

IN THE MATTER of
the Resource Management Act 1991

AND

IN THE MATTER of
Hearing of submissions and further
submissions on the Proposed Te Tai O Poutini
Plan

MINUTE 3 – MEMORANDUM FROM BATHURST RESOURCE
LIMITED AND BT MINING LIMITED

Introduction

Counsel for Bathurst Resources Limited and BT Mining Limited lodged submissions on the Proposed Te Tai O Poutini Plan. Bathurst Resources Limited (including BT Mining Limited of which Bathurst is a 65% joint venture owner) ('Bathurst') has lodged a Memorandum¹ raising matters in relation to the hearing process. These have been addressed in turn below.

Introduction, Whole Plan and Strategic Directions hearing (Topics 1 and 2)

Counsel have sought for Bathurst to be heard on their submissions and further submissions on Topics 1 and 2 at the same time and for an extension to the time allocation for the hearing of Bathurst's legal submissions and evidence to 3 hours.

The Hearings Panel are comfortable for Bathurst or any other submitters to have their submissions on Topics 1 and 2 heard together given that both topics are being heard in the same week. We consider this enables efficiencies in the hearing process and avoids submitters and their witnesses having to return to the hearing twice in the same week.

In terms of the extension to the timeframe sought we note that all evidence and legal submissions will be pre-read prior to the hearing and while evidence summaries may well be presented we consider 3 hours for legal submissions and the evidence of two witnesses is excessive. We accept that an extension to the timeframe to present evidence is however warranted and have accordingly limited it to 2 hours.

Ecosystems and indigenous biodiversity and outstanding natural landscapes and Mineral Extraction (Topics 10 and 13)

Counsel for Bathurst have sought 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). Part of the reasoning appears to be that Bathurst are proposing to undertake ecological surveys over the summer period in relation to the areas where it extracts minerals and undertakes other operations and that 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. Bathurst state that the onsite surveys can only be completed over the summer monitoring season. Counsel also notes that presenting its evidence for the ecology/landscape chapter at the minerals extraction hearing will ensure a cohesive presentation of mineral extraction evidence and submissions.

Bathurst have also sought 1.5 days to present their evidence.

The Hearing Panel acknowledges the issues raised by counsel however the proposal presents some difficulties:

- Firstly, the hearing process has been designed on a topic basis. Hearing evidence outside those topics presents difficulties for the Hearing Panel and potentially other submitters and further submitters on the topic. For example if the evidence of Bathurst

¹ Memorandum on behalf of Bathurst Resources Limited and BT Mining Limited on Minute 2 - Hearing Procedures and Timetables, Dated 7 September 2023

is not available on Topic 10 further submissions on Bathurst submissions may not be in a position to appropriately respond which in our view creates an issue of natural justice.

- Secondly, the configuration of the Hearing Panels for Topics 10 and 13 is different.
- Finally, the section 42A reporting officers for Topics 10 and 13 are different.

Accordingly Bathurst's request in this regard is declined. However, the Hearings Panel are open to adjusting the timeframe for the circulation and receipt of evidence for Topic 10 if that would help the situation for Bathurst, acknowledging that the same courtesy will need to be provided to other relevant submitters.

In terms of the extended timeframe for the presentation of evidence we again consider that given the pre-reading of legal submissions and evidence 1.5 days might be excessive and would ask that Bathurst reconsider this closer to the hearings.

Issuing of Decisions

In response to a question from counsel for Bathurst, the Hearings Panel confirms that the issuing of all decisions will occur at the conclusion of the hearings process.



Dean Chrystal

Independent Commissioner – Chair - on behalf of the Hearing Panel members

22 September 2023