



SUBMISSION ON APPLICATION FOR RESOURCE CONSENT NO: RC185622

SUBMITTER DETAILS

FULL NAME: Environmental Defence Society Incorporated (**EDS**)

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DATE: 18 May 2020

APPLICATION DETAILS

APPLICATION NUMBER: RC185622

APPLICANT NAME: Bathurst Coal Ltd

APPLICATION SITE: Canterbury Coal Mine, Bush Gully Road, Malvern Hills

DESCRIPTION OF PROPOSAL: To expand Canterbury Coal Mine (retrospective and future)

RELIEF

- 1 EDS seeks that Bathurst Coal Limited (**the Applicant**) application for resource consent to expand the Canterbury Coal Mine, both retrospectively and for future work (**the Proposal**) be rejected in its entirety or any other such relief to give effect to this submission.

BACKGROUND

- 2 The Proposal is complex. The volume of documentation is significant and is, in places, internally conflicting. This is exacerbated by the fact that the Applicant has not been forthcoming with requests for further information by the Council, with not all the information needed to assess the activity being provided. This makes determining the effects of the Proposal difficult.
- 3 It is also difficult to determine what has been consented at the application site since 2013, something which is acknowledged by both the Applicant and Selwyn District Council. This is

further complicated by the fact that some consents have been granted by the Environment Canterbury without the accompanying land use consent from Selwyn District Council (for example, the removal of wetlands at Tara Pond and the North Engineering Landform).

- 4 In any event, the consented baseline has been exceeded. The application site allows for approximately 35 hectares of land to be disturbed and a maximum coal production of 20,000 tonnes per annum (among other things). Current coal production is estimated to be 170,000 tonnes per annum, which is over 8 times more than what is permitted. The aerial photos in the application also clearly show that the area of land disturbed has increased.
- 5 The degree of non-compliance by the Applicant is significant and calls into question whether it can be trusted to adhere to consent conditions going forward.

EFFECTS OF THE PROPOSAL

Indigenous biodiversity

- 6 Before addressing the adverse effects of the Proposal on indigenous biodiversity it must be noted that there is information missing from the application (for example, not all wetlands have been identified and surveyed). This information, although requested, was not provided by the Applicant. This made reaching a conclusion on the adverse effects of the Proposal on ecological effects difficult.
- 7 Despite the lack of information, it was concluded by an independent ecologist for Selwyn District Council that there would be significant adverse effects on the maintenance of indigenous biodiversity if the Proposal was to be granted consent. This includes significant adverse effects on the Canterbury mudfish (Threatened, Nationally Critical) and Canterbury galaxias (At risk, declining) as well as significant adverse effects on a number of wetlands.

Water quality

- 8 The discharge of sediment, acid mine discharge and other contaminants to Tara Wetland/Stream and Bush Bully streams will have adverse effects on the water quality (including adverse effects on aquatic habitats for indigenous biodiversity as a result of contamination).
- 9 Adverse effects of contamination also extend further beyond the application area. Pollution flowing into the Waikirikiri/Selwyn river eventually flows to the lower catchment and Te Waihora/Lake Ellesmere. The Waikirikiri/Selwyn is one of the most degraded river systems in the country, the result of intensive farming and abstraction of ground and surface water for irrigation.

Landscape and amenity values

- 10 The landscape and landscape amenity values are likely to be more than minor on the wider environment. In the landscape report prepared by Graham Densem it is noted that the Proposal could have negative and potentially significant negative effects on the natural landforms outside the already-mined areas if these are not renaturalised in contour and form.

- 11 The Proposal will also adversely affect a number of characteristics and values that contribute to people's appreciation of the surrounding area including the quietness of the area, night-time darkness, the rural landscape, aesthetic coherence and cultural attributes.

Cultural values

- 12 The Proposal has the potential to impact on a number of cultural values including the ability of Ngāi Tahu to exercise manawhenua and kaitiakitanga over the area; the protection and enhancement of waterways and indigenous biodiversity and the protection of archaeological and heritage sites and values.
- 13 The adverse effects on cultural values, as detailed in the Cultural Impact Assessment, are likely to be more than minor.

Local effects

- 14 It is noted that there are also a number of other adverse effects that will result, or substantially increase, as a result of the Proposal. These include increased traffic movements, noise, dust and lighting.

Climate change

- 15 EDS considers that the continuing use of coal is contrary to New Zealand's international obligations and is inconsistent with domestic legislation (namely the Climate Change Response (Zero Carbon) Amendment Act 2019).
- 16 At the time of writing, the RMA is reportedly being amended to allow climate change mitigation to be considered in determining whether or not to grant a resource consent. How these transitional provisions will apply to this application is yet to be revealed, but EDS contends that the adverse effects of coal use on greenhouse gas emissions are significant and the Proposal should be refused in any event.
- 17 The impacts of climate change could also have significant impacts on the relationship of tangata whenua to ancestral lands, waters and sites of significance.

SUBMISSION

- 18 EDS considers that the Proposal should be declined on the basis that:
- a. The Proposal does not promote the sustainable management of natural and physical resources and is otherwise contrary to the purpose and principles of the RMA.
 - b. The Proposal will result in adverse effects on the environment as outlined above.
 - c. The Proposal is contrary to the objectives and policies in the Selwyn District Plan and Canterbury Regional Policy Statement including, but not limited to, those relating to:
 - i. Indigenous biodiversity
 - ii. Water quality

iii. Landscape values

iv. Cultural values

- 19 As such, the application fails to meet the gateway tests in section 104D of the RMA, namely that the adverse effects of the activity on the environment will be more than minor and that the application will be contrary to the objectives and policies in the relevant planning documents.
- 20 In addition, EDS considers that the Applicant's cavalier and irresponsible attitude to its resource management obligations suggest that it cannot be relied upon to comply with any resource consent conditions going forward.

HEARING:

- 21 EDS wishes to appear and be heard in support of its submission.
- 22 A copy of this submission has been served on the Applicant.

SIGNED:

Cordelia Woodhouse
Environmental Defence Society Inc.