

Before the Proposed Te Tai o Poutini Plan Hearings Panel

Under the Resource Management Act 1991 ('**RMA**')

In the matter of the Proposed Te Tai o Poutini Plan ('**TTPP**')

AND Hearing of submissions and further
submissions on the TTPP

Memorandum on behalf of Bathurst Resources Limited and BT Mining Limited on Minute 2 - Hearing Procedures and Timetables

Dated 7 September 2023

大成 DENTONS KENSINGTON SWAN

18 Viaduct Harbour Avenue P +64 4 472 7877
Private Bag 92101 F +64 4 472 2291
Auckland 1142 DX SP26517

Solicitor: C Sheard
E Christina.sheard@dentons.com

lane neave.

Lane Neave
Level 1, 2 Memorial Street
Queenstown 9300
Solicitor Acting: Joshua Leckie
Email: joshua.leckie@laneneave.co.nz
Phone: 03 409 0321

MAY IT PLEASE THE HEARING PANEL

- 1 Bathurst Resources Limited and BT Mining Limited lodged submissions on the TTPP.¹ Bathurst Resources Limited (including BT Mining Limited of which Bathurst is a 65% joint venture owner) (**'Bathurst'**) is New Zealand's leading coal producing company with operations throughout New Zealand providing coal for local steel making, delivering energy for electricity generation and to domestic dairy and food processing industries and exporting high quality metallurgical coal to international steel makers.
- 2 We have reviewed Minute 2 - Hearing Procedures and Timetables from the Hearing Panel dated 8 August 2023. Minute 2 outlines the Hearing Topics, the order that they will be heard, the time allocation for each submitter, and an indicative date for each topic.
- 3 Bathurst has requested to be heard in relation to its submissions and further submissions. Counsel proposes to present overarching opening legal submissions at the Introduction, Whole Plan and Strategic Directions hearing which will provide full context to the relief sought in the Bathurst and BT submission. Planning evidence will also be presented at that hearing in relation to provisions relevant to those introductory and strategy directions aspects.
- 4 Bathurst has liaised with other submitters who have aligned mining interests and respectfully suggest that there would be benefit in those parties presenting sequentially at that hearing. Bathurst will work with the hearings administrator in relation to that when the hearing timetable is finalised.
- 5 The purpose of this memorandum is to respectfully request the following accommodations for Bathurst in relation to the subsequent hearing timetable and procedures:
 - a That Bathurst's submissions on Topic 10 (Ecosystems and indigenous biodiversity and outstanding natural landscapes) are presented as part of its case for Topic 13 (Mineral Extraction).
 - b An extension to the time allocation for the hearing of various Bathurst submissions and further submissions to enable both necessary field work to be undertaken and a cohesive presentation of overlapping mineral extraction related evidence and legal submissions to be presented.

¹ Submitter 491

Topic 10 (Ecosystems and Indigenous Biodiversity and Outstanding Natural Landscapes) and Topic 13 (Minerals Extraction)

- 6 Topic 10 Ecosystems and Indigenous Biodiversity and Outstanding Natural Landscapes is scheduled to be heard on 4-8 and 19-22 March 2024. As part of its preparation for the Topic 10 hearing, Bathurst has engaged an ecologist to undertake extensive site surveys over the summer period and prepare ecological reports in relation to the areas where it extracts minerals and undertakes other operations. This information is critical in order for the Hearing Panel to understand the existing environment within those areas, and the impact of the operation of the proposed objectives, policies and rules. The onsite surveys can only be completed over the summer monitoring season.
- 7 Minute 2 states that the indicative hearing dates for Topic 13 Minerals Extraction are 27 May – 31 May 2024 and 10 June - 14 June 2024.
- 8 Bathurst respectfully requests the opportunity to present its legal submissions and evidence in relation to Topic 10 at the Topic 13 hearing. This approach would enable the Hearing Panel to consider both the mineral extraction and ecology/landscape provisions (as they relate to mineral extraction) together as part of a single coherent package.

Time required to present submissions and evidence

- 9 We have reviewed the hearing timetable and topic allocations. We have identified that the following topics are likely to require more than 15 minutes to present Bathurst's case (including an allowance for questions):
 - a Introduction, whole plan and strategic direction:
 - i Legal submissions – 1 hour
 - ii Corporate evidence (Richard Tacon) – 45 minutes
 - iii Planning evidence (Claire Hunter) – 1 hourTotal: approximately 3 hours
 - b Minerals extraction (including ecology/landscape provisions):
 - i Legal submissions – 1.5 hours
 - ii Corporate evidence (Richard Tacon) – 30 minutes

- iii Landscape evidence (to be confirmed if required) – 1 hour
- iv Ecological evidence (Dr Gary Bramley) – 1 hour
- v Economic evidence (Mark Sargent) – 1 hour
- vi Planning evidence (Claire Hunter) – 2 hours

Total: approximately 1.5 days

Summary of requests

- 10 In summary, Bathurst respectfully requests the following:
- a Permission to present its evidence for the ecology/landscape chapter at the minerals extraction hearing to ensure both a complete summer field work process and cohesive presentation of mineral extraction evidence and submissions;
 - b An extended period of time to present evidence at the Topic 1 and 2 hearing of 3 hours; and
 - c An extended period of time to present evidence at the Topic 13 Minerals Extraction hearing of 1.5 days.
 - d Confirmation that given the inevitable overlap between the various topics it is the intention of the Panel to issue final decisions at the conclusion of the multiple hearings rather than incrementally.
- 11 Please let us know if you have any questions or require any further information.

Dated 7 September 2023



Christina Sheard / Joshua Leckie

Counsel for Bathurst Resources Limited