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Joshua Leckie
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By email only

CANTERBURY COAL MINE – CONSENTED BASELINE FOR REGIONAL CONSENTS

- 1 I have been provided a copy of a request for information and additional consents dated 18 October 2019 from ECan. This is supported by a Memorandum from Adele Dawson dated 14 October 2019 outlining her understanding of the CCM consented baseline in relation to the Canterbury Coal Mine (**the ECan Baseline**).
- 2 I have also had the opportunity to read your Memo of 8 November 2019, where you set out your opinion as to the extent of the consented baseline, and why you dispute the ECan Baseline.
- 3 It is sufficient to note that I agree with the assessment set out in your Memo in preference to the ECan Baseline. In particular, I agree that there is no basis for Ms Dawson's contention that the current consents CRC170540 and CRC170541 should be construed by reference to the original discharge consents that have each been surrendered and replaced.
- 4 The current discharge consents were sought as standalone consents to replace the original consent, and these must now be construed as standalone consents on their own terms. There is no basis for incorporating terms of the original (now surrendered) discharge consents.
- 5 You have made reference to condition 2 of each of the current consents which expressly limits the location of the discharge such that:

The discharge shall only occur on land within the engineered landforms located at Part Lot 2-3 DP 6591 (CB24B/403), Part Lot 2-3 DP 6591 (CB651/33), and Part Lot 1 DP 18018 (CB2D/1450), Bush Gully Road, Glentunnel, within the area identified on Plan CRC170540 which is attached to, and forms part of this consent.

- 6 There is no legal basis to limit the ambit of this condition by reference to the terms of the earlier consents (CRC991437 and CRC081869) in relation to the location of the discharge permitted under those consents. Those earlier consents had limited the location of the discharge to the areas depicted in the applications leading to the grant of those consents. That application identified the four original pits.
- 7 Condition 2 refers to the legal description of land within which the four pits are located, although it does not state that the discharge shall only occur from those locations.
- 8 The condition does limit the location of any discharge from within "the engineered platforms" located within the area of land depicted in the plan referred to, although those platforms (as a matter of fact) may or may not be in the location of the four pits identified in former consents CRC991437 and CRC081869.
- 9 To conclude, it is apparent that I disagree that there is any basis for the request for further information and additional consents. I see the issue in rather straightforward terms. I am happy for this letter to be provided to ECan if it would assist.

Yours faithfully



Prudence Steven