here:

Te Kuha Coal Project

What is the project summary?

Please write your answer here:

Stevenson Mining Ltd (SML) propose to mine an estimated 4 million tonnes of high-quality coking coal (Bituminous metallurgical coal) by opencut methods.

The mine footprint is approximately 144ha, the coal would be carted on an off-road access road to a coal load out facility and then loaded onto the same coal trains that service Stockton, using the Midland train line.

What are the project details?

Please write your answer here:

The Te Kuha coal project is a proposed opencast coal mine near Westport. The coal is a very high-quality deposit, in terms of ash content, sulphur content, 'swell', 'rank' and fluidity.

There are two seams the Brunner & the Paparoa.

A Jorc report of the resource has been completed.

Estimated value of the resource is s 9(2)(b)(iii), experts have advised the coal would attract a premium price because of its high-quality attributes.

The objective is to mine the coal using open-cast method.

Activities include overburden extraction, coal winning, carting the coal on off-road trucks using the private haul/access road to the coal load out facility located by the Midland train line.

Coal would be loaded onto the trains on a daily basis and taken to the Lyttleton Port.

Given the quality of the coal no washing of coal will be required.

The mine operations will include all Environmental aspects required to meet all regulatory & consent requirements, water management and rehabilitation.

Describe the staging of the project, including the nature and timing of the staging

Please write your answer here:

Mining would take place over an estimated mine life of 16 years at approximately 250,000t per annum starting as soon as required approvals are granted.

The staging would be:

- Construction phase estimated to take 12-18 months. This includes development of mine infrastructure, including the 9km mine access/haul road, ex-pit sumps, stormwater and mine water management drains.
- Mining Phase - would be carried out over approx. 16 years and the two pits would be mined concurrently - the Brunner & Paparoa.
- Rehabilitation would be carried out progressively over the mining period with an estimated 10 years post-mining rehabilitation and aftercare of the site.

What are the details of the regime under which approval is being sought?

Please write your answer here:

- Land Access CMA – Land access arrangement to Crown land (DOC) needed.
- Land Access arrangement with the Buller District Council (BDC) for access to the Westport Water Conservation Area.
- RMA - Resource consents from BDC & West Coast Regional Council (WCRC) to allow for development of an open cut coal mine.
- Wildlife Act 1953 – Consents to search for and relocate any native wildlife.
- Land swap with DoC/Concession – To allow the proposed mine access road to reach the permit area a land swap or concession under the Conservation Act 1987 is required. DoC approved this land swap in 2016, subject to securing Consents & Access.
- CMA – Mining Permit 41289 granted 21 December 1994. Tier 1 permit, current expiry 2044.

If you seeking approval under the Resource Management Act, who are the relevant local authorities?

Please write your answer here:

Buller District Council
West Coast Regional Council

What applications have you already made for approvals on the same or a similar project?

Please write your answer here:

Mine permit 41-289 was granted in 1994, extension given to 2044 (issued Feb 2019)

Resource consents were granted in 2017 by WCRC & BDC (hearing with 3 commissioners). Forest & Bird appealed the decision; an Environment Court (EC) hearing was held in August 2022. The EC declined the consent application (April 2023) mainly because of the NPSFM relating to wetlands, and the (now outdated) West Coast Regional Policy Statement.

An appeal to the High Court was lodged, however was withdrawn in March 2024. With the intention to lodge a new application once the outcome of changes to the NPSFM and NPSIB are known.

Access arrangements to DOC land were declined 2018, but the Minister was provided with out of date and incomplete information (by internal parties not the applicant). Stevenson Mining Ltd (SML) filed for a judicial review to the High Court, however SML decided to withdraw the request for a judicial review (2019) because of the previous government's stewardship land review.

Access arrangements to Buller District Council (BDC) Reserve land were granted 2016; Forest & Bird challenged this decision and filed for a judicial review.

BDC in April 2017 rescinded their previous decision to grant an access arrangement as legal clarification on the relationship between the Crown Minerals Act and the Reserves Act was required.

SML filed for a declaratory judgement with the High Court which then went through the Court of Appeal & Supreme Court. The Supreme Court ruled that the Reserves Act takes precedence over the CMA in the specific situation of a local purpose reserve administered by a local authority (but not for any other type of reserve). A new access application was being prepared by SML to submit to BDC, however this was put on hold while the government review of stewardship land was happening, and the Environment Court hearing process was in progress.

Is approval required for the project by someone other than the applicant?

Yes

Please explain your answer here:

Resource Consents - Buller District Council, West Coast Regional Council
Access - Dept of Conservation, Buller District Council

If the approval(s) are granted, when do you anticipate construction activities will begin, and be completed?

Please write your answer here:

If approvals are granted we would start construction activities soon after, this phase would take 12-18 months.
Detailed planning of the construction phase would be undertaken first, this would take a couple of months.
The 9km mine access road would be constructed first. Resources to build this would be sourced from locally based companies.
Detailed Design of the mine would be undertaken concurrently with the construction phase.
Site works - the infrastructure required to operate the mine is not significant as no wash plant is required.
- a site office with the relevant amenities would be constructed on-site once the access road was in place.
Procurement - the main items required would be mobile plant, the lead-time for the type of plant needed would be quite short and orders would be placed as soon as approvals were granted.
Mining - over 16 years, this would start post construction.
Rehabilitation - progressively during mining and for approximately 10 years post-mining.
In total with the Construction/Mining/Rehabilitation phases the life of the Te Kuha Project would span approximately 28 years.
Ongoing pest management over an area of approximately 5000 ha of Crown land would be funded for approximately 30 years following mining.

Funding - No external funding is required.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

Buller District Council (BDC)
West Coast Regional Council (WCRC)
Dept. of Conservation
Te Runanga o Ngati Waewae
Westport community
KiwiRail

Detail all consultation undertaken with the persons referred to above. Include a statement explaining how engagement has informed the project.

Please write your answer here:

Stevenson Mining has been working on this project for 12 years, over this time the affected persons have been consulted with on a regular basis.

BDC/WCRC - regular meetings have been had with these two local authorities spanning the last 12 years. In addition, BDC & WCRC have been involved in the consent hearings and Environment Court proceedings.

Dept of Conservation - regular meetings and ongoing communications have been held with the Westport DoC and Hokitika based DoC , and less frequently with DoC in Wellington. From engaging with the local DoC people in Westport the projects proposed mitigation area was based on their wishes.

Ngati Waewae - consultation with Iwi has been on-going for the past 12 years, main point of contact for Ngati Waewae has been Francois Tumahai. Through this engagement the idea of proposing a Trust with Iwi representation to manage the Te Kuha mitigation/compensation requirements of the project has been developed.

Community meetings have been held in Westport and submissions to the Resource Consent and Access applications were open to the public.

KiwiRail- We have met with KiwiRail representatives and outlined our plan for the coal load-out facility and using the Midland train line to transport the Te Kuha coal. We obtained support for our proposal from KiwiRail.

There is wide-spread support for the Te Kuha project from the Councils, Iwi and the community.

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Describe any processes already undertaken under the Public Works Act 1981 in relation to the land or any part of the land on which the project will occur:

Please write your answer here:

Not applicable

Section 4: Iwi authorities and Treaty settlements

What treaty settlements apply to the geographical location of the project?

Please write your answer here:

Not applicable

Are there any Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019 principles or provisions that are relevant to the project?

No

If yes, what are they?:

Are there any identified parcels of Māori land within the project area, marae, and identified wāhi tapu?

No

If yes, what are they?:

Is the project proposed on any land returned under a Treaty settlement or any identified Māori land described in the ineligibility criteria?

No

Has the applicant has secured the relevant landowners' consent?

No

Is the project proposed in any customary marine title area, protected customary rights area, or aquaculture settlement area declared under s 12 of the Māori Commercial Aquaculture Claims Settlement Act 2004 or identified within an individual iwi settlement?

No

If yes, what are they?:

Has there been an assessment of any effects of the activity on the exercise of a protected customary right?

No

If yes, please explain:

While no formal cultural impact assessment has been prepared, Runanga have been fully supportive of the Te Kuha project and at no time have requested a CIA.

Upload your assessment if necessary:

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Section 5: Adverse effects

What are the anticipated and known adverse effects of the project on the environment?

Please describe:

The adverse effects primarily relate to effects on biodiversity and visual/landscape effects.

- The proposal has been designed to give effect to the 'effects management hierarchy', by:
 - Minimising the project footprint, and avoiding adverse effects where reasonably practicable, then
 - Minimising remaining effects where practicable, then
 - Mitigating those remaining effects through operational and design measures, then
 - Addressing residual effects by proposing a comprehensive form of biodiversity offsetting which has been designed according to international best practice; and then finally
 - Where biodiversity offsets are not possible, proposing a generous 'biodiversity compensation' package:
 - All of which will result in a net gain in biodiversity values (indigenous vegetation, kiwi and other threatened bird habitat, and lizard habitat) across the Buller Coal Plateau and more widely in the Ngakawau Ecological District.
 - Management of the offsetting and compensation is proposed to be by way of a charitable trust which is co-led by Te Rūnanga o Ngāti Waewae to support the exercise of their kaitiakitanga.

- The actual and likely adverse effects and how they will be managed are fully described in the following documents:
- 1. Statement of evidence of Anne Brewster provided to the Environment Court (uploaded here)
- 2. Statement of evidence of James Pope provided to the Environment Court (uploaded here)
- 3. Statement of evidence on economic effects by Michael Copeland provided to the Environment Court (uploaded here)
- 4. Opening Legal Submissions and Legal Submissions in Reply to the Environment Court for Stevenson Mining (uploaded here)
- 5. Full set of resource consent conditions proposed by Stevenson Mining Limited (uploaded under Section 6)

Upload file:

Te Kuha_Statement_of Evidence_Anne Brewster_James Pope_Michael Copeland_Opening Legal Submissions_ Legal Submissions in Reply.pdf was uploaded

Section 6: National policy statements and national environmental standards

What is the general assessment of the project in relation to any relevant national policy statement (including the New Zealand Coastal Policy Statement) and national environmental standard?

Please write your answer here:

- The project is consistent with the objectives and policies of the NPS: Freshwater Management and the 2022 NPS: Indigenous Biodiversity, other than the 'coal mine ban' provisions.
- The proposal was declined by the Environment Court on the basis of:
 - The indigenous biodiversity policies of the 2020 West Coast Regional Policy Statement
 - The policy in the NPS: Freshwater Management preventing a consent being issued for a new coal mine which affects a natural wetland, without a 'consenting pathway' which allows the consideration of biodiversity offsets and environmental compensation.
- As a result of these policies, the Environment Court never carried out a substantive assessment of the comprehensive package of biodiversity offsetting and compensation proposed by Stevenson Mining.
- The substantive indigenous biodiversity policies of the 2020 West Coast Regional Policy Statement are now inconsistent with the 2022 NPS: Indigenous Biodiversity, and need to be changed as required by the RMA.

A full discussion of why the project is consistent with the national policy statements is set out in the attached Opening Legal Submissions, Legal Submissions in Reply, and Proposed Consent Conditions which were presented to the Environment Court (uploaded here).

File upload:

Te Kuha Coal Project - Opening Legal Submissions, Legal Submissions in Reply, and Proposed Consent Conditions.pdf was uploaded

Section 7: Eligibility

Will access to the fast-track process enable the project to be processed in a more timely and cost-efficient way than under normal processes?

Yes

Please explain your answer here:

The Fast-track process will enable the Te Kuha project to be evaluated quickly & objectively for the benefits this highly valuable resource would bring to the Westport District and wider West Coast region, while still recognising the environmental impacts and the controls required to mitigate/compensate for these.

If approved, it will avoid further delays and costs that would be incurred if the project had to continue through the current system, which is too cumbersome, and does not enable economic growth in NZ.

Extensive studies over many years have been done on all aspects required for the set-up and operations of the mine (environmental, rehabilitation, water management, landscaping etc). Consent conditions have already been agreed with BDC/WCRC/DoC, F&B through the Resource Consent processes. Te Kuha is in a "ready to go state".

What is the impact referring this project will have on the efficient operation of the fast-track process?

Please write your answer here:

The Te Kuha Coal Project is well advanced, with detailed analysis of all adverse and positive effects already comprehensively canvassed. Extensive and detailed conditions which manage and mitigate effects, and which require the consent holder to expend significant funds on pest control over approximately 5000 ha of the Buller District, are already drafted (the proposed conditions are uploaded in Section 6). Consequently, referring the Te Kuha Coal Project would be highly efficient in terms of the fast-track process.

Has the project been identified as a priority project in a:

Sector plan or strategy

Please explain your answer here:

The Te Kuha Project is an integral part of the New Zealand minerals industry's plans for providing blending options to maximise the high-value export of this country's metallurgical coal which is highly sought after on the international market. This is explained in the evidence of Dr James Pope presented to the Environment Court (uploaded to Section 5 above)

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

The Te Kuha Coal Project is itself a regionally significant infrastructure.

The Te Kuha project will increase the coal resource to the region that will require transportation by train, this will support the viability of the Midland Line for other bulk commodities and the TransAlpine tourism service.

The proposed long-term pest control which is part of the proposal will form the basis of enabling a regionally significant pest control and ecological regeneration infrastructure.

Will the project:

contribute to a well-functioning urban environment

Please explain your answer here:

The Te Kuha project will bring more employment to the Westport area. The project's mining activities will be based on a five-day working week encouraging mine staff to be permanently resident in, or near, the Buller District. The project will help to underpin the local population base with economic benefits in terms of increased economies of scale, greater competition, reduced unemployment (or underemployment) and retention of central government provided services.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The Te Kuha project will deliver significant economic benefits, Mike Copeland has quantified these in his "Assessment of the Economic Effects of the Te Kuha Mine Project" which was submitted as evidence in our Environment Court hearing (uploaded to Section 5 above). The main benefits are summarised below.

- Create direct employment of 58 FTE roles and an additional 226 in the Westport & West Coast Regions.
- Generate an estimated **s 9(2)(b)(ii)** per annum in direct expenditure into the Buller economy.
- Indirect impacts, will generate within the Buller District, increased expenditure of **s 9(2)(b)(ii)** per annum **s 9(2)(b)** in total)
- Direct & indirect wages & salaries of **s 9(2)(b)(ii)** p.a.
- Additional expenditure of **s 9(2)(b)(ii)** in the West Coast region.
- have a net present value estimated at **s 9(2)(b)(ii)**.
- generate potential export earnings.
- Access payments to the BDC
- generate Crown Mineral royalties, company tax and PAYE.

Will the project support primary industries, including aquaculture?

No

Please explain your answer here:

Will the project support development of natural resources, including minerals and petroleum?

Yes

Please explain your answer here:

The Te Kuha coal is a valuable coking coal resource that has a value estimated at **s 9(2)(b)(ii)** and this coal could also extend the life of other West Coast mines with the option of blending. This is described in the evidence of Anne Brewster and Dr James Pope which was presented to the Environment Court (uploaded under Section 5 above).

Will the project support climate change mitigation, including the reduction or removal of greenhouse gas emissions?

Yes

Please explain your answer here:

The proposed sustained pest control (including the reduction or elimination of the population of ungulates) will increase indigenous vegetation resulting in increased carbon sequestration.

Will the project support adaptation, resilience, and recovery from natural hazards?

Yes

Please explain your answer here:

The project includes significant funding which will be provided to the Buller District Council to be used to upgrade and provide more resilience of the Westport municipal water supply. This will support that infrastructure to be more adaptive, resilient, and able to recover from, natural hazards.

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The proposed methods for the rehabilitation of disturbed areas are world-leading. They will act as a national example of how such rehabilitation can be achieved.

The proposed sustained pest control will result in a net biodiversity gain for a range of threatened species and ecosystems, and provide the catalyst for the development of another of New Zealand's landscape-scale pest control and ecological regeneration projects.

Is the project consistent with local or regional planning documents, including spatial strategies?

Yes

Please explain your answer here:

The proposal is consistent with both the Buller District Plan and the proposed Te Tai Poutini Combined District Plan.

The proposal was declined by the Environment Court on the basis of the indigenous biodiversity policies of the 2020 West Coast Regional Policy Statement. However, the Court's interpretation of those policies was novel and inconsistent with how the West Coast Regional Council itself intended them to be interpreted and applied. Moreover, the policies as interpreted by the Court (in terms of the application of the mitigation hierarchy and the use of biodiversity offsets and environmental compensation) are inconsistent with international best practice and with the 2022 NPSIB policies.

Anything else?

Please write your answer here:

The Stevenson group has a have a long history of successful quarry and mining management and of being environmentally and socially responsible operators. Stevenson Mining's history with the New Zealand coal mining industry began in 1948 at Kopuku Mine (since renamed Kopako) and the last coal mining project was completed for BT Mining at the Rotowaro Mine in Huntly in November 2018.

Stevenson considers the Te Kuha Project to be an important opportunity for both the community of Westport and for New Zealand. While Te Kuha is a relatively small project, it contains a premium specialist metallurgical coal which is in high demand from international steel makers and other specialist carbon uses.

This project, if approved, will have a very positive impact on the social and economic wellbeing of the Buller community, and the measures that would be adopted will minimise negative effects on the environment in accordance with best practice and provide extensive compensation for those environmental effects which cannot be avoided.

Does the project includes an activity which would make it ineligible?

No

If yes, please explain:

Section 8: Climate change and natural hazards

Will the project be affected by climate change and natural hazards?

No

If yes, please explain:

Section 9: Track record

Please add a summary of all compliance and/or enforcement actions taken against the applicant by any entity with enforcement powers under the Acts referred to in the Bill, and the outcome of those actions.

Please write your answer here:

Stevenson Mining Limited has had no compliance or enforcement action taken against it.

Load your file here:

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Declaration

Do you acknowledge your submission will be published on environment.govt.nz if required

Yes

By typing your name in the field below you are electronically signing this application form and certifying the information given in this application is true and correct.

Please write your name here:

Anne Brewster

Important notes