Fast-track

Te Kāwanatanga o Aotearoa
New Zealand Government

FTAA-2608-1279

11 September 2026

Fiona Bartier
BT Mining Limited
By email: [redacted]

Tēnā koe,

Request for further information in relation to your application under the Fast-track Approvals Act 2024

You lodged a substantive application, Buller Plateaux Continuation, under the Fast-track Approvals Act 2024 (the Act) on 24 August 2026.

Prior to referring a substantive application to an Expert Panel, the EPA must assess the completeness and scope of the application to ensure it complies with section 46(2) of the Act. To assist with making this assessment, under section 46(2A) of the Act the EPA may seek further information from you.

Request for Further Information

To inform the EPA's assessment of the application for completeness, please provide a response to the following matters:

- As the application is for a listed project, section 43(2)(c) requires that: "*it must contain the information that the applicant provided to the Minister when applying to have the project listed as a listed project and an explanation of how the substantive application is within the scope of the listed project*".

We have been unable to identify where section 43(2)(c) is specifically addressed in the application. Could you please provide:

1. all information that was provided to the Minister when applying to have the project listed as a listed project under the FTAA.

- **Information required under section 43(2) – being section 13(4)(u):** *whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and,—*
  - *(i) if an application has been made, details of the application:*
  - *(ii) if a decision has been made, the outcome of the decision and the reasons for it*

We note that in response to this section you noted N/A. Following consultation with the Department of Conservation (DOC), we received the following statement:

> *"In approximately 2010 application was made to the Minister of Conservation for an Access Arrangement for an area including west of Trent Stream, which is now included in the ESE sub area of this project. DOC analysis of the high ecological values west of Trent Stream resulted in a draft recommendation to decline this part of the application, and the applicant subsequently varied its application to remove this area."*

Could you please confirm whether you have anything further to add to the application in relation to this section of the Act.

The following requests for information relate to specific matters regarding the application for Access Arrangements, Concessions, Wildlife Act Approval, and Complex Freshwater Fisheries. We have grouped them accordingly.

Matters in relation to the application for Access Arrangements

We note the requirements of section 29(1)(b) of the Fast-track Approvals Act:

> *Before lodging a substantive application for a listed project, the authorised person for the project must—*
>
> *(b) if the substantive application seeks an approval described in section 42(4)(l) or (m) (access arrangement), comply with section 59(1) and (2) of the Crown Minerals Act 1991 (which applies as if a reference to an access arrangement under that Act were a reference to an access arrangement under this Act).*

We have reviewed the letters provided to LINZ and DOC in association with this section and included as document F.06. It is not clear based on the information that you have provided if section 59(2) of the Crown Minerals Act 1991 has been met prior to the lodgement of the application.

Could you please confirm if all information specified in section 59(2) of the Crown Minerals Act 1991 was provided to LINZ and DOC prior to lodgement. Please note that we are also consulting with LINZ and DOC to confirm this matter.

The following sections relate to specific clauses of the access arrangement applications:

- **Schedule 11, clause 3(d)(iv):** *any policy statement, management strategy, or management plan of the Crown that applies in relation to the land***.**

In our consultation with the DOC, the Policy for Government Management of Cultural Heritage Places was identified as potentially relevant to the application.

Could you address or confirm if this Policy is relevant to the application. Further, DOC stated section 3.4 of the CMS may apply to the application. Could you confirm if section 3.4 of the CMS is relevant to the application.

- **Schedule 11, clause 3(d)(vi):** *in the case of an application under section 42(4)(l), a statement of the direct net economic and other benefits of the proposed activities in relation to which the access arrangement is sought.*

We have been unable to find a direct statement of the direct net economic and other benefits of the proposed activities in relation to which the access arrangements are sought. Can you please provide a reference to where in the application we could find this or provide a statement to this effect.

- **Schedule 11, clause 3(e)(iv):** *an assessment of the effects that proposed activities will have on the environment described in subparagraph (i), both while the activities are taking place and after their completion.*

DOC noted the absence of two reports in relation to clause 3(e)(iv) of Schedule 11. These reports were referenced in document B.01 (Upper Waimangaroa Haul Road Wildlife Mitigation – Literature Review (Ecological Solutions Limited 2026i) and Upper Waimangaroa Haul Road (UWHR) Options Assessment (Ecological Solutions Limited 2026j).

Can these reports be provided to assist with the assessment of clause 3(e)(iv) of Schedule 11.

- **Schedule 11, clause 3(e)(vii):** *information about financial and legal liabilities and obligations associated with the land*

No clear statement regarding financial liabilities has been found in the documentation. Could you please provide a reference as to where this information can be located or provide information about financial liabilities and obligations associated with the land to satisfy clause 3(e)(vii) of Schedule 11 of the FTAA.

DOC has also raised issues with the sufficiency of the information provided under this clause; these can be found below:

Very little information is provided about existing financial and legal liabilities and obligations of the applicant arising from existing resource consent conditions, access arrangements, concessions and wildlife approvals. These existing documents provide a range of obligations relating to rehabilitation, compensation and offsetting (including financial obligations) associated with the land. Details of these particular obligations are required to assess the extent to which the applicants' proposed effects management package is additional to, or is less than, its existing legal obligations.

The Project Overview states that "A trust is also being proposed that will enable funds to be gathered to ensure compensation obligations, such as the fenced areas, endure post mining cessation."

The proposal does not provide adequate detail regarding:

- *Whether the trust is adequately funded to achieve the intended outcomes.*
- *What the financial model is.*
- *Who carries liability if the trust becomes insolvent.*
- *How long compensation measures are expected to remain active.*
- *Whether governance arrangements provide DOC with oversight or approval rights.*
- *How the trust interacts with rehabilitation bonds and other financial assurance mechanisms.*

To assist us in assessing if the application complies with s 46(2) of the Act, please provide any further information on the above matters identified by DOC.

- **Schedule 11, clause 3(f):** *in the case of an application where the land in question is a reserve managed by a local authority, confirmation that the local authority has provided written agreement for the activity to be undertaken on the reserve.*

DOC has identified land that is controlled and managed by Buller District Council that is included in the application for an access arrangement. Their full commentary on this matter has been inserted below:

> *"Maps for Access Arrangement A.15B6 show Ngākawau–Hector Recreation Reserve, which is controlled and managed by Buller DC, but is Crown land. The landholder bundle identifies Section 13 Block I Ngākawau SD as Crown recreation reserve land intersected by the project. It lists the Ngākawau Hector Recreation Reserve, Lot 1 DP 3961, as adjacent, but contains no Council approval. (H.01 Affected and adjacent landowners bundle 2). The Buller District Council Heads of Agreement covers Council-owned roads and only records agreement in principle. The copy appears undated and unsigned, and it doesn't expressly approve activities on either reserve parcel. (F.02 BDC Heads of Agreement). "*

Can you confirm if the application for access arrangements includes a reserve managed by a local authority, and, if so, provide the information required to satisfy clause 3(f) of Schedule 11.

Matters in relation to the application for Concessions

On review of A.10 Chapter 10 – Conservation Act and Reserves Act we have found conflicting information regarding the number of concessions that are being sought. For example, page 839 states 10 concessions are applied for; page 840 lists 8 concessions in the application; page 851 states 9 concessions are applied for; pages 852-854 detail 8 concessions that make up the application.

Can you please confirm the total number of concessions sought as part of the application?

- **Schedule 6, clause 3(1)(i):** *Relevant information relating to the applicant, including any information relevant to their ability to carry out the proposed activity (including whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence or has any current criminal charges pending before a court).*

We have been unable to find a direct reference within the application that answers this clause. Can you please provide a record of if the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence or has any current criminal charges pending before a court.

Matters in relation to the application for Wildlife Act Approval

- **Schedule 7, clause 2(1)(a):** *Specify the purpose of the proposed activity.*

The application for a Wildlife Approval is sought for a 60-year term. We have been unable to find a description for the purpose of proposed activities past year 25. DOC has also identified this gap.

Can you please specify the purpose of proposed activities from year 25 to year 60.

- **Schedule 7, clause 2(1)(d):** *List protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted.*

During consultation on section 46, DOC raised an issue with the information provided to satisfy this clause. This has been copied below:

> *"Aside from Powelliphanta, two species of protected invertebrates are known to exist in the Denniston Plateau: Helm's stag beetle (Geordorcus helmsi) and giant wētā (Deinacrida broughi). Wildlife approval is sought for Helm's stag beetle. Numbers affected are not identified."*

We note that you have not applied for a wildlife approval to cover giant wētā and are not asking for clarification on that component of DOC's commentary. Helm's stag beetle has been listed in Schedule 4 of document A.11.A as a protected terrestrial invertebrate species that is to be covered by the wildlife approval sought.

Could you please provide a statement as to the likely species and numbers of protected terrestrial invertebrates known or predicted to be in the area. Alternatively, please provide a statement of why numbers of protected wildlife present and/or numbers of likely impacted protected species cannot be provided.

- **Schedule 7, clause 2(1)(f):** *A statement of how the methods proposed to be used to conduct the actions involving protected wildlife will ensure that best practice standards are met.*

Within document A.11 at page 934 you have stated: “Lizard management will be undertaken in accordance with ‘Key principles for lizard salvage and transfer in New Zealand’ (DOC, 2019).” However, within document G.04, page 16 you have stated:

> “No matter the level of effort applied and despite our understanding that DOC considers >80% of lizards salvaged to constitute best practice, this cannot feasibly be achieved for this Project. In contrast we expect only a small proportion of lizards (< 1%) will be feasibly salvaged from the Project disturbance area.”

In document G.04 above, you advise that you will fall short of DOC's best practice requirements. DOC has also raised concerns about this response. What do you rely on to satisfy the clause 2(1)(f) requirement of a statement of how the methods proposed to be used to conduct the actions will ensure that best practice standards are met for lizard species included in the wildlife approval sought?

- **Schedule 7, clause 2(1)(g):** *A description of the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes.*

During consultation on section 46, DOC has raised an issue with the information provided to satisfy this clause. Namely:

“*Snails: The application describes me*

> *thods for hand salvage, temporary holding, handling, transport and release, but does not provide enough information on animal ethics processes. Information is missing on ethics considerations for permanently marking a large proportion of the surviving population for capture-mark-recapture (CMR) monitoring. Information is also missing on ethics considerations for the large number of snails expected to be killed and not salvaged by hand or VDT.*
>
> *Other Invertebrates: The application does not describe how terrestrial invertebrates (other than snails) will be managed except potential transfer by VDT. There is no mention of invertebrates (other than snails) in the Wildlife Act authorisation Technical Report (Feb 2026).”*

To assist us in assessing if the application complies with s 46(2) of the Act, please provide any further information on the above matters identified by DOC. In particular we request a statement on how clause 2(1)(g) of Schedule 7 has been satisfied in relation to protected invertebrates.

- **Schedule 7, clause 2(1)(k):** *Where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife).*

We note that you include on page 46 of A.11 that "Any Helm's Stag Beetles found during works will also be captured and relocated via VDT to appropriate translocation sites." We have been unable to locate methods of relocation and/or any methods that will be used to avoid and minimise adverse effects identified under clause 2(1)(j) for Helm's Stag Beetles.

Could an application reference to this information or a statement on the methods used to avoid and minimise any effects identified for Helm's Stag Beetles be provided.

- **Schedule 7, clause 2(1)(n):** *Provision of proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts.*

We have reviewed documents A.11, F.01, and B.36 in relation to the requirements of clause 2(1)(n). We have been unable to locate a provision of proof of consultation specific to wildlife impacts with hapū or iwi. Could you confirm what, if any, wildlife specific material was provided as part of consultation with iwi.

<u>Matters in relation to the application for Complex Freshwater Fisheries Approval</u>

- **Schedule 9, clause 3(a):** *in relation to the structure and any fish facility:*

    (i) a description of the type of structure or fish facility:
    (ii) the dimensions of the structure or fish facility:
    (iii) the design of the structure or fish facility:
    (iv) the placement of the structure or fish facility:
    (v) the water flows:
    (vi) the operating regime.

We have not found a reference to clauses 3(a)(i) to 3(a)(iv) associated with the dispensation sought in relation to culverts associated with the pest-exclusion fences or the dispensation sought for all water diversions. Can you please provide a reference to where we can locate this information or provide the information to satisfy clause 3(a).

Regarding clause 3(a)(iv), we received the following statement from DOC during consultation:

> *"A.13 states that "no approvals or dispensations under the Freshwater Fisheries Regulations 1983 are sought for the Stockton or Cypress sub-areas" (p 998). DOC understands from the maps in A.13B, however, that approval is sought to construct culverts impeding fish passage at all intersections between pest exclusion fenced areas and waterways, including those in Stockton and Cypress areas."*

Could you please clarify if the location specified for approvals sought in A.13 is accurate or if there are to be approvals and dispensations sought in other sub-areas.

We have also provided in attachment to this letter DOC's consultation regarding section 46. Appendix 4 relates solely to the complex freshwater fisheries approvals. To assist us in assessing if the application complies with s 46(2) of the Act, please provide any further information on the matters identified by DOC within this appendix.

- **Schedule 9, clause 3(d):** *how the passage of fish will be provided for or impeded*.

We have not found a reference within the application that described how the passage of fish will be provided for or impeded for each dispensation sought in the application, especially in relation to the water diversions and culverts associated with the pest exclusion fences. DOC has also noted its concerns with this clause that can be found below:

> "*The pest exclusion fence culverts and clean water diversions rely on broad assumptions or future investigation. Although some detail is provided in the Aquatic Ecology Management Plan which states that New Zealand Fish Passage Guidelines will be followed for culverts, the A13.B complex freshwater fisheries conditions proposed by the applicant do not require adherence to the management plans or guidelines."*

Could you please provide a reference within the application to or an explanation as to how the passage of fish will be provided for or impended with each dispensation sought.

Responding to the Request for Further Information

Under the Act, you have until the end of the 20th working day from the date of this letter to provide a response to the EPA, which is **9 October 2026.**

From the date of this letter, the 15 working day timeframe for the EPA to decide on completeness and scope of the substantive application ceases to run. The 15 working day timeframe will recommence once your response is received or after 9 October 2026, whichever is sooner.

If you wish to clarify any matter relating to the request, and the request was generated from the EPA's consultation with an administering agency or local authority, we suggest that you contact that administering agency or local authority directly before providing your response to the EPA. To assist with this, we have attached to this letter the full consultation we received from the Department of Conservation.

If you require information from the EPA in relation to the request for further information, you may request that information from the EPA under section 46(2C) of the Act. Please send your request to bullerftaa@fasttrack.govt.nz.

The EPA intends to publish the information received from you in full, including your responses in our completeness memorandum, on the Fast-track website.

If you have any questions, please contact [redacted] by email at bullerftaa@fasttrack.govt.nz.

Nāku noa, nā

[redacted]

[redacted]
Team Leader, Fast-track Applications