

In the Matter

of the Resource Management
Act 1991(**Act**)

And

In the Matter

of hearing submissions and
further submissions on the
Proposed Waikato District Plan

Memorandum of Counsel on behalf of
**Bathurst Resources Limited and BT
Mining Limited**

Dated: 5 September 2019

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Introduction

1. This memorandum is filed by Counsel for Bathurst Resources Limited (**Bathurst**) and BT Mining Limited (**BT**) in response to the email from the Hearings Administrator requesting confirmation as to whether submitters wish to be heard in Hearing 1- Chapter 1 Introduction (**Hearing 1**).
2. Bathurst and BT wish to be heard on the relief they seek in relation to Chapter 1 Introduction (**Chapter 1**). In summary, this relates to the inclusion of references to coal mining and mineral extraction in the district.
3. However, the relief sought by Bathurst and BT in relation to Chapter 1 is intertwined with the relief sought by Bathurst and BT in other provisions of the Proposed Plan relating to mining and extraction.
4. We consider that evidence and legal submissions for the relief sought in Chapter 1 and the relief sought in the other provisions of the Proposed Plan need to be filed and heard together to give the Hearing Panel the necessary context to higher level relief sought in Chapter 1. Presenting the relief sought under Chapter 1 in isolation, in Hearing 1, will not allow the Hearing Panel to consider the more specific reasons for the relief sought by Bathurst and BT in full.
5. Given the interrelatedness of the relief that Bathurst and BT's seek in their submission, Counsel for Bathurst and BT request that the filing of evidence and legal submissions, as well as the delivery of oral submissions in relation to Chapter 1 matters, are delayed until the hearing of Bathurst and BT's more substantive relief.
6. Without seeing the section 42A reports for the other topics it is difficult to determine exactly which topic Bathurst and BT's more substantive relief will be sought under. However, we consider it is likely to be heard in Hearing 21 – Rural Zone and/or Hearing 22 – Natural Environment.
7. Counsel is scheduled to present overarching opening legal submissions on 30 September which will provide full context to the relief sought in the Bathurst and BT submission.
8. Bathurst and BT therefore respectfully seek directions that their submission points allocated to Hearing 1 be heard by the Panel at the same hearing as

the more substantive relief contained in their submission regarding coal mining and mineral extraction.

Dated this 5th day of September 2019

A handwritten signature in blue ink, appearing to read "Joshua Leckie".

Joshua Leckie/Kelsey Ella Barry
Counsel for Bathurst Resources Limited and BT Mining Limited