Response ID ANON-URZ4-5FGS-A

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:
Bathurst Resources Limited/BT Mining Limited/Buller Coal Ltd/Bathurst Coal Ltd

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:

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 project is known as the Buller Plateaux Continuation Project. The Stockton Plateau and Denniston Plateau (near Westport) are identified as the Buller Coal Plateaux.

The Buller Plateaux Continuation Project area covers the following geographical areas within:

• the Stockton Plateau -
o Stockton Mine (including the aerial ropeway and Ngakawau Rail loadout area)
o Upper Waimangaroa mine permit area (includes Mt Fred South)

• and Denniston Plateau -
o Escarpment Mine permit area
o Whareatea West mine permit application area (Escarpment Extension)
o Denniston Plateau area adjacent to the existing Escarpment mine
o Sullivan Coal Mining Licence area.

See Plan 1 – Project Outline.

As a result of the ways that various permits and rights over the areas were able to be acquired by Bathurst Resources Limited, the various permits and rights are held through a number of its subsidiary companies, being BT Mining Limited, Buller Coal Limited and Bathurst Coal Limited. However, as Bathurst is the controlling entity it is able to develop the various permits and rights in a holistic and logical way.

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Plan 1 & 2 combined.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:
Plan 3 LandOwnerCombined.pdf was uploaded

Who are the registered legal land owner(s)?

Please write your answer here:

Stockton Mine (including the Upper Waimangaroa Mining Permit Area)
The Stockton mine is the area under Coal Mining Licence 37 150 and Ancillary Coal Mining Licences 37 150/02 and 37 150/03 and the Upper Waimangaroa Mining Permit 41 515 area.

The majority of the land within the CML 37 150 is owned by BT Mining Limited being Records of Title:
- NL2C/522
- NL6A/953
- NL7B/107
- NL8C/1246
- NL9C/943
- NL9C/944
- NL9C/1010
- NL10A/572
- NL10A/670
- NL10A/1300
- NL10A 1301
- NL10A/1302
- NL10A/1304
- NL10B/753
- NL10C/1183
- NL10D/516
- NL10D/517
- NL10D/518
- NL43/4
- 13711
- 472815
- NL2C/522
- NL6A/953

- NL10B/753

In addition, there is one area of land within the CML not owned by BT Mining Limited, which is owned by the Crown and administered by the Department of Conservation (approximately 30.472 ha) and over which BT Mining Limited holds mining permit 41 810 and an associated access arrangement.

With respect to the ACMLs, this area covers the aerial ropeway from the Stockton plateau to the Ngakawau rail loadout and the main access road into the Stockton Mine.

The proposed fast track application is intended to restrict the application area to the following landowners: Buller District Council, the Crown, land administered by the Department of Conservation, Ngakawau Hector Reserve Board and KiwiRail.

Upper Waimangaroa Mining Permit Application Area
All the land within this permit area is owned by the Crown and administered by LINZ. BT Mining Limited holds two access arrangements in respect of this permit area which run until the late 2030s/early 2040s.

Escarpment Mine Permit Area
The land in Mining Permit 51 279 held by Buller Coal Limited is Crown owned land administered by the Department of Conservation and expires in 2047. BT Mining Limited holds an access arrangement from the Minister of Conservation for the majority of the land within the mining permit area though not all, the access arrangement expires in 2032 or expiry of the mining permit, whichever is earlier.

Sullivan Coal Mining Licence Area
Bathurst Coal Limited purchased the Sullivan Coal Mining Licence 37 161 and ancillary coal mining licences 37 161/01-03 in 2018. The land within CML 37 161 is Crown owned and administered by the Department of Conservation.

With respect to the land in the ACMLs, Bathurst Coal Limited also purchased the land in RTs NL70/196, NL70/197 and NL9C/940. Bathurst Coal Limited has also entered into a 50-year Deed of Encumbrance with Arahura Holding Ltd for right to mine the land within RTs NL5C/6, NL10A/333 and NL10A/1303.

The rest of the land in ACMLs 37 161/01-03 is within RT NL9D/60; RT NL9D/61; and RT NL92/62 and is Crown owned and administered by the Department of Conservation.

Whareatea West/Mt Fred South/Coalbrookdale etc.
The land of interest to Bathurst and BT Mining is owned by the Crown and is administered by DOC and/or LINZ.

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:

See above where ownership of the land by Bathurst (through its subsidiary companies) owns land within the Buller Plateaux Project is set out along with leases held.

Coal Mining Licences and Ancillary Coal Mining Licences

Stockton Mine and Sullivan Mine CMLs
For activities within the existing CMLs and ACMLs Bathurst 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 Bathurst 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 opencast coal mine has operated at Stockton for well over 60 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 now highly contentious and will attract significant opposition leading to many rounds of court cases.

The applicant is presently undertaking mineral extraction activities on the Stockton Plateau and anticipates commencing mining activities in 2026 on the Denniston Plateau.

The existing mine and infrastructure are crucial to the ability to extend into the additional mining areas. To replicate the infrastructure within the Stockton mine footprint would be cost prohibitive and unnecessarily create additional environmental impacts.

The existing operations at Stockton and Sullivan have a combination of CML, ACML and RMA rights attached to them.

Escarpment
The applicant has applied for an extension of land for mineral permit 56233 to include areas of land adjacent to the Escarpment mine.

Other Areas on the Plateau

The applicant holds existing exploration permits for the plateau (60520, 60521, 60522 and 40628), which will be required to be converted into mining permits. There is a mining permit application area (60138.01/40591) for Whareatea West. At that time access arrangements with the Crown will also need to be entered into.

Section 2: Project details

What is the project name?

Please write your answer here:
Buller Plateaux Continuation Project

What is the project summary?

Please write your answer here:

Bathurst Resources plans to mine 20 million tonnes of coking coal for export from the Buller Plateaux (West Coast) over a 25-year timeframe to support and extend the mine life of the current Stockton Operations.

What are the project details?

Please write your answer here:

The purpose of the project is to secure the existing infrastructure and mining operations associated with the Stockton mine and provide access to additional mining areas as the coal resources in the current operations are depleted. The project proposes to mine coking coal resources utilising existing infrastructure facilities over a 25-year timeframe to support and extend the mine life of the current Stockton Operations. This will provide significant regional economic benefits and contribute to the resilience of the regional economy through:
• Providing for the retention of approximately 390 direct jobs in the Buller area and an additional 50 jobs outside of the Buller area.
• Maintaining the viability of the Midland Rail line.
• Managing and carrying out the rehabilitation and maintenance of the historic environmental liabilities, including acid mine drainage, on behalf of the Crown for the length of the mine life.

Existing permit renewal
The Stockton Mine was originally operated by the Crown (through State Coal Mines) with the land having been gazetted as a State Coal Mines area pursuant to Part IIIA of the Coal Mines Act 1979. With the introduction of state-owned enterprises in the mid 1980's the operation and ownership of the land was transferred to Coal Corporation of New Zealand Ltd (which was renamed Solid Energy New Zealand Ltd). At that time a coal mining licence was granted to that company following the processes set out in the Coal Mines Act 1979.

The licence, as with all other licences, gives the holder the right to occupy the land, mine the mineral and to sell that mineral. The licence sets out the conditions under which mining and rehabilitation of the land must occur.

Since the commencement of the licence (1987) the CMA, the RMA and the Building Act have been passed. Caselaw has established that a licence holder does not also need to hold district land use consents or building consents for the licence area. However, all relevant regional consents must be held. In addition, any required wildlife permits under the Wildlife Act must also be held.

The expiry of the CML requires BT Mining Limited to apply for approvals under these various acts. This will be required to ensure the infrastructure can continue to be used to process coal that is remaining within the existing CML area and coal from adjacent areas that have similar qualities and markets.

Treatment of acid mine drainage from historic (a Crown responsibility) and current mining occurs within the CML area with significant investment in the infrastructure required for this. On expiry of the licence, without further approvals, this would also have to cease being completed by BT Mining Limited.

The existing operations at Stockton mine (generally as shown on Plan 2 Mine Overview) are as follows:
• Coal handling, washery and blending plant
• Coal transportation aerial system
• Weighbridge
• Rail loadout facility
• Stockpiles
• Stockton offices and administration
• Site offices and facilities
• Vehicle maintenance areas
• Workshops
• Fuel and explosives stores
• Haul roads
• Mining within the CML area including vegetation clearance, blasting, temporary pit and overburden disposal areas, and rehabilitation activities
• Historic Acid Mine Drainage (AMD) collection, treatment and discharge on behalf of the Crown and BT Mining Limited
• Water diversion civil works
• Water collection, treatment and discharge of mine affected water.

The existing operational areas at Stockton are described as:
• Millerton

• Rockies
• Hope Lyons
• No 2 South
• Cypress.

The Continuation Project
The plan is to develop additional areas as the current coal reserves at Stockton are coming to an end. A number of areas have been identified and studied over at least 10 years to come up with a coherent sequence of development that allows the use of the established infrastructure, at present throughput (1.2 Mtpa) for approximately 25-years.

The main development activities will be very similar to the existing activities being carried out every day at Stockton. Access from these areas to the infrastructure hub at Stockton will require transportation infrastructure (roads or aerial ropeways) to be expanded or formed. Water control and treatment facilities will be established at each project area as required to meet environmental standards for discharges.

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

Please write your answer here:

The mine is presently in operation on the Stockton part of the Plateau and, subject to obtaining necessary approvals, it is expected that mineral extraction activities on the Denniston part of the Plateaux will recommence in 2026. The additional mine areas will utilise existing infrastructure and will be developed progressively to supply a blended coking coal product from the complex.

The unbundling and consenting of the existing areas will be very challenging via a usual 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.

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

Please write your answer here:

• Resource Management Act 1991
Coal Mining and Ancillary Coal Mining Licences - Post expiry of the CMLs:
• Land use consents from the Buller District Council.
• Additional water permits from the West Coast Regional Council (as the term of some of the existing water rights are linked to the life of the CMLs).
Sullivan
• Post expiry of the CML full suite of resource consents.
Escarpment Mine
• Renewal of existing resource consents.
• Grant of additional resource consents for amended mining plans.
Upper Waimangaroa
• Renewal of existing resource consents when they expire.
• Grant of additional resource consents for new areas of the mine.
Exploration Permits
• Full suite of resource consents for mining these areas.

• Crown Minerals Act 1991 - Permits:
- Mining permits for the Stockton and Sullivan mines.
- Extension of term of the Upper Waimangaroa MP in 2038.
- Subsequent mining permits granted for the existing exploration permits for the plateau (EPs 60520, 60521, 60522 and 40628).
- The application for extension of land re MP 56233 will need to be granted.

• Crown Minerals Act 1991: Land Access:
- Stockton: Post expiry of the CML access arrangements/concession with the Crown (DOC), Buller District Council and a few private landowners will be required for land not owned by BT.
- Sullivan: Post expiry of the CML access arrangements with the Crown (DOC) will be required.
- Post 2038 the existing access arrangements with the Crown (LINZ) will need renewing for the Upper Waimangaroa.
- Escarpment: Current access arrangement with the Crown (DOC) requires variation to cover additional land and to extend term.
- Land covered by EPs and other MPs: Once exploration is completed and mining sites fully identified access arrangements with the Crown (DOC) will be required.

• Conservation Act 1987
Where access arrangements under the provisions of the CMA are not available for areas of operation outside the limits of any permits (for example roads linking one permit area to another) on the Plateaux, concessions will need to be granted for Crown land administered by DOC under this Act.

• Wildlife Act 1953:
All areas of the project will require wildlife permits for taking or killing of wildlife.

• Heritage New Zealand Pouhere Taonga Act 2014:
All areas of the project will require authorities under this Act.

Building Act 1993

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:

No current RMA applications.

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

No

Please explain your answer here:

The Project requires no other approvals than the approvals required as set out above

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 a new mining permit, land use consents, regional council consents, access arrangement and wildlife permits granted to replace the Stockton CML and ACMLs. The mining operation will utilise existing people, equipment, and fixed infrastructure.
• develop new mining areas that will continue to utilise the existing and additional people and equipment, and the current fixed infrastructure at Stockton Mine.

Indicative activities and timelines:
Activity Start Completion
Mining within existing Stockton areas 2024 2033
Rehabilitation of existing mining areas 2024 2043
Utilise existing infrastructure 2024 2043
Establish and mine all new areas 2026 2045
Rehabilitation of all new areas 2030 2050
Final Closure of Project area 2045 2055

Description of Indicative activities by area:
The Mount Fred South area has been extensively assessed and, following approval, will commence activities in 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.

The Denniston Plateau area has also been extensively assessed and, following approval, can be brought into operation over a staged development programme from 2026 (this includes Escarpment, Whareatea West and Sullivan). In addition to the listed items for Mount Fred South there is a requirement to construct coal transport facilities to link the Denniston Plateau to the existing Stockton infrastructure.

The haul road and related infrastructure will follow the following milestones whilst existing areas and infrastructure are utilised:
• Detailed design for civil works and on-site facilities complete: 2026
• Procurement for infrastructure and on-site facilities establishment: 2027
• Site works commencement: 2027 for installation of infrastructure
• Operational commencement: 2028

Additional contractor workforce will be required before achieving steady state production.

Procurement of additional mobile equipment will be required for the Denniston Plateau area. The Stockton based coal processing plant will require several upgrades over the life of the project and additional coal fines storage facilities.

The project has access to several funding options available including:
• Cash held by the business at present
• 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:

o Te Runanga o Ngati Waewae
o Buller District Council
o West Coast Regional Council
o Crown (DOC)
o Crown (LINZ)
o Heritage NZ
o The Treasury.

Due to the fact that the applicant has existing operations on the Buller Plateaux, we have existing arrangements in place for most of the affected people and groups.
We have various agreements with these parties around: land access, compensation, environmental bonding, resourcing, and resilience funding.

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:

The identified areas have been the subject of a number of targeted consultation processes including a process initiated in 2012 by Bathurst, and supported by the then Minister Nick Smith, called the Buller Plateaux Strategy. This brought together a range of stakeholders, including: Te Rūnanga o Ngāti Waewae, Buller District Council, West Coast Regional Council, Heritage New Zealand Pouhere Taonga, Department of Conservation, Forest and Bird, West Coast Conservation Board, Solid Energy, Stevensons Mining and Bathurst. The intention was to identify areas suitable for mining, and those that should be protected from further development. While the final outcome was not achieved, important data was collected and mapped across the process. Resulting from this process a number of areas, including the headwaters of the Conglomerate Stream and the downstream confluence with the Whareatea river, have been excluded from the mining project area, despite the valuable coal reserves.

Consultation in regard to continuing operations on the Buller Plateaux has been ongoing with Te Rūnanga o Ngāti Waewae and regulators as part of our everyday operations.

Through the lengthy consenting processes for both the Escarpment and Cypress mines, community consultation processes were developed and have been ongoing. These involve annual community information sessions, along with more targeted consultation with groups such as the Millerton Area Protection Society. Bathurst also has an appointed representative on the Denniston Heritage Trust to keep both the Trust and Bathurst informed of activities and progress in the area. These community liaison groups provide an avenue for identifying issues and opportunities for resolution along with targeted and meaningful compensation that may address some of the residual adverse effects.

Development and review of species management plans such as for great spotted kiwi/roroa, the threatened giant land snail Powelliphanta patrickensis, and lizard species, development and approval of these plans requires consultation with Te Rūnanga o Ngāti Waewae and for the West Coast Conservation Board for the Cypress consents. Development of the updated species management plans for the Buller Plateau project will involve ongoing engagement with these stakeholders as they relate to the new approvals.

We also work with independent technical advisory groups on long term management of the land snail Powelliphanta augustus, and with a separate technical advisory group on the delivery of the Escarpment compensation package that includes biodiversity and heritage enhancement across the Denniston Plateau and in the Heaphy River Valley for a minimum of 35-years at a total cost of approximately s 9(2)(b)(ii) (in 2024 terms). This work will continue through the Buller Project development and implementation.

All of the above consultation processes are continuing.

Upload file here:
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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 Bathurst/BT Mining 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?

No

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:
No file uploaded

Section 5: Adverse effects

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

Please describe:

Overview
The project footprint traverses the Buller Plateaux, which is in itself comprised of two separate areas, the Denniston Plateau and the Stockton Plateau.

Denniston Plateau is readily identifiable as a roughly circular area covering approximately 1,750 ha. Although parts of the plateau are distinguished by up-warp and down-warp tilted sections and interrupted by the Whareatea River Gorge, overall, there is a consistent landscape character and geomorphology across the plateau. Generally, areas of sandstone pavement, vegetation, streams, artificial reservoirs, and wetlands are distributed in a mosaic-like pattern across the Denniston Plateau. Three main types of vegetation are recognised, including the pakihi herb field grassland as the most widespread vegetation type, followed by scrubland vegetation and mixed beech/podocarp forest, which is mainly associated with gullies and the Whareatea River gorge. Disturbed sites and extensive modification from historic mining activity (e.g. subsidence) are prevalent, with a network of roading and transmission infrastructure common across the Denniston Plateau. Opencast mining has commenced at the Escarpment Mine at the south-eastern corner of the plateau. The plateau is accessed by the public with its historic settlement a tourist attraction/destination with interpretation panels and artefacts on display.

The physical values relate to the geology and geomorphology with quality Tertiary coal measures. Although much of the Denniston Plateau is stewardship land under the Department of Conservation's (DOC's) management, large areas of the vegetation have been modified.

Stockton Plateau covers 4,704.65 ha and lies more or less parallel to the coastline of the West Coast but between surrounding mountain ranges and immediately to the north of the Denniston Plateau. The Stockton Plateau can be divided into three main landscape character units (LCUs) based on differences in topography, land cover, land use.

LCU 1 covers the Stockton and Cypress mine areas and is dominated by an industrial character with landscape modifications resulting from the presence of dams, stormwater retention structures, roads, stockpiles and infrastructure relating to power supply. Physical and perceptual values are generally very low except where they are derived from the culture of mining and contribute to associative values.

The physical values attributed to LCU2, which includes the area of the proposed Mount Fred South mining footprint, relate to the geology and geomorphology with Tertiary coal measures. Subsidence is present in some areas of exposed sandstone erosion pavement from historic underground mining. Exposed sandstone erosion pavement contains a significant species (Chionochloa juncea), plus a confined area of acidic boulderfield. The values include the high level of natural character, sandstone pavement landscape associated with coherent patterns of drainage and vegetation.

LCU 3 includes the lower elevation Upper Waimangaroa Valley and the proposed footprint of the transport corridor and has moderate-high physical and

perceptual values, which are, reduced by the level of human modification in the southern part of LCU 3. Associative values are derived from the mining heritage (presence of underground mines) and the mining permit held by BT Mining Limited that extends over LCU 3.

The planned disturbance will cover a proportion of the respective landscape units described above. Some areas will be visible from both close and distant viewpoints, whereas other areas will be largely out of sight. Some of the unique natural features of the landscape such as the sandstone pavement, will not be able to be replicated or replaced following mine closure. However, the life of mine plans will blend the final rehabilitated landforms into the wider landscape. This involves recreating planted and translocated vegetation communities, recreation of wetlands, streams, ponds and tarns, and blending in the natural sandstone boulderfields. Much of this rehabilitation work has been trialled at Stockon over the past fifteen years and the monitoring results from these trials are being used to inform future designs.

Cultural Effects

The entire project footprint lies within the rohe of Te Rūnanga o Ngāti Waewae. Cultural impact assessments were prepared for the original Cypress and Escarpment Mine consent applications. Bathurst contributed to a cultural impact assessment completed for The Treasury in 2023 on the long-term management of historic acid mine drainage treatment at Stockton. Consultation is ongoing with Te Rūnanga o Ngāti Waewae around management of taonga species, ecosystems, and any culturally significant sites of which none have been identified. Accidental discovery procedures are in place. A further cultural impact assessment will be commissioned for this project once final detailed designs and studies have been completed. Any additional recommendations and mitigation strategies will be included in the final application and proposed draft conditions.

Effects on Terrestrial Ecosystems and Ecology

The Denniston and Stockton Plateaux contain diverse habitats, flora and fauna, including nationally threatened species, some of which are endemic to the area. The general area is a diverse mosaic of vegetation communities. However, past coal mining, roads and other developments have modified much of this area.

Fauna of most conservation importance on the Stockton and Denniston Plateaux are great spotted kiwi (roroa, Apteryx hasstii), and the giant land snail Powelliphanta patrickensis. Other threatened fauna includes western weka, fernbird, kaka, kereru, four known species of lizard, and some invertebrate species.

Vegetation associations across the Buller Plateau have been mapped and ground-truthed to a high degree of accuracy. The mapping validates the concept of a mosaic of vegetation types and habitats. This mapping is also being used as a proxy to identify significant habitats for indigenous fauna.

The disturbance footprint has the potential to have an effect on the habitats of many species however, mitigation strategies have been developed to reduce the extent of the residual effects. These strategies include pre-clearance surveys to remove species such as roroa that can be translocated. Where practicable vegetation and habitats are translocated as intact sods. This process is referred to as vegetation direct transfer. Studies show that there is a high level of survival of this vegetation and the fauna transferred, such as snails, lizards and invertebrates. The transferred vegetation also retains its integrity and is suitable habitat for more transient species such as fernbird and kiwi have been found roosting and using areas of VDT.

In addition to the mitigation strategies used and proposed, a significant offset and compensation package is being developed consistent with the offsetting and compensation principles applied for other significant development projects across the country. Offset and compensation packages developed and implemented for the Escarpment and Cypress mines are continuing and these will be reviewed and modified as required to best address the residual effects of the wider project activities.

With respect to rare and threatened plant species, propagation studies at our local nursery and repatriation trials have identified strategies for managing effects on these species.

While there are large areas of the Buller Plateau that have been disturbed by historic exploration and mining activities, as well as other infrastructure projects, there are still large parts that are highly natural. As the mine footprints extend, these undisturbed areas are at greater risk of weed and pest infestations. Weed management practices are continually reviewed and updated to minimise the risks and effects. Pest control and monitoring is undertaken across the wider Plateau and the adjacent public conservation land. We are committed to continuing and expanding this tranche of work. The presence of healthy populations of a range of rare and threatened species is testament to the success of this work.

Aquatic Ecosystems

The Buller Plateaux receives between four to seven metres of rain annually, depending on the altitude and aspect. Consequently, wetlands and waterways are a prominent feature across the Plateau. Due to the naturally acidic soils and surface runoff, many of the streams are naturally acidic. The natural aquatic ecosystems are less diverse than lowland systems with no records of fish being present on either of the Plateau. Notwithstanding this, those natural streams not impacted by historic mining are natural with an abundance and diversity of aquatic bryophytes. The larger streams will be avoided where practicable while some of the smaller streams will be removed and rehabilitated on mine closure. Tarns and ponds that will be affected will be recreated on mine closure. Studies undertaken at the Stockton mine show that wetlands, ponds and tarns can be recreated following disturbance, with a high degree of re-colonisation of the natural aquatic ecosystems.

Much of the overburden material is high in sulfate that when mixed with water generates sulfuric acid, resulting in acid mine drainage (AMD). Historically AMD leaving the mine sites was not treated and this has had a significant adverse effect on a number of the waterways and ecosystems on the Plateau and those draining from it. More recently (over past 15 years), significant work has gone into adopting improved mine techniques to reduce the potential for acid generation as well as both active and passive treatment systems that remove the acidity and associated contaminants prior to discharge. The passive treatments systems have also been proven to continue to work following closure of the site. This work has been progressed to the point that following mining many of the historic AMD discharges will be removed leading to a net positive effect on the aquatic ecosystems of the waterways.

Historic Heritage

Historic coal mining landscape on the Denniston Plateau spans over 160 years (all periods of mining are represented) and it is more complete (much remains of mine sites from all periods and some of these remains are rare) than any other in New Zealand.

The mine and infrastructure footprints have been designed to avoid the most significant historic sites and where there may be impacts on some elements of the historic heritage, careful planning, including documentation and recording of the values at these sites will occur prior to disturbance. This process was established through the Escarpment Mine consent conditions signed off by the Environment Court when that mine was first established.
There are also some heritage areas and features within the Stockton Mine footprint and across other areas of the Stockton Plateau, although many of these features have already been disturbed. Mapping and pre-disturbance assessments and management will follow similar procedures to those already established and approved for the Escarpment Mine.

Amenity and Neighbours
Access to the Denniston Plateau is via the Denniston Track, which passes from Waimangaroa to Denniston. Access to the Stockton Plateau is via the Millerton Road from Granity, this road now bypasses the Millerton township. Both access roads ascend from sea-level to Plateau at approximately 600m altitude, they are narrow and winding roads. The Denniston Track also gives access to the Denniston Heritage area. The proposals will not impact on the Heritage areas and we are supportive of providing opportunities to ensure the ongoing protection, and access to this area.

Vehicle movements through the local communities will be managed to minimise any adverse effects on residents and road users. This is likely to include restrictions on operating times for heavy vehicles, speed restrictions, and alternative transport opportunities for tourists and visitors wishing to visit the Denniston heritage area. Consultation will be ongoing through the development and operational phase of the project to identify and manage potential issues or concerns prior to their escalation.

The Denniston Plateau is public conservation land and visitor monitoring undertaken by Bathurst over a number of years show that while the number of people using the area is generally low, it remains an important recreational area for mountain biking, motor bikes and runners/walkers. Where access will need to be restricted to enable safe mining to occur, alternative opportunities will be developed in consultation with the affected parties.

Mining Activities
The Buller Project is a continuation of the existing mining operations and addition into new adjacent areas. The processes developed for determining and managing the effects from noise, light, or air pollution are well developed and will continue. Overall, there are very few local or adjacent residences that could be impacted from these effects.

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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 the Buller Plateaux Continuation Project include:
• National Policy Statement for Freshwater Management 2020 (NPS-FM);
• Resource Management (National Environmental Standards for Freshwater) Regulations (NES-FM);
• National Policy Statement for Indigenous Biodiversity 2023 (NPS-IB).

NPS-FM
The NPS-FM is relevant to the project as there is the potential for the project to impact freshwater resources, as the project area contains natural inland wetlands as defined in the NPS-FM.

As set out in Clause 3.22 of the NPS-FM the loss of extent of natural inland wetlands is to be avoided. However, a consenting pathway is provided for the operation and expansion of existing coal mines where natural inland wetlands are present in the project area. A project seeking to access this consenting pathway must demonstrate:
• It is an extension of an existing coal mine.
• It will provide significant national or regional benefits.
• A functional need for the activity to be done in that location.
• The effects of the activity will be managed through application of the effect's management hierarchy.

The consenting pathway is only available for existing coal mines that are seeking to expand and there is no available consenting pathway for new coal mines where there are natural inland wetlands present.

While options are explored to avoid adverse effects on wetlands and streams by its nature the project has to locate where the coal resources are located, and some effects are unavoidable and will be managed through application off the effects management hierarchy.

NES-FM
The NES-FM sets out requirements for certain activities that pose risks to freshwater ecosystems. Regulation 45D provides a discretionary consenting pathway for the extraction of minerals and ancillary activities as part of operating of extending a coal mine that was lawfully established as at 5 January 2023.

NPS-IB
The main objective of the NPS-IB is to maintain indigenous biodiversity across New Zealand so that there is at least no overall loss in indigenous biodiversity. The NPS-IB sets out 17 policies to achieve this.

The NPS-IB is relevant to the project due to the presence of Significant Natural Areas (SNA) and areas of indigenous biodiversity in the project area.

For mineral extraction activities the NPS-IB requires that the adverse effects are managed by applying the effects management hierarchy including ecological offsetting and compensation.

Note that all adverse effects cannot be avoided due to functional need to locate where coal resource is located which is recognised by NPS-IB through the exemptions provided for mineral extraction activities.

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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 the 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. DOC /LINZ access arrangements 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.
Referring the applicant's project will ensure 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.

The project will have significant economic benefits both to the West Coast region as well as nationally with the coal being mined destined for the export market.

Coal mining on the Buller Plateaux is not something new, many of the areas having been previously mined since the late 1800's. Over that time knowledge as to the effects of mining and how best to rehabilitate mined areas has developed continuously.

We are confident that the effects of the proposed mining are well understood and that likely environmental controls that would be placed on mining are best practice and will achieve a considered balance between environmental effects and development on the Plateaux.

The effects of mining activities are well known, relatively contained and are readily able to be quantified by experts. We are confident that we 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 understand and efficiently process the application.

Scheduling applications within the system is likely to be a challenge for the EPA. We confirm that the preparation of its application is underway and that we are 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:

While the Buller Plateaux Continuation Project has not been identified in central government strategies or plans, the Stockton Mine and the importance of mineral extraction to the West Coast and New Zealand is identified in numerous planning documents.

The West Coast Regional Policy Statement
The West Coast Regional Policy Statement (WCRPS) and Chapter 5 in particular, is enabling of mineral extraction and recognises the critical importance of mining to the West Coast economy and community. Critically the WCRPS sets out that future grown in the region is likely to continue to be based around the use and development of natural resources in the first instance with supporting industries developing alongside these. The WCRPS further recognises that appropriate use and development can occur in the region, generating growth opportunities while still protecting the values of natural resources and wider environment.

Overall, the WCRPS recognises the value and importance of mineral extraction to the West Coast and its communities and highlights that the availability of natural resources is relatively more important for the West Coast's economy than for many other regions in New Zealand.

West Coast Regional Land and Water Plan
The West Coast Regional Land and Water Plan also recognises the dependence of people and communities on land and water resources and the need for continued use, development, and protection. In particular, Objective 3.2 sets out to provide for the sustainable use and development of these resources. The policies balance the need to enable resource use (including mining) with protecting and enhancing cultural and natural values. This plan also recognises that a large part of the Denniston Plateau is a significant wetland (Schedule 2 – NGAP051), but also establishes a consenting pathway to enable activities such as mining to occur within this area.

Buller District Plan
The Buller District Plan (BDP) also recognises the value and importance of mineral extraction to the West Coast.
As a key issue the BDP recognises that mineral resource investigation and utilisation is important to community wellbeing and viability and must be carried out in a manner consistent with the Resource Management Act 1991 (RMA).
The BDP seeks to enable people and communities to provide for their economic and social wellbeing through the efficient utilisation and development of mineral resources. The BDP goes on to elaborate that mining activities, particularly those on a large scale, can have significant impacts on local rural communities and in particular on social and economic factors. Increased population, employment opportunities and support of local facilities can be benefits in the short term.

Overall, the BDP identifies that mineral resources within the District and projects such as the one proposed represent resources of significance to the District.

Te Tai o Poutini Plan
The proposed Te Tai o Poutini Plan (TTPP) is a combined District Plan for the Buller, Grey and Westland District Councils and is intended to replace the current individual district plans. Hearings on the TTPP began in October 2023.
While the TTPP is still progressing through hearings and it is acknowledged that the notified version will likely be subject to change, the TTPP as notified also recognises the importance of mineral extraction to the West Coast. Relevantly the TTPP seeks to ensure through an overarching Strategic Objective that provision for the use and development of the mineral resources is ensured.

The TTPP introduces a Buller Coalfield Zone (BCZ) which includes at its core Stockton Mine in addition to smaller operations on the Stockton and Denniston Plateaus. The BCZ seeks to enable mineral extraction activities through the inclusion of a special purpose zone that recognises its national and regional significance and the contribution that these mineral extraction activities make to the economic and social wellbeing of the region and Buller District.

Te Whanaketanga
Te Whanaketanga is the economic development strategy for the West Coast which identifies the importance of mineral extraction to the region. Te Whanaketanga identifies the realisation of the region's natural resources as a priority project. The strategy notes that the regional has a competitive

advantage in the mining sector and natural resources that can be used to support the regenerative economic future that the region aspires to.

Will the project deliver regionally or nationally significant infrastructure?

Regional significant infrastructure

Please explain your answer here:

It will allow for existing regionally significant infrastructure to continue to be used. For example, the water treatment infrastructure at Stockton, which treats acid mine drainage (both historic and present), and will ensure the medium-term viability of existing infrastructure such as the Midland Line (managed by KiwiRail) which will be put at risk without the underpinning revenue from the transport of 1.2 Mtpa of coal to the port of Lyttelton. The line is widely used by West Coast forestry, tourism and dairy to access international tourists or markets.

Will the project:

increase the supply of housing, address housing needs, contribute to a well-functioning urban environment

Please explain your answer here:

A recent analysis has shown around 96% of all workers lived in Buller (98% of company employees and 88% of contractor employees). 84% of the entire workforce lived in Westport. A high percentage of our workforce owned or mortgaged private housing in the Buller (79%). 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 high percentage of the available rental properties being owned locally. Further confidence of ongoing employment will give confidence to future investors as well.
The employees who do rent tend to become property owners as more certainty is gained.

On the final point, how will the project contribute to a well-functioning urban environment, recent survey respondents indicated that their households were involved in the community in some way, including emergency services, industry services (e.g. mines rescue), 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 mining industry is the lynchpin of the Buller economy and plays a critical role in the economy of the West Coast because of its scale in terms of economic activity and employment. Bathurst is the largest mining entity on the West Coast. It is a major contributor to these outcomes. Stockton is the largest coal mine in New Zealand.

Mining forms a small part of New Zealand's national economy. Demographically and economically the Buller district represents around 0.2%, and the West Coast region around 0.6% of the New Zealand population, proportion of Gross Domestic Product (GDP) and filled jobs data. Despite that, mining in the West Coast region makes a substantial contribution to the national mining industry. Bathurst's operations are a key driver in relation to this contribution. The Buller district and the West Coast region play a very significant role in the national mining industry.

For example:
(a) Buller and the West Coast are responsible for 6.6% and 7.1% (respectively) of mining exports nationally. This compares to 0.2% and 1.3% for Buller and West Coast (respectively) for total exports nationally (i.e. all industries).
(b) Around 3.5% and 10% of New Zealand's total mining business units are located in Buller and West Coast respectively. In comparison, 0.2% and 0.6% of New Zealand all business units are located in Buller and West Coast respectively.

Mining plays a very significant role in both the regional and district economies. Mining in Buller contributes 20% of GDP, 10.4% of filled jobs, and had GDP per filled job (productivity) of s 9(2)(b)(ii) per filled job. This figure was 93% higher than productivity for all industries s 9(2)(b)(ii). In the West Coast, mining contributed 8.4% of GDP, 3.8% of jobs and had productivity of s 9(2)(b)(ii) per filled job. This was 121% higher than for all industries s 9(2)(b)(ii) in the region.

Bathurst's operations on the West Coast currently directly employ a total of 317 people. This equals approximately 7.0% of the Buller workforce, and 1.9% of the West Coast workforce. Bathurst's operations inject a significant amount of money into the region. In the last 12 months for example, Bathurst employees' incomes totalled around s 9(2)(b)(ii) in disposable income). This relates to direct employees only, and note that:

(a) Even further income is generated by the large number of contractors at the mine sites (Bathurst contracted approximately 72 full time equivalent jobs at Stockton in the last 12 months).
(b) Bathurst procures other goods and services from local and regional businesses. For example, in the last 12-months ending 31 March 2024, Bathurst spent approximately s 9(2)(b)(ii) with 127 businesses operating in Buller and West Coast.
(c) Bathurst pays returns to the Government in the form of taxes, and other fees, charges and royalties. In the most recent 12-month period this totalled $8.05 million for the Stockton Mine.
(d) Bathurst makes financial contributions to worthy organisations in the Buller District. In the 12-months ending 31 March 2024, these contributions were made to trusts and other organisations including Buller Resilience Trust, Buller Health Trust, Canterbury West Coast Air Rescue and Life Education Trust

and totalled over s 9(2)(b)(ii).

It is clear that mining is an established and critically important part of the regional and district economic structure for the West Coast and Buller district. Without the mining industry, local employment and economic activity within the district and region would be significantly less. Any decline in mining would have a significant impact on both the regional and district economies. These impacts would be direct impacts in relation to mining businesses, and derived impacts (given mining companies' supply chains and the reliance on regional suppliers due to the relative isolation of the region).

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 20 million tonnes of coking coal for export from the Buller Plateaux (West Coast) over a 25-year timeframe to support and extend the mine life of the current Stockton Operations.

In addition to structural steel and building materials, our coal is also used in the manufacture of specialist products such as solar panels and carbon fibre components. The high vitrinite (reactivity) and low-impurity nature of West Coast coal means the amount of fuel (coking coal) required to produce a tonne of steel is reduced.

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

Yes

Please explain your answer here:

The coal the project proposes to extract will produce lower carbon dioxide emissions per unit of steel than other coking coal produced overseas.

The coal is low in impurities and high in vitrinite (the reactive part of coal). These properties mean the end user uses less coal to produce the same amount of steel compared to less reactive or more impure coal. This leads to a significant saving in the amount of coal required and therefore GHG emissions. It is calculated that approximately 14kg less coal per tonne of hot metal is used. This equates to significant cost savings in fuel and freight but also in CO2 emissions saved. It is calculated that approximately 320,000 t less CO2e from the export and use of 1mt of NZ coking coal. These saving are occurring now and will continue while coal being used to make steel comes from the NZ West Coast.

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 Stockton are best carried out as part of an existing viable mining operation. This applies equally to land and water management. Bathurst/ BT Mining are working under Crown Indemnity and Deed of Commitment to complete historical Crown land rehabilitation and manage Crown historical acid mine drainage. The cost to government is lower and more efficient while a miner operator is onsite. Rehabilitation will include planting over four million native plants, the seed collection and propagation and planting is managed by BT/Bathurst via owned nursery and specialist staff.

The offsetting and mitigation programmes that have been part of the Cypress and Escarpment mines have led to major reduction in pest numbers and predation in the Denniston, Heaphy and Oparara areas over several thousand hectares of Department of Conservation administered Crown land. These programs will be maintained and expanded with the extension of the mining areas.

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

Yes

Please explain your answer here:

The WCRPS, BDP and proposed TTPP recognise the value and importance of mineral extraction to the West Coast and its communities and are enabling of mineral extraction activities that are consistent with the RMA.

Parts of the project site (that hold existing RMA consents) consist of land notified within zoning for mineral extraction purposes, the Buller Coal Zone (BCZ), in the proposed TTPP. The BCZ seeks to provide for current lawfully established mineral extraction and processing activities and the opportunities for reasonable growth and expansion to meet future demands while managing adverse effects on the environment.
The TTPP seeks that the effects management hierarchy is implemented to manage adverse effects of mineral extraction activities. Bathurst agrees with the philosophy of the TTPP and this is demonstrated through the existing extensive condition sets that Bathurst already holds across the Project area (i.e. operating Stockton and Escarpment). Our current environmental managements system processes apply the effects management hierarchy in our day-to-day operations.
Given the above and on the basis that potential adverse effects are appropriately managed it is anticipated the project will be consistent with the proposed TTPP.

The WCRPS seeks to enable sustainable resource use and development to contribute to the economic, social and cultural wellbeing of the region's people and communities. Bathurst aims to support our host communities for another 20 years through our current application; this will allow the current levels of employment and economic activity to be sustained through the development and use of additional coal resources within our existing permit areas.

Anything else?

Please write your answer here:

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:

Earthquake risk is assessed as a potential risk. This is consistent with any assessment of risk in most of the South Island. The mining areas are approximately 750 m above sea level but the logistics path to market could be vulnerable to sea level risk or stronger storm activity.

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:

Following infringement notices in relation to unauthorised discharges of mining impacted water from the Canterbury Coal mine operation in 2017, Bathurst Coal Limited was convicted on one matter and fined.

There have been no compliance or enforcement actions for Bathurst Resources, BT Mining or Buller Coal.

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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