

Response ID ANON-URZ4-5FTE-9

Submitted to Fast-track approval applications
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Submitter details

Is this application for section 2a or 2b?

2A

1 Submitter name

Individual or organisation name:
BT Mining Limited

2 Contact person

Contact person name:
Richard Tacon

3 What is your job title

Job title:
Chief Executive 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:

PO Box 5963
Lambton Quay
Wellington 6145

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

Yes

Organisation:
Bathurst Resources Limited

Contact person:
Richard Tacon

Phone number:
s 9(2)(a)

Email address:
s 9(2)(a)

Job title:
Chief Executive Officer

Please enter your service address:

Bathurst Resources Limited
Level 12, 1 Willeston Street,
Wellington 6011
Attention: Richard Tacon

Section 1: Project location

Site address or location

Add the address or describe the location:

The Rotowaro Mine Continuation Project consists of:

- the existing opencast Rotowaro Mine area;
- the Rotowaro fixed infrastructure;
- the Huntly West coal haul road between the Rotowaro Mine and the Huntly West area;
- the Huntly West area;
- the Rotowaro Extension Area; and
- the Rotowaro Extension Haul Road.

The existing Rotowaro Mine is located with the geographical area of coal mining licence (CML) 37 155 and ancillary coal mining licence (ACML) 37 155/01 and Mining Permit (MP) 56 220 (known as Awaroa West).

The Huntly West coal haul road falls with the geographical area of CML 37 155/01.

The Huntly West area falls within a discrete part of CML 37 153 (Plan 1).

The Rotowaro Extension Area abuts the north-western corner of CML 37 155 (Plan 1). Part of the land within the extension area is Crown owned and administered by LINZ.

There is one parcel of land whether within existing CMLs/ACMLs or the extension area, that is Crown owned land administered by the Department of Conservation. This parcel will not be part of the new project area. The Mining Permit and CML boundaries with the project overview are shown in Plan 2

- CML 37155 and ACML 3715501;
- Huntly West surface area;
- Awaroa West MP 60422 /MPA 60422.05;
- s 9(2)(a) and private minerals s 9(2)(a) coal;
- Private minerals s 9(2)(a) private minerals.

Refer to Plan 3.

File upload:

Plans 1&2&3&5.pdf was uploaded

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

Yes

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Plan 4 LandownersCombined.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

The registered legal landowners are listed as part of Plan 4

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:

BT Mining Limited has the following legal interests in the project site (see Plan 4):

Rotowaro Mine

BT Mining Limited owns land outright (RTs 352493, SA31C/696 and SA621270) or is the lessee of the balance of the land within CML 37 155 under a series of leases (known as the subsidiary leases) put in place by Solid Energy New Zealand Ltd over the land prior to the sale of the Rotowaro Mine to BT Mining in 2017. These leases range in term from 20 to 30 years (all commenced on 1 Jan 2017).

Huntly West Coal Haul Road

BT Mining Limited is the beneficiary of an easement gazetted over part of the land subject to the Huntly West coal haul road and registered against the relevant titles (H412947), this covers land:

- (RT698587); and
- (RTs 133926 and SA49B/960)

It is also the beneficiary of encumbrances registered over the balance of the records of title subject to the coal haul road being:

- 21593;
- 36300;
- 472852;
- SA1400/16;
- SA1769/61;
- SA1769/65
- SA33A/64;

- SA43D/540;
- SA43D/742;
- SA43D/795; and
- SA769/278

Huntly West area

While CML 37 153 covers a wide area BT Mining Limited operates in a small section of the CML. Within the relevant area the land is owned either by an iwi owned property group or other private landowners and BT Mining Limited is the lessee under subsidiary leases over the relevant area. These leases are for 30 years commencing on 1 Jan 2017 (see RTs SA33C/595, 772303, 772305, 798022, 798023, 798024 and 798401).

Rotowaro Extension Area

BT Mining Limited holds an access arrangement for exploration granted by LINZ in respect of the Crown owned land (RT SA70B/843) and is currently negotiating an access arrangement for mining within the same area.

The balance of the land is owned by a local farming family as to:

RTs SA32A/484, SA32A/486 and 737232.

With respect to this land owned by the farming family, BT Mining Limited has an access arrangement for exploration and is currently negotiating to secure access for mining.

Within the Rotowaro Extension Area, the coal, is both Crown owned and privately owned. BT Mining Limited holds MP 60 915 in respect of the Crown coal. With respect to the balance of the coal which is privately owned, BT Mining Limited in the last stages of concluding an agreement with the coal owners giving BT Mining Limited the rights to extract and sell the coal.

Rotowaro Extension Haul Road

The existing Rotowaro Extension haul road is on private land owned by a local farmer. BT Mining Limited is in negotiation to gain access to the haul road.

Coal Mining Licences and Ancillary Coal Mining Licences

Rotowaro Mine and Huntly West Area

For activities within the existing CMLs and ACMLs, BT Mining Limited is able to conduct its operations within these areas without the need for further consents until 31 March 2027. At that point in time the CMLs and ACMLs expire without any ability for BT Mining Limited to extend their terms.

CMLs/ACMLs give the holder the right to access and occupy the land to carry out coal mining and all ancillary activities. They obviate the need for access arrangements from landowners/occupiers and the need to hold a separate district land use consent (noting that any regional resource consents required must be held and are).

On expiry of the licences it will be necessary to seek a mining permit, district land use consents and access arrangements from landowners/occupiers (as defined by the Crown Minerals Act 1991).

In spite of the fact that a major coal mine has operated in these areas for well over 40 years now, there is no guarantee that the new consents will be granted nor even if granted in sufficient time to avoid all operations having to come to a complete halt on 31 March 2027. Our experience shows that consenting coal mines is highly contentious and will attract significant opposition leading to many rounds of court cases.

The existing mine and infrastructure are crucial to the ability to extend into the Rotowaro Extension Area. To replicate the infrastructure within the Rotowaro Extension Area would be cost prohibitive and unnecessarily create additional environmental impacts.

Rotowaro Extension Area

Without agreements from the relevant landowners for access to the coal resource we will not be able to extend the Rotowaro Mine's life.

Section 2: Project details

What is the project name?

Please write your answer here:

Rotowaro Mine Continuation Project

What is the project summary?

Please write your answer here:

A project to renew the approvals for the continuing operation of the existing Rotowaro Mine and to extend the Rotowaro Mine as shown on Plan 1 and Plan 2 attached to this application.

What are the project details?

Please write your answer here:

BT Mining Limited (a joint venture between Bathurst Resources Limited and Talleys Energy Limited) is the owner of the Rotowaro Mine, which is an open pit truck and shovel mine located on Rotowaro Road, Rotowaro (approximately 10 km west of Huntly). The mine produces high-quality coal and provides vast majority (98% sales) of the coal supplied to a New Zealand steel mill. Other users of the coal at the Rotowaro Mine include process heat customers for agricultural limestone production.

The objective of the project is to ensure the continuation the existing Rotowaro Mine and to allow the mine to extend into land abutting the existing Rotowaro Mine.

The mining is to meet forecast demand from an existing steelmaking customer, limited for use in a local steel mill. The project will extend the life of the Rotowaro Mine in Huntly for a minimum of a further 19 years to enable the extraction of an additional 6.64 million tonnes of coal. The local steel making process is unique in that it was developed to specifically use sub-bituminous coal from the Waikato Coal Fields – which is of course the coal we mine at Rotowaro.

As New Zealand transitions to a low carbon economy, demand from dairy and other small industrial coal users is forecast to phase out. The customer has

identified it will still need to rely on a supply of high-quality coal for steel making through to at least 2037. The project will provide all of the customers coal supplies through to 2037 – eliminating the need for imported coal to support their steel making operations .

The Rotowaro Mine Continuation Project comprises:

- Securing required approvals for the existing Rotowaro operations. This includes Rotowaro mining areas, infrastructure facilities areas, Huntly West Haul Road and Huntly West coal handling areas (The Hub); and
- Securing additional approvals for Awaroa West and the Rotowaro Extension mining areas .

Activities Rotowaro Mine

There is approximately 1.2 Mt of coal reserves remaining within the existing CML area

The existing operations at Rotowaro mine are shown on Plan 5 and are as follows:

- Coal washery and blending plant;
- Weighbridge;
- Rail loadout facility;
- Stockpiles;
- Rotowaro offices and administration;
- Site offices and facilities;
- Vehicle maintenance areas;
- Workshops;
- Fuel stores;
- Haul roads;
- Vegetation removal and placement;
- Overburden removal, transportation and placement;
- Coal mining, transportation and handling;
- Rehabilitation activities;
- Water management, treatment, use and disposal.

Activities Huntly West

The existing operations at Huntly West are:

- Mine rehabilitation activities;
- Coal handling and transport activities.

Activities Awaroa West

The existing operations at Awaroa West are:

- Exploration activities 2024-2026;
- Rehabilitation.

Activities Rotowaro Extension Area

The Rotowaro Extension Area, which is identified on Plan 1 has the potential to deliver approximately 400,000 tonnes per annum of saleable coal for up to 19 years. The mining area is adjacent to the existing mine and is planned to be connected by haul road (Rotowaro Extension Haul Road). The average haul is approximately 4 km to the existing mine processing facilities (e.g. the coal washery, Run of Mine (ROM) bins, blending plant, associated stockpiles and weighbridge). These existing facilities will be used for the processing and transport of coal from the Rotowaro Extension area for rail (98% tonnes) and road (2% tonnes) transport. The rail line is managed by KiwiRail.

The proposed activities include:

- Upgrade of existing haul road;
- Construction of site offices and associated facilities;
- Fuel storage and workshops;
- Vehicle parking;
- Vegetation clearance;
- Topsoil and overburden stripping;
- Coal mining, handling and transport;
- Establishment of overburden engineered landforms and backfills;
- Surface water management, treatment and discharge;
- Land rehabilitation during mining and at completion of mining.

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

Please write your answer here:

The Rotowaro Mine is presently in operation. It is operating in the areas defined as Waipuna, Waipuna West and Huntly West.

Existing mobile plant and people will progressively relocate from the areas currently being mined at Rotowaro to the extension areas as mining and rehabilitation operations are progressively completed in existing pits. Operations will start in the south of Rotowaro Extension, near the McDonalds Mine Road, with the creation of an external landform, the backfilling of old open pit mining areas, then developing the mine northward backfilling newly created mine voids along the way (and working away from the settlements of Waikokowai and Renown).

A haul road will be completed between the existing infrastructure Hub and the Rotowaro Extension Area. This will facilitate the safe transport of workers, machinery and product coal between the Hub and the new mining area. Two options are being considered for the haul road.

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

Please write your answer here:

Resource consents under the Resource Management Act 1991

Authority to carry out activities prohibited under the Wildlife Act 1953

Approvals under the Freshwater Fisheries Regulations 1983

Archaeological authorities under the Heritage New Zealand Pouhere Taonga Act 2014
Access arrangements under s61 or 61B of the Crown Minerals Act 1991
Minerals Permits under the Crown Minerals Act 1991

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

Please write your answer here:

Waikato District Council
Waikato Regional Council

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

Please write your answer here:

A mining permit (MP 60915) is held for the Crown land within the Rotowaro Extension Area.
An extension of land for MP60422 Awaroa West was applied for on 21 December 2023.
No other applications have been lodged (either in terms of renewal of the consents for the existing Rotowaro mining area or the extension part of the project).
Applications have been made for regional council resource consents to allow continuation of some current activities on the Rotowaro mine.

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

No

Please explain your answer here:

The project has internal sign off to continue and requires no external funding to be commenced.

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

Please write your answer here:

Two key aspects of the project are:

- a continuation of operations with new mining permits, land use consents, wildlife and heritage permits granted to replace the Rotowaro Coal Mining Licence. The mining operation will utilise existing people, equipment, and fixed infrastructure; and
- develop new mining areas that will continue to utilise the existing people, equipment and fixed infrastructure (the Hub) at Rotowaro Mine.

Indicative activities and timelines:

Activity Start Completion

Mining within existing Rotowaro areas 2024 2027

Rehab. of existing mining areas 2024 2031

Utilise existing infrastructure 2024 2044

Establish and mine all new areas 2026 2046

Rehabilitation of all new areas 2029 2049

Closure of Project area 2040 2052

Description of Indicative activities by area:

The Rotowaro Extension Area has been extensively assessed and, following approval, can be brought into operation in late 2026. Construction of access roads, water control management structures, haul roads, engineered landforms, infrastructure areas, ROM coal processing facilities and stockpiles over a three-year period and coal mining over a thirteen-year period. Estimated saleable coal production exceeds 4 million tonne utilising existing infrastructure. Equipment would be replaced on an as-required basis.

The Awaroa West area is undergoing further technical evaluation and has demonstrated potential of 2.6 million tonne using existing people, equipment and infrastructure. Equipment would be replaced on an as-required basis.

A new Rotowaro Extension coal haul road will be developed and BT Mining is considering two separate options: a mix of private and public road accesses or a single private road access. Land access agreements for these two options are on-going.

The existing coal washery, coal processing and blending plant and the rail loadout facility will continue to be used for the duration of the project. An estimated 30,000 tonnes per annum may continue to be sold at the mine gate for small businesses relying on process heat. It is expected the process heat market will largely disappear over the next 15 years. The process heat coal is transported offsite by public road.

Additional contractor workforce will be engaged during the construction start-up phase.

The project has access to several funding options available including:

- existing cash reserves within the business
- the ability to raise capital from existing shareholders,
- to raise capital via a share issue,
- the ability to take on debt funding options given the strong balance sheet position.

Funding decisions will be finalised following project approval.

Section 3: Consultation

Who are the persons affected by the project?

Please write your answer here:

§ 9(2)(b)(ii)

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:

Rotowaro Mine is an existing mining operation with long term relationships with local iwi surrounding the mine and within the Waikato region. We have a programme of regular engagement with the § 9(2)(b)(ii). The role of the § 9(2)(b)(ii) is to fulfil responsibilities of kaitiakitanga ensuring the protection of natural resources. Engagement is completed on operational matters regarding environmental and cultural issues and also with upcoming projects to involve them and seek their input and guidance. We have also undertaken engagement with § 9(2)(b)(ii) who have an ancestral link to the Rotowaro locality.

We have a relationship with our local iwi as our landowner. Since 2017, the majority of the land at Rotowaro operations complex has been owned by the § 9(2)(b)(ii). These entities are owned by § 9(2)(b)(ii) and as such we engage with § 9(2)(b)(ii) representatives on approvals for access and resource consenting in addition to cultural matters. § 9(2)(b)(ii) is also a landowner over smaller parcels of land within the Rotowaro Mine area who we connect with regarding land access.

Development, review and approval of ecological management plans such as a fish management plan, requires consultation with § 9(2)(b)(ii). Development of the updated management plans for the Rotowaro Mine Continuation Project will involve ongoing engagement with these stakeholders as they relate to the new approvals. The most recent iwi consultation on the Rotowaro Mine Continuation Project was held in November 2023 § 9(2)(b)(ii).

BT Mining Limited has commenced consultation on the elements that are to be included as part of this fast-track process. This initial consultation has established a process for ongoing dialogue and information sharing and a process for commissioning a CIA.

Engagement with local land and mineral owners has been undertaken one on one to ensure access to both the required land and minerals has been gained and also ensure mutually beneficial outcomes are achieved and effects on the local communities are minimised with regard to roading options and disturbance.

Community consultation has commenced with local communities and going forward this will be increased to ensure an understanding of the project effects, timeframes and possible community betterment is well understood.

Some prominent local entities have been consulted and engaged to assist with community engagement and advice including engagement of a prominent iwi kaumatua to guide and assist.

More formal community updates will be held annually with immediate locals to update on mine progress, developments and opportunities.

Introduction to the project have been given to the Waikato District Council Mayor including presentations on the project and the significance of the project to both the Regional and New Zealand economies including on-going employment opportunities.

Both the Waikato District Council and Waikato Regional Council have been introduced to the project and ongoing meetings are being held regarding resource consent planning for the upcoming project including site visits being held.

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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:

None of the land owned or proposed to be accessed by BT Mining Limited within the project site area is subject to any treaty settlements claims or within a statutory acknowledgement area.

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?

Yes

Has the applicant has secured the relevant landowners' consent?

Yes

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:

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:

BT Mining Limited holds over 60 existing approvals within the existing Rotowaro Mine - including mining permits, ancillary mining permits, regional consents, district council consents, LINZ access arrangements. These approvals provide a comprehensive suite of conditions (over 600 conditions) that set out extensive requirements for ongoing environmental management activities such as water quality, fauna species monitoring and local amenity. BT Mining Limited continues to monitor the effects of its operations and is undertaking an extensive rehabilitation programme, including rehabilitating over 250 hectares at the mine back to pasture and establishing lakes of approximately 42 hectares (and associated natural wetlands and riparian planting of over 4 hectares).

In light of the above, BT Mining Limited has an excellent understanding of the actual effects of its existing mining operations and the likely effects of its proposed extension (throughout its various stages).

BT Mining Limited has also commissioned a number of technical assessments on the actual and potential effects of the existing operations and proposed extension at Rotowaro to inform its application. The key actual and potential effects of the extension project are set out below. However, it is also noted that BT Mining Limited has considerable experience developing and implementing management plans for the management of the effects of mining activities. This includes mitigation, offsets and compensation packages in association with regulators at our other operations around New Zealand. For example, biodiversity and heritage management packages across the Buller Plateau and Heaphy (for Escarpment Mine \$22M - DOC) and Oparara Great Spotted Kiwi Management.

Terrestrial ecology

The potential adverse terrestrial ecology effects primarily arise from vegetation clearance to establish the mine area. A number of ecological surveys have been undertaken to date - including for vegetation and habitat values, bats and lizards. While these surveys have identified some small areas of remnant indigenous vegetation, most of the proposed disturbance area consists of pasture or previously rehabilitated mining areas and is not of high value.

The potential effects of mining operations on flora and fauna will be managed through a combination of remediation and mitigation measures where adverse effects cannot be avoided (including via species relocation where appropriate) and offsetting/compensation for loss of vegetation. These measures will align with the effects management expectations of the National Policy Statement on Indigenous Biodiversity.

Furthermore, it is not considered that the proposed mine extension will have material effects on long-tailed bats or avifauna based upon the survey/assessment work undertaken to date.

Wetlands

An assessment for natural inland wetlands has been undertaken across much of the proposed mine site in accordance with the National Policy Statement on Freshwater Management. As is to be expected with areas of pasture in the Waikato Region, some minor wetlands of low quality have been identified. While the identified natural inland wetlands will be avoided where practicable, access to the coal resource will require some wetland areas to be impacted (i.e. there is a functional need for the wetlands to be impacted). A wetland mitigation package will be developed for those wetlands that cannot be avoided due to the functional needs of the mine in accordance with the policy expectations of the National Policy Statement on Freshwater Management (such as via wetland restoration and wetland improvement in the surrounding area).

Aquatic ecology

There are three unnamed watercourses within the proposed extension area. These watercourses meet at the north-east end of the site and ultimately

form a minor tributary of Lake Whangape. The establishment of the mining area will require disturbance / diversion of these watercourses, primarily due to the functional need for mining to occur where the coal resource is located.

Stream mitigation / compensation measures, in order to improve the overall habitat in the area, will be implemented by BT Mining Limited.

Likewise, culverts will be installed with fish passage where appropriate to ensure that fish passage into habitat within upper parts of the project site is maintained (consistent with the expectations of the National Policy Statement on Freshwater Management).

Surface water quality

Potential adverse effects on water quality primarily due to sediment and elevated levels of boron in the local watercourses.

The construction of the mine will also involve substantial earthworks and such works have the potential to result in the discharge of sediment to waterbodies. Assessments of the ecological values of the waterbodies around the site are being undertaken and will consider how earthworks, particularly sediment, can be appropriately managed within the mine site. Based upon these assessments, it is considered that appropriate sediment controls and discharge standards can be implemented to ensure that the runoff of sediment from the site into waterways is appropriately controlled and the requirements of the Vision and Strategy for the Waikato River to achieve betterment are implemented.

The potential effects of elevated boron levels will be directly and deliberately managed by BT Mining Limited by active boron treatment including, for example, via multiple rounds of reverse osmosis or ion exchange resins. These treatment options have proven successful at managing boron at other mine sites.

Groundwater effects

Groundwater effects are currently being assessed but are expected to be similar to Rotowaro, where groundwater takes are a low percentage of the mine water take which is dominated by surface water due to the low permeability of the overburden rocks. It is also noted that no groundwater impacts to surrounding neighbours or the environment are experienced as part of the existing mining operations at the Rotowaro.

Landscape

The existing mine site, and the proposed mine extension area, are not located in any outstanding natural landscape or amenity landscape, in any of the relevant statutory planning documents. In this regard, the site is largely part of a working mine landscape, along with pasture and previously rehabilitated mining areas.

There will be temporary landscape effects during the operation of the mine. However, as noted above this will occur over an area that is currently a rural landscape. Progressive rehabilitation will have taken complete effect over the whole of the Rotowaro.

Rehabilitation activities include the following: backfilling, recontouring and revegetation, finalising surface and underground water controls and water treatment requirements.

Archaeology

While an initial archaeological survey has not indicated any significant archaeological sites within the project site, and no such sites are identified on the relevant statutory planning documents, there is potential for archaeological artifacts to be found.

While the risk or an accidental discovery is low, any such risks will be managed by obtaining an archaeological authority from the NZ Historic Places Trust being prior to disturbance of the site and the implementation of an accidental discovery protocol.

Cultural impacts

BT Mining Limited has a good working relationship with mana whenua in relation to the Rotowaro Mine (as outlined in an earlier consultation section) and is already consulting with them with respect to continuation project. This includes considering how mana whenua's role as kaitiaki can be provided for in terms of indigenous biodiversity on the project site.

Construction Effects

There is the potential for the local community to experience vibration and noise effects, primarily from trucks and the heavy machinery (i.e. blasting and drilling). Noise effects will be managed to comply with the relevant standards and via a noise and vibration management plan to ensure that noise does not breach the relevant standards – such as those in the Proposed Waikato District Plan.

Trucks using unsealed haul roads and the operation of machinery may result in dust. Dust effects will be managed through a dust management plan, which will implement dust control measures such as water spray on roads and stockpiles.

The lights used at night all year round to enable up to 24 hours a day mining may also impact local residents. These effects will be managed through a lighting management plan with measures to reduce the impact on nearby dwellings.

Recreation

The proposed mining activities are located on private property and there are no potential effects on recreational activities or recreation users in the surrounding environment. Further, the management of surface water quality effects will ensure that any recreational activities at Lake Whangape are not impacted.

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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 national policy statements and national environmental standards of relevance to Rotowaro include:

- National Policy Statement for Freshwater Management (“NPSFM”);
- Resource Management (National Environmental Standards for Freshwater) Regulations 2020 (“NESF”); and
- National Policy Statement on Indigenous Biodiversity (“NPSIB”).

The National Policy Statement on Highly Productive Land (“NPSHPL”) does not apply to Rotowaro as the land use classification for the project site as identified by the New Zealand Land Resource Inventory consists of a combination of LUC Class 4 and above. The project site, therefore, does not meet the criteria for highly productive land and therefore, the NPSHPL is not considered to be of relevance.

A general assessment of the each of the relevant national policy statements and national environmental standards that are relevant to Rotowaro is summarised below.

National Policy Statement for Freshwater Management

The fundamental concept of the NPSFM is Te Mana o te Wai, a concept that refers to the importance of water and recognises that protecting the health of freshwater will protect the health and wellbeing of the wider environment which represents an adoption of a water-centric approach to freshwater management.

The sole objective of the NPSFM follows this concept and seeks to ensure that natural and physical resource are managed in a way that:

- Firstly, prioritises the health and wellbeing of water bodies and freshwater ecosystems;
- Then, the health and needs of people; and
- Then, the ability of people and communities to provide for their social, economic, and cultural wellbeing.

Of relevance to Rotowaro is the potential for mining activities to impact on freshwater resources (including wetlands) via the potential discharge of contaminants and sediment to surface water bodies, and impacts on natural inland wetlands and streams from the configuration of the mining infrastructure as necessary.

With respect to the management of water quality, a range of standard controls will be implemented on site to ensure that downstream water quality is maintained (as per existing operations on site). These include the use of cut off diversion drains, sediment ponds, water treatment and the adoption of best practice design measures for overburden emplacements and fines storage.

Whilst the mine is being designed to avoid adverse effects on wetland and stream values as far as practicable, the policy expectations of the NPSFM acknowledge that some activities have a functional need to locate in particular locations (i.e. where the coal resource is in this instance) and direct the application of an effects management hierarchy and mitigation / compensation. This approach is being followed for Rotowaro. These mitigation / compensation measures will form part of the consent conditions and management plans proffered as part of the resource consent applications.

Overall, it is considered that with careful design and management of mining operations the overall policy directives of the NPSFM can be achieved – particularly those that set specific instructions for how adverse effects on wetlands and streams should be managed and prioritised.

Resource Management (National Environmental Standards for Freshwater) Regulations

The NESF regulates activities that pose risks to the health of freshwater and freshwater ecosystems. Of particular relevance to Rotowaro are the rules in the NESF relating to activities that may affect natural wetlands and streams. Resource consent will be required for activities associated with earthworks and vegetation clearance, within, or within 100 m of natural wetlands and the establishment of culverts.

Rotowaro is applying the effects management hierarchy under the NPSFM to the mining activities requiring consent under the NESF to ensure that potential adverse effects on wetlands and streams within the project site are avoided as far as practicable.

National Policy Statement on Indigenous Biodiversity

The objective of the NPSIB is to maintain indigenous biodiversity across New Zealand so that there is at least no overall loss in indigenous biodiversity.

The NPSIB includes a number of policies that are designed to achieve this objective, which focus on:

- Tangata whenua exercising kaitiakitanga;
- Utilising a precautionary approach;
- Significant natural areas are protected by avoiding or managing adverse effects;
- Indigenous biodiversity outside of SNA is provided for; and
- The restoration of indigenous biodiversity.

Extensive monitoring of the baseline terrestrial ecology conditions at Rotowaro have been undertaken over the past year or two. Overall, the ecological team consider that much of the project site is degraded due to its use for farming practices and previous mining operations in the area. Notwithstanding this, there is still indigenous biodiversity on the project site that will need to be managed in line with the general expectations of the NPSIB.

BT Mining Limited has a good working relationship with mana whenua at the project site and has commenced consulting with them with respect to the project. This includes considering how mana whenua's role as kaitiaki can be provided for in terms of indigenous biodiversity on the project site.

With respect to the expansion of coal mining activities, the NPSIB applies an effects management hierarchy and requires an applicant to confirm that it has complied with Principles 1 to 6 of Appendix 3 and 4 (Biodiversity Offsetting and Compensation). This effects management hierarchy will be applied to Rotowaro, although it is noted that many of the potential adverse effects cannot be avoided due to the functional need for the mine and its infrastructure to go where the coal resource is located. That said, an extensive mitigation package is being proposed to ensure that adverse effects on indigenous biodiversity are minimised and an outcome of no overall loss is able to be achieved. This mitigation package will be reflective of other measures implemented by BT Mining Limited around New Zealand in order to achieve successful biodiversity offsetting and compensation.

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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 Bill is an overdue and much-needed step to streamline the current number of different approval and consenting processes that must be completed before any large infrastructure project can begin. These processes are unnecessarily complicated, costly, time-consuming, uncertain and duplicative. In operating in this way, they put much-needed infrastructure and economic opportunities at risk. What's more, at the end of the day, they don't provide any greater protection to our environment.

From our own experience, we know that the current processes for authorisations are inefficient and slow. Throughout each of these processes, any applicant is required to provide similar information to different decision-makers to manage the same effects. In some cases, this similar information must be provided to the same decision-maker multiple times given that they wear different 'hats' under different pieces of legislation. This is costly, and also creates unnecessary and unwarranted strategic litigation as each step in each different process can be the subject of its own challenge before the courts. While judicial scrutiny and oversight is important (as recognised by the Bill), allowing the courts to be used in this way causes considerable delays and cost-escalation for all parties involved.

As a real-life illustration of this, from 2010 to 2013, we applied for approvals for the Escarpment mine near Westport. The total cost across the various unique approval processes was in the tens of millions of dollars. There were 12 different appeals brought before the courts under the RMA creating a complex and convoluted process.

We also experience significant delays in obtaining other approvals. The current backlog at the Department of Conservation for processing Wildlife Permits is resulting in a processing time of approximately 18 months. NZPAM has high numbers of mining permits to process and delays of at least a few years is not uncommon.

It is absolutely true that consenting and permission processes should be robust – we do not object to that, and we expect our company and others across our industry to be held to a similar standard. But having robust processes does not mean those processes should be complex, open-ended, and hugely costly.

This is where the Bill comes in. In contrast to problems under the current arrangements, it provides a more efficient and simplified process. A “one-stop-shop” is much more user-friendly for decision-makers, applicants seeking to undertake infrastructure and development projects, and host communities. In doing so, it will help facilitate the delivery of significant projects with considerable regional and national benefits whilst at the same time maintaining high environmental standards – this is a good thing.

Importantly, the Bill has the ability to ensure robust authorisations. We are very supportive of processes that follow due process. By ensuring specific decision-makers can see the relevant detail and applications in their totality and full context, the Bill will allow for the appropriate management of the social and environmental effects of mining. Further, it will do so in a way that ensures proper oversight (without the risk of needless strategic litigation) and that environmental standards can be upheld.

It is consistent with our experience that consenting projects of this proposed project's nature is complex, costly and difficult. The unbundling and consenting of some of the existing areas within the project, will be very challenging via a traditional consenting pathway. The various rights conferred by the CMLs are wide ranging and not suited to a process that assesses each component individually rather than on a holistic project effects basis. The provision in the fast track for the project to be considered as a whole will remove complexity and provide for enhanced environmental outcomes. The ability under Fast Track to obtain approvals under multiple statutes will also ensure that there are no overlapping or inconsistent operational conditions and enable the holistic consideration of the project (i.e. LINZ access arrangement application contains content already contained in a RMA application for the same project).

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

Please write your answer here:

The project is ideally suited to be considered under the fast-track process for all of the reasons given above.

The project will not have an adverse impact on the efficient operation of the fast-track process. The proposed project is well suited for the fast-track process as it requires approvals under multiple statute and the potential adverse effects are known.

The applicant is an established operator with a high level of experience with obtaining and managing consents and approvals for such projects. Coal mining in the Rotowaro area is not something new, many of areas having been previously mined since the early 1900's. Over that time knowledge as to the effects of mining and how best to rehabilitate mined areas has developed continuously.

The effects of mining activities are well known within existing operations, relatively contained and are readily able to be quantified by experts. Additional mining areas contain similar environmental aspects that will be managed as per the site's existing environmental management system. We are confident that it will be able to present the information required in the application in a way that will enable the Expert Consenting Panel and the Ministers to efficiently process the application.

Scheduling applications within the system is likely to be a challenge for the EPA. BT Mining Limited confirms that the preparation of its application is underway and that it is willing to work with the responsible agency/EPA to ensure lodgement at a time when there is capacity in the system to process it.

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

Local government plan or strategy

Please explain your answer here:

Where new mining activities should be located is not specifically addressed in any regional or district wide spatial strategies in the Waikato Region.

Decisions regarding the location and form of these activities are effectively left to market participants to consider for themselves, recognising that locating these activities is dependent on the location of the coal resource and a range of other considerations (including constructability, geotechnical considerations, transport connections).

The resource consenting process also provides a framework for considering the appropriateness of a site for mining. That said, it is noted that Rotowaro is subject to a 'coal mining policy area' in the Operative and Proposed District Plan, which recognises that access to, and the extraction of, mineral resources from these policy areas should not be compromised by new use or development in areas on or close to those areas. In effect, the plans are seeking that the future use of the coal resource is not compromised by other potential development opportunities.

Rotowaro is zoned for rural purposes in the Operative and Proposed Waikato District Plans. These plans recognise, via their objectives and policies, the contribution of extractive industries to the economic and social wellbeing of the Waikato District. In addition, they seek to provide for extractive activities provided that adverse effects are appropriately avoided, remedied or mitigated (or where this is not possible, off-set or compensated

The site is not subject to any landscape overlays in the Operative and Proposed Waikato District Plans, although there are pockets of indigenous vegetation identified on the planning maps in the Proposed Waikato District Plan. The objectives and policies seek to protect indigenous biodiversity, but also recognise that an effects management hierarchy can be applied to the management of adverse effects on indigenous biodiversity where avoidance is not possible. This includes offsetting and environmental compensation if necessary. As previously noted, extensive monitoring of the baseline terrestrial ecology conditions at Rotowaro have been undertaken over the past year or two. Overall, the ecological team consider that much of the project site is degraded due to its use for farming practices and previous mining operations in the area. Notwithstanding this, the effects management hierarchy in the Proposed District Plan will be applied to Rotowaro, although it is noted that many of the potential adverse effects cannot be avoided due to the functional need for the mine and its infrastructure to go where the coal resource is located. An extensive mitigation package is being proposed to ensure that adverse effects on indigenous biodiversity are minimised. This mitigation package will be reflective of other measures implemented by BT Mining around New Zealand in order to achieve successful biodiversity offsetting and compensation.

In light of the above, and on the basis that the potential adverse effects of the project on the surrounding environment are being appropriately managed, it is considered that Rotowaro will be consistent with the objectives and policies of the Operative and Proposed Waikato District Plans.

With respect to the Waikato Regional Policy Statement, it provides direction on the management of mineral extraction activities. The Regional Policy Statement recognises the potential benefits of further development of the region's minerals and providing for the continued operation of existing lawfully

established mineral extraction activities. It also recognises the potential for land use development that is inconsistent with nearby mineral extraction activities.

The Waikato Regional Policy Statements also requires potential adverse effects to be appropriately managed within sensitive environments, with a focus on avoiding adverse effects on matters captured under section 6 of the RMA. In addition, some provision is made for compensation of adverse effects in appropriate circumstances.

Overall, and recognising that the Proposed Waikato District Plan is seeking to give effect to the Waikato Regional Policy Statement, it is considered that mineral extraction activities at Rotowaro can be appropriately managed to align with the overall expectations of the Regional Policy Statement.

Module 3.1 of the Waikato Regional Plan seeks to sustainably manage water bodies in the region so that their uses and values, and the natural character of water bodies and their margins, including amenity values, visual characteristics, contact recreation, fisheries, wildlife and aquatic habitat are provided for. Module 3.2 of the Plan seeks to manage water quality and flow regimes in the Region. The objective and policies within both modules are effectively interconnected. It is noted that the existing mining activities at Rotowaro include mine water discharge consent which are subject to conditions which require the monitoring of water quality within the water management system. The proposed activities at the Rotowaro extension will also be subject to these conditions.

Whilst the mine is being designed to avoid adverse effects on wetland and stream values as far as practicable, the effects will be managed and mitigation / compensation measures will form part of the consent conditions and management plans proffered as part of the resource consent applications.

Overall, it is considered that with careful design and management of mining operations the overall policy directives of the Waikato Regional Plan can be achieved – particularly those that set specific instructions for how water quality should be managed and prioritised.

Finally, it is noted that the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010 applies to the project site as it is located in the Waikato River Catchment. The overarching purpose of the settlement is to restore and protect the health and wellbeing of the Waikato River for future generations. The Act establishes a Vision and Strategy for the Waikato River (Te Ture Whaimana). The Vision and Strategy for the Waikato River applies to the area of the Waikato River from Huka Falls to Te Puuaha o Waikato (Port Waikato) and the Waipā River from its junction with the Pūniu River to its confluence with the Waikato River at Ngāruawāhia.

The Vision for the Waikato River is: "... for a future where a healthy Waikato River sustains abundant life and prosperous communities who, in turn, are all responsible for restoring and protecting the health and wellbeing of the Waikato River, and all it embraces, for generations to come." There are 13 objectives included to realise the above Vision, which contain the desired outcomes for the management of the Waikato River, and which will be relevant to considering any water-related effects associated with this proposal. A concept of betterment prevails throughout the objectives, meaning that any proposals in the catchment require additional consideration to be able to demonstrate an overall environmental improvement associated with a project (e.g. improvements in stream health / planting, retiring of degraded areas).

This approach will be applied to mining activities at Rotowaro and has already been implemented at other mine expansions by BT Mining in the Waikato Region.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

Rotowaro Mine's use of the rail line (managed by KiwiRail) contributes to the economic viability of existing rail infrastructure.

Will the project:

address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

A high percentage of our workforce own or mortgage private housing across the central North Island townships. The extension of the mine operating life by another 20+ years will enable that number to grow.

The workforce also contributes to the rental stocks, with a percentage of the available rental properties being owned locally. Further confidence of ongoing employment will give confidence to future investors as well.

How will the project contribute to a well-functioning urban environment, our employees and contractor employees are involved in the community in some way, including emergency services, industry services, community services, sports, schools, cultural and recreational organisations or groups. Some of these forms of involvement, such as emergency services participation and coaching or playing in sports teams require specific skills, some of which might not be replaced if the resident worker was to leave the area seeking alternative employment, for example.

Will the project deliver significant economic benefits?

Yes

Please explain your answer here:

The project will ensure the continued operation of the existing Rotowaro mine area and extend the current mine life of 3 years out by a further 19 years, (21 years). Rotowaro currently contributes \$60m to the New Zealand economy every year. The extension project will contribute approx. \$1.15bn to New Zealand's economy over the life of the project.

The project will also ensure that a local steel mill is able to keep operating until its electric arc furnace is constructed in 2027. After the electric arc furnace is built, the project will continue to supply coal to the local steel mill's rotary kiln process for at least a further 12 years (reducing the requirement for importation of overseas coal). The steel mill produces approximately 60 per cent of domestic steel supply and employs approximately 2,000 people. The mine also generates Crown minerals royalties and company tax. Rotowaro currently employs 167 people. Mine employees earn well above average wages and the annual payroll for our Rotowaro is around \$23m. These figures do not include contractor costs. The estimated annual spend on these contractors is around \$8m (for Rotowaro).

During the 2023 financial year, Rotowaro mines spent over \$50m with suppliers, goods and services, with \$39m being spent with companies in the Waikato. The largest proportion of spend (approximately \$29m) was with companies based in the Waikato.

The contract for the local steel mill covers both Rotowaro Mine and Maramarua Mine. Maramarua Mine (also located in the Waikato) is a small mine that would not be able to maintain the current contract supply rates for the local steel mill alone without Rotowaro coal supply. This means that a further 60 jobs at Maramarua Mine rely on the continued coal supply from Rotowaro Mine.

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:

Bathurst Resources plans to mine the following:

Rotowaro Mine Waipuna West and Waipuna West Extension areas: 1.2 million tonnes of coal during 2024-2028

Rotowaro Extension area: 4 million tonnes of coal during 2028-2040 to support and extend the mine life of the current Rotowaro Mine.

Awaroa West area: 2.6 million tonnes of coal during 2036-2046 to support and extend the mine life of the current Rotowaro Mine.

Our coal is used by a major local steel producer who has been operating in New Zealand since the 1960's. Rotowaro coal goes into products such as structural beams and frames, roofing and cladding, hot rolled plate and coil. It is also used in the manufacture of specialist galvanised steel products such as water heaters, refrigeration units, culverts and grape posts.

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

Yes

Please explain your answer here:

Waikato coals provide the ideal reactivity and a source of carbon for a local steel mill to optimise fuel rates and thereby minimise emissions in its steel making process. There is no better carbon source for the local steel mill than what the Waikato coals deliver as the long-term vision of those behind the mill was to establish a steel industry that would utilise the abundant local raw materials such as Rotowaro coal. The steel mill has steel process elements specifically designed for the coal reactivity and fixed carbon content of Waikato coals and there is the added benefit and efficiency of a direct rail transport system from mine to customer. BT Mining Limited estimates that the use of the Rotowaro project coal at the local steel mill will also reduce the transport emissions compared to current imported Indonesian coal by over 17,000 tonnes of CO₂e per annum.

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

No

Please explain your answer here:

Will the project address significant environmental issues?

Yes

Please explain your answer here:

The rehabilitation of the legacy environmental issues at Rotowaro are best carried out as part of an existing viable mining operation. BT Mining are working under Crown Indemnity to complete historical Crown land rehabilitation. The cost to government is lower and more efficient while a miner operator is onsite.

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

Yes

Please explain your answer here:

With respect to government strategies / plans, it is noted that there are not currently any specific strategies or plans regarding the utilisation of critical mineral resources in New Zealand. In effect, individual projects are considered on their merits with respect to their environmental effects and importance to the national economy and industry.

Notwithstanding the above, it is noted that Minister Jones has recently noted that minerals are necessary and important to contributing to New Zealand's strategy of turning our economic fortunes around. There is an intention to enable investment in the minerals sector in New Zealand. Further, the Government has highlighted its intention to develop a critical minerals strategy to enable the strategic utilisation of New Zealand's mineral resources. With respect to steel making coal, it is noted that this resource is critical to New Zealand's steel industry – which is also important to the electrification of the New Zealand economy (e.g. the steel making required for solar farms, wind farms and electric vehicles).

BT Mining currently holds the necessary permits from New Zealand Petroleum and Minerals for Rotowaro, such that it currently has access to the available coal resource. With the securing of future resource consents, wildlife permits and archaeological authorities, Rotowaro will be able to assist with the utilisation of critical mineral resource in New Zealand.

Anything else?

Please write your answer here:

N/A

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?

Yes

If yes, please explain:

Earthquakes are assessed as a potential risk as in a majority of New Zealand, albeit it is deemed to be low risk due to the Waikato region being less hazardous for major quakes.

The site has experienced minor flooding during the recent Cyclone Gabrielle event however was operating again within a few days.

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:

There have been no compliance or enforcement actions for BT Mining.

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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:

Richard Tacon

Important notes