

**PROPOSED CONSENT CONDITIONS – LAND USE CONSENT CANTERBURY
COAL MINE**

Applicant	Bathurst Coal Limited
Proposal	To undertake mining and mining operations
Location	That area of land being approximately 118 ha and described as Mine Operations Area and shown on Figure attached to this consent (Figure 2 of the AEE)
Legal Description	<ul style="list-style-type: none"> • Pt Lot 2 DP 6591 (CB24B/403, CB576/48, CB7D/967); • Pt Lots 2 & 3 DP 6591 (CB651/33); • Pt Lot 3 DP 6591 (CB24B/403, CB7D/1140); • Pt Lot 3 DP 8898 (CB5A/1042); • Pt Lot 1 DP 18018 (CB2D/1450, CB7D/965); • RS 32347 (CB41A/436, CB8B/920); • CB125/165; • Lot 1 DP 6591 (CB573/27, CB577/68).
Zoning	The property is zoned Malvern Hills under the provisions of the Operative District Plan – Rural Volume
Status	This application has been assessed as a land use consent for a discretionary activity under the Operative District Plan and as such the relevant provisions of the Operative District Plan – Rural Volume and the Resource Management Act 1991 have been taken into account.

Resource consent is granted pursuant to sections 104, 104B and 104D of the Resource Management Act 1991 subject to the following conditions imposed under section 108 of the Act.

1. *That the mining and mining operations shall be undertaken generally as described in the application and within the area designated as Mine Operations Area and shown on Figure 1 to this consent otherwise subject to the conditions set out herein.*

Coal Winning

2. *The Consent Holder shall be permitted to extract up to a maximum of 185,000 (with a tolerance of 10%) tonnes of coal per annum calculated on a 12 month rolling average. The Consent Holder shall record monthly measurements of coal won to within an accuracy of 10%. This data shall be reported to the Selwyn District Council as part of the annual report required by condition 5 or otherwise on request.*
3. *No washing of coal shall be undertaken at this site.*

Overburden

4. *The Consent Holder shall record monthly measurements of overburden excavated to within an accuracy of 10% and the data shall be reported to the Selwyn District Council as part of the annual report required by condition 5 or otherwise on request.*

Annual Work Programme

5. *The Consent Holder shall submit to the Selwyn District Council by November each year an annual work programme, which describes:*
 - a. *The mining and mining operations carried out over the previous 12 months.*
 - b. *the mining and mining operations to be carried out over the subsequent 12 months.*
 - c. *top soil and overburden dump locations and approximate volumes accumulated, and projections for the next 12 months.*
 - d. *areas to be contoured including cross section profiles to illustrate the final contours, slope angles, bench heights and widths.*
 - e. *areas to be prepared for revegetation and preparation techniques.*
 - f. *Tonnes of coal won and bank cubic metres of overburden removed during the previous 12 months..*
 - g. *The site rehabilitation concept plan.*
 - h. *compliance with the conditions of this consent.*

Noise

6. *Noise generated by any activities permitted on site shall not exceed the following noise limits at the notional boundary of any dwelling:*

*Notional boundary of any
Dwelling*

Daytime (0730-2000 hours)

Nighttime (2001-0729 hours)

55 dB L_{Aeq}(15 min)

40dB L_{Aeq} (15 min)

70dB L_{AFmax}

Notional Boundary means a line 20 metres from the side of any building used for residential activity, or the legal boundary of the site on which the building is located where the legal boundary is within 20 metres of the building.

Noise shall be measured and assessed in accordance with NZS 6801:2008 Acoustics – Measurement of Environmental Sound and NZS 6802:2008 Acoustics – Environmental Noise.

7. *Construction activities such as vegetation clearance or formation of access roads must be planned and managed in accordance with New Zealand Standard NZS 6803:1999 Acoustics – Construction Noise. For the avoidance of doubt stripping of overburden shall not be considered as construction.*

8. *The Consent Holder shall commission a suitably qualified noise expert to undertake noise monitoring at any point within the notional boundary of the nearest affected dwelling once within 3 months after commencement of this consent and then annually while mining and mining operations are taking place on site. The results shall be provided to the Selwyn District Council within one month after the monitoring has taken place.*
9. *The use of tonal reversing alarms on vehicles and equipment is prohibited. The Consent Holder will use the best practicable options to minimise noise during night time hours including replacement of worn parts, maintenance of mufflers, lubrication of moving machinery to avoid squeaks and squeals and appropriate operation of equipment.*
10. *No blasting activities are authorised by this consent.*

Hours of Operations

11.
 - a. *Subject to subclauses (b), (c), (d), (f) and (g) below, mining and mining operations on the site shall be permitted 24 hours per day from 6.00am Monday to 6.00pm Saturday.*
 - b. *All overburden excavation and dumping activity shall cease in the event of a significant rainfall or snowfall event. In these circumstances, overburden excavation and dumping activity shall cease until such a time as:*
 - i. *There has expired two complete days (excluding the day on which rain was last recorded) without rainfall after the last significant rainfall event or there has expired two complete days (excluding the day on which snow was recorded) after the last significant snowfall event; or*
 - ii. *Upon provision of a written certificate from a suitably experienced and qualified geologist or mine engineer to the Selwyn District Council (for the attention of RMA Enforcement and Compliance Manager) and copied to Matariki Forests confirming that re-commencement of overburden excavation and dumping activity will not cause any adverse effects that are more than minor.*
 - c. *All mining operations shall cease in the event of extreme fire-risk conditions or if the National Rural Fire Officer or any person authorised by Fire and Emergency New Zealand declares a total fire ban in any part of the Canterbury region. In these circumstances:*
 - i. *The Consent Holder shall cease all mining operations on the site until such time as extreme fire-risk conditions cease to prevail or otherwise upon provision of a certificate signed on behalf of Matariki Forests addressed to the Selwyn District Council (for the attention of the RMA Enforcement and Compliance Manager) confirming that re-commencement of mining operations will not cause any adverse effects that are more than minor; or*
 - ii. *The Consent Holder shall cease all mining operations at the site until such*

time as the total fire ban is withdrawn by the Fire and Emergency New Zealand or otherwise upon provision of a certificate signed on behalf of Matariki Forests addressed to the Selwyn District Council (for the attention of RMA Enforcement and Compliance Manager) confirming that re-commencement of mining operations will not cause any adverse effects that are more than minor.

- d. For the avoidance of doubt, notwithstanding the above, the Consent Holder may undertake emergency works or such other works as may be required to avoid, mitigate or remedy adverse effects arising from the circumstances described in subclauses (b) and (c) above.*
- e. In circumstances where overburden excavation and dumping activities or mining operations are required to cease pursuant to this condition the Consent Holder shall comply with the Mine Shutdown Protocols contained within the Environmental Management Plan.*
- f. Mining operations may be undertaken between 6.00am and 6.00pm on the Sunday following any period of temporary closure caused by a significant rainfall event, a significant snowfall event or extreme fire risk conditions.*
- g. For the purposes of this condition the following words shall have the following meanings:*
 - i. "overburden excavation and dumping activity" means the process of stripping of materials from above and in between the coal seams, the transportation of excavated materials to the overburden stockpile site and the dumping and compacting of the excavated materials onto the overburden stockpile site.*
 - ii. "significant rainfall event" means either 30 mm of rainfall within any 24 hour period or 50 mm of rainfall within any consecutive three day period all such rainfall measurements to be taken at the rain gauge situated at Whitecliffs and operated by Environment Canterbury.*
 - iii. "significant snowfall event" means either 150 mm of snowfall within any 24 hour period or 200 mm of snowfall within any consecutive three day period as measured at the main access gate to the Coalgate forest.*
 - iv. "extreme fire-risk conditions" means contemporaneous exceedance of all of the following indices as calculated at the Darfield remote automatic weather station at Whitecliffs:*
 - 1. BUI (Build Up Index) in excess of 60;*
 - 2. DC (Drought Code) in excess of 300; and*
 - 3. FWI (Fire Weather Index) predicted to exceed 30.*

The above data is available at <https://fireweather.niwa.co.nz>

Lighting

- 12. All exterior lighting shall be kept to a minimum consistent with health and safety requirements and be positioned or cowled so that light spill is directed inwards onto the site to reduce as far as practicable light spill or glare effects beyond the site.*

Slope Stability

13. *All permanent stockpiles and engineered landforms must be geotechnically stable and the Consent Holder must comply with all consents granted by Environment Canterbury granted for their construction and use.*

Dust Management

14. *The Consent Holder shall use water carts or other similar methods as and when necessary to suppress any dust nuisance arising from its operations on the site.*

Rehabilitation and Land Disturbance

15. *Rehabilitation of the site shall be undertaken on an ongoing basis. All rehabilitated areas must be graded to contours that are compatible with the proposed post mining use and sympathetic to the surrounding topography. As soon as practicable after final landforms are achieved the Consent Holder shall establish a vegetative cover to reduce erosion and provide slope stability.*
16. *The Consent Holder shall prepare a site rehabilitation concept plan and shall update it annually and provide a copy of it to the Selwyn District Council as part of the annual work programme required under condition 5.*
17. *The maximum total area of land disturbance (not being land or stockpiles under vegetative cover or land being rehabilitated) shall not at any one time exceed 42Ha hectares.*

Environmental Management Plan

18. *The Consent Holder shall have at all times during the term of this consent a site Environmental Management Plan (EMP) which shall as a minimum include sections on the following:*
 - a. *Site rehabilitation including final concept plans for the site*
 - b. *Site water management*
 - c. *Dust management*
 - d. *Fire management*
 - e. *Slope stability*
 - f. *Noise*
 - g. *Lighting*

The objective of the EMP shall be to set out how the conditions of consent relating to these matters are to be met and the Consent Holder shall carry out the activities authorised by this consent in accordance with the EMP. The EMP shall be reviewed annually by the Consent Holder in consultation with the relevant land owners and shall be subject to approval by Selwyn District Council within 20 working days of receipt of the reviewed EMP. This review of the EMP shall consider the results of any monitoring required by conditions of resource consents for, or associated with, mining operations at this site. Should the review recommend any changes to the EMP, the results of the review and copy of the revised EMP shall be submitted to Selwyn District Council by the last working day of November each year.

Note: the EMP may also address matters that fall within the functions of Environment Canterbury and the powers of the Selwyn District Council under this condition relate only to those matters within its functions.

Roading

19. *Any instability in on-site road cut batters are to be immediately treated by the removal of the slip mass and unloading of the slip head, drainage, shear key buttresses with hard rock fill. Re-vegetation of exposed surfaces shall be undertaken using hardy grasses.*

Buildings

20. *All temporary buildings and structures except those that must be sited above the ridgeline (e.g. radio repeater) shall be sited to be below the ridgeline to minimise visibility from outside the site. At the completion of mining and mining operations all buildings are to be removed from the site.*

Signage

21. *The Consent Holder may erect all necessary signs on Bush Gully Road as are consistent with the requirements of the relevant health and safety legislation.*
22. *In addition to the signs the Consent Holder may erect an additional two signs at the point where Bush Gully Road ceases to be private road and becomes public road.*
23. *All signs shall be removed following cessation of mining and mining operations at the site.*
24. *For the avoidance of doubt it is noted that all signage internal to the site and not visible from a public road is permitted.*

Archaeological Sites

25. *The Consent Holder will comply with all requirements of the Heritage New Zealand Pouhere Taonga Act 2014.*
26. *An Archaeological Management Plan (AMP) shall be developed for the site and this shall be provided to the Selwyn District Council once it is finalised.*

Kōiwi Accidental Discovery Protocol

27. *If Kōiwi (human skeletal remains) are discovered, then mining operations shall stop immediately and the Rununga (Ngāi Tahu) will be advised.*

They will arrange a site inspection by the appropriate tāngata whenua and their advisers, including statutory agencies, who will determine whether the discovery is likely to be extensive and whether a thorough site investigation is required.

In recognition of Section 6 of the Resource Management Act 1991 and legal requirements under the Heritage New Zealand Pouhere Taonga Act 2014 there is a requirement to consult the Heritage New Zealand when archaeological sites are disturbed without authorisation previously obtained. The New Zealand Police also need to be consulted if the discovery includes Kōiwi or human remains.

Materials discovered will be handled and removed by iwi responsible for the tikanga appropriate to their removal or preservation.

Taonga or Artefact Accidental Discovery

28. *Taonga or artefact material (e.g. pounamu/greenstone artefacts) other than Kōiwi will be treated in a similar manner so that their importance can be determined and the environment recorded by qualified archaeologists alongside the appropriate tangata whenua.*

Bond

29. *The Consent Holder will enter into a binding agreement with the Selwyn District Council to ensure that site reinstatement and rehabilitation works are carried out in accordance with the conditions of this consent. The value of the bond is to be \$93,000 (GST inclusive). The bond shall be released on completion of mining operations and rehabilitation required under condition 34.*

Note: As at the date of the grant of this consent the Consent Holder has already placed a bond for \$93,000 in favour of the Selwyn District Council and it is expected that this bond will be released and replaced with a new bond linked to this land use consent.

Complaints

30. *The Consent Holder shall upon receipt of any complaint reported to it by Selwyn District Council promptly investigate the complaint, take action to remedy or mitigate the complaint, and inform Selwyn District Council as soon as practical but within 3 working days of the details of the cause of the complaint and any action taken.*
31. *The Consent Holder shall maintain and keep a complaints register for all activities authorised by these consents. All reasonable complaints shall be investigated by the Consent Holder. The register shall detail the date, time and type of complaint, cause of the complaint, and the action taken by the Consent Holder in response to the complaint. The register shall be available to Selwyn District Council at all reasonable times.*
32. *The Consent Holder shall provide a dedicated email address and a 24-hour complaints phone number (free call) for members of the public to call if they have any concerns regarding its operations*

Community Engagement

33. *The consent holder will establish a community group for the residents near the Canterbury Coal Mine. The consent holder will facilitate meetings of the group to be [held initially at](#) least quarterly. The purpose of meetings will be for residents to raise concerns or issues around the operation of the Canterbury coal mine. The consent holder will consider all issues raised and will where practicable (and within the parameters and scope of the consents it holds) make changes to its operational practices to address the concerns raised around the operation of Canterbury Coal Mine. The consent holder will keep a record of meetings and actions.*
34. *The Consent Holder shall nominate an employee to act as a Community Liaison Officer (CLO). The CLO shall act as the contact point for community enquiries regarding the*

performance and management of the mine and compliance with the consent conditions. The name and contact details of the CLO shall be available on the Consent Holder's website.

35. *The Consent Holder shall attend meetings of local Community Boards, if requested, to provide updates on its mining and mining operations.*

Cessation of Mining and Mining Operations

36. *If the Consent Holder proposes to permanently cease mining and mining operations on the site it shall advise the Selwyn District Council as soon as possible.*
37. *The Consent Holder shall complete rehabilitation of the site in accordance with the then current site rehabilitation concept plan.*

Note: Permanent cessation of mining and mining operations does not include any periods during which the Consent Holder may place its mine on care and maintenance provided the Consent Holder continues to hold rights to mine coal.

Review of Conditions

38. *If considered necessary by the Selwyn District Council and pursuant to Sections 128 and 129 of the Resource Management Act 1991 the conditions of this consent may be reviewed annually from the date of issue of this consent for the following purposes:*
- a. To deal with any adverse effect on the environment which may arise from the exercise of this consent which was not foreseen at the time the application was considered, and which it is appropriate to deal with at a later stage.*
 - b. To require the Consent Holder to adopt the best practicable option to remove or reduce any adverse effect on the environment that could not be properly assessed at the time the application was made.*
39. *That pursuant to Section 36 of the Resource Management Act 1991 the Council's Specialised Monitoring Fee be paid to the Council*

Notes to the Consent Holder

Te Taumutu Runanga confirm the intention to have any artifacts placed in the specialist care of the Canterbury Museum; to give urgent priority to any notification of artifact find so that the resulting disruption to the excavation activity is kept to an absolute minimum and consistent with wider Ngai Tahu policy, will take full responsibility for seeing that these remains are re-interred appropriately and in full consultation with the New Zealand Police.