

Department of Conservation advice for EPA compliance assessment

Overview

Project name	Macraes Phase Four (MP4)
Project applicant	Oceana Gold (NZ) Ltd (OGL)
EPA unique ref. no	FTAA-2608-1288
EPA Request Number	CRM:0139021040
Conservation approvals sought	Wildlife approval Complex freshwater fishery activities approval
EPA request summary	S46 Completeness assessment of DOC approvals
Date due to EPA	17 September 2026

On 10 September 2026, the Department of Conservation (DOC) received a request from the EPA seeking its views whether the application meets the requirements of sections 42 and 43 of the Fast-track Approvals Act 2024 (the Act) and whether the information is in sufficient detail to satisfy section 44 of the Act.

The purpose of this document is to provide advice to assist the EPA in making its decision whether the application lodged by Oceana Gold (NZ) Ltd (OGL) on 9 September 2026 complies with the requirements of section 46(2) of the Act.

The advice covers information requirement compliance with the following:

- wildlife approvals
- complex freshwater fisheries activities approvals

Please note that in undertaking this completeness assessment, DOC has only turned its mind to the DOC approvals and did not review the documentation related to the RMA approvals.

Compliance with information requirements

Our detailed assessment of the information requirements for the relevant approvals is provided in the attached tables. In summary, DOC's advice is that the application **meets** the requirements of sections 42, 43, and 44 of the Act.

Observations

Although DOC's advice is that the application meets the requirements of sections 42, 43, and 44 of the Act, DOC notes the following in relation to wildlife approvals –

The activity has the potential to incidentally kill bird species that are absolutely protected under the Wildlife Act 1953. The application includes an avifauna values assessment, assessment of effects, and an avifauna monitoring and management plan. In these documents potential impacts and mitigations are proposed, but a wildlife permit for incidental kill or disturbance has not been sought.

DOC has raised this matter with OGL, and it is their view that a wildlife permit is not required because they have put forward nest checking protocols in the Avifauna Monitoring and Management Plan which applies vegetation clearance during breeding season. Conditions are also proposed in the RMA common conditions including such measures as buffer distances and cessation of works should birds or eggs be discovered. DOC retains concerns that the nest checking protocol is only proposed during breeding season and therefore any undetected birds nesting outside of the breeding season may be impacted. OGL understands that not getting a wildlife permit for birds is at its own risk and that if it later determines such an approval is required, the 'BAU' process remains available to them.

Listed project requirements under section 43(2)

The table below provides information to assist the EPA in relation to consideration of the matters required for listed projects for a substantive application under section 43(2) of the Act. This section requires additional information for listed projects that would otherwise have been required during the referral process. Where this information duplicates other requirements it will be addressed elsewhere.

Relevant section	Information present	Application reference	Comments
13(4)(j) a list of persons affected: • relevant Treaty settlement entities • relevant protected customary rights groups and customary marine title groups • relevant applicant groups under the Marine and Coastal Area (Takutai Moana) Act 2011: • persons with a registered interest in land that may need to be acquired under the Public Works Act 1981	Y	Part A.08, Section 12.3.17 of Part A.12	Applicant has identified relevant iwi and roading authorities.
13(4)(k) a summary of the consultation undertaken for the purposes of section 29 and any other consultation undertaken on the project with the persons and groups referred to in paragraph (j) and how that consultation has informed the project	Y	Section 8.3 of Part A.08	Applicant has undertaken consultation with Te Rūnanga o Ngāi Tahu, Kāti Huirapa Rūnaka ki Puketeraki, Te Rūnanga o Moeraki and Te Rūnanga o Ōtākou.
13(4)(l) a list of any Treaty settlements that apply to the project area, and a summary of the relevant principles and provisions in those settlements	Y	Section 12.3.18 of Part A.12	Ngāi Tahu Claims Settlement Act 1998.
13(4)(n) a statement of any relevant principles or provisions in the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019:	N/A	N/A	N/A for this site

13(4)(o) information identifying the parcels of Māori land, marae, and identified wāhi tapu within the project area:	Y	Part A.05	OGL states there are no parcels of Māori land, marae or identified wāhi tapu in any district or regional plan, within the project area.
13(4)(m) a description of any processes already undertaken under the Public Works Act 1981 in relation to the project:	Y	Section 5.6.1 of Part A.05	The applicant advises that it has existing consenting obligations for road reserves and certain public works agreements under the Public Work Act 1981 in relation to road reserves at Macraes.
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	Y	Page 498 - 500	A comprehensive overview of the 2024-2025 consent process has been provided.
13(4)(x) a summary of compliance or enforcement actions (if any), and the outcome of those actions, taken against the applicant (or if the referral application is lodged by more than 1 person, any of those persons) under a specified Act:	Y	Page 501 – 504	Summary of compliance history provided in relation to the RMA and Crown Minerals Act for the applicant at its Macraes and Reefton mines.

Application for wildlife approvals – Lizards

Clause 2 of Schedule 7 outlines the information required in an application for a wildlife approval.

Relevant section	Information present?	Application reference	Comments
Schedule 7 clause 2(1) - For the purposes of section 43(3)(h), an application for a wildlife approval must include the following information:			
(a) specify the purpose of the proposed activity:	Y	Part A.13.1, p625	
(b) identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):	Y	Part A.13 p625, Part A.09 and Part A.10	OGNZL is proposing lizard (protected wildlife) salvage and relocation as part of the project where habitat clearance is required, or where effects need to be monitored.
(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953:	Y	Part A.13 s13.1 pp. 626—628; A.09 pp. 360 – 384; A10 Table 10-1, pp. 471 – 475; B.22 pp. 42 – 49	Comprehensive descriptions of the full suite of anticipated impacts (direct, indirect, residual and cumulative) to each of the relevant lizard species have been described. Impacts and activities have been tied back to the purpose of the Wildlife Act and describe a range of anticipated protective benefits to lizard fauna. Sufficient information has been provided.
(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:	Y	Part A.13.1 p629-630; Bioresearches (2026e) pp.44-48	Species have been identified throughout the documents, as informed through baseline survey data and historical information gained about lizard presence/absence/distribution throughout the wider project history. Statistical modelling has informed number estimates for each of the species that are known to be resident within the project footprint. Sufficient information has been provided.

Relevant section	Information present?	Application reference	Comments
(e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	Y	Part A.13.1 p630-631, Part A.09 Lizards (Bioresarches, 2026d, pp.91).	Impacts on threatened and at-risk wildlife species have been outlined. Sufficient information has been provided
(f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:	Y	Part A.13 Wildlife Approvals; C.04 Lizard Management and Monitoring Plan	Details of methods and tools have been described within the LMMP. The Wildlife Approval document specifies that the project has adopted a “best practicable effort” approach due to the scale of the project, which is a deviation from “best practice”. Sufficient information has been provided to inform the assessment.
(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	Y	Part A.13 Wildlife Approvals Section 13.1 p. 631; C.04 LMP Section 4 pp 16 – 42.	As above, details of methods and tools to trap and capture lizards are provided with sufficient detail. These represent a sub-set of the full suite of potential tools, with sufficient description to justify their use. Descriptions are provided for captive holding procedures and incidental injury or mortality. Sufficient information has been provided to inform the assessment.
(h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):	Y	Part C	
(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	Y	Part C LMP (pp.38-39),	Only lizards will be relocated. Lizards will be transferred and released daily and, under exceptional circumstances, will be held in containment boxes for up to 24 hours before being released at the relocation site.

Relevant section	Information present?	Application reference	Comments
(j) list all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:	Y	Part A.13.1 p. 632; A.09, AEE s9.6 pp 360 – 384; Part B.17 s6 pp 80 – 268; Part B.22 4-7 pp 23 - 73	Detailed descriptions of actual and potential effects (including residual and cumulative) on indigenous species are provided within the various documents. These include consideration of effects associated with the compensation sites and their associated activities.
(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):	Y	Part A.13 p. 632, A.09 AEE s9.6 pp 360 – 387, A.10 Table 10-1 pp 471 – 475, C.04 LMP 3.1 pp 12 – 15, C.06 pp 11 – 16	The documents package includes a full assessment of effects and detailed discussion on measures to avoid, minimise, mitigate, offset and compensate impacts. Impacts to lizards are described within the Ecological Impact Assessment for Terrestrial and Wetland Ecology Values report. Descriptions to avoid, minimise and mitigate impacts to lizards are described within the Lizard Management and Monitoring Plan. Residual effects management is described within the Residual Effects Analysis: Terrestrial Ecology report. Between these documents a sufficient level of information has been provided to inform the assessment.
(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953:	Y	Part A.13.1	DOC has no records of any Wildlife Act offences for OGL.
(m) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:	Y	Part A.13.1	DOC has no records of any Wildlife Act pending offences for officers or others connected with OGL.

Relevant section	Information present?	Application reference	Comments
(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Y	Part A.08	
(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Y	Part B, Part C	

Application for complex freshwater fisheries approval – Dams in Camp and Coal Creeks

Clause 3 of Schedule 9 outlines the information required in an application for complex freshwater fisheries activity approval. Note that due to section 13(4)(y)(iv), and Schedule 5 clause 9, this information is also required for resource consent applications that include standard freshwater fisheries activities.

Relevant section	Information present	Application reference	Comment
Clause 2 and 3 Schedule 9 – For the purpose of section 43(3)(j), an application for a complex freshwater fisheries activity approval must include the following information:			
s13(4)(y)(vi), Clause 2 of Schedule 9 – For listed projects			
Cl 2 Schedule 9 (a) Whether an in-stream structure is proposed (including formal notification of any dam or diversion structure) and the extent to which this may impede fish passage	Y	Part B.27	See details below
(b) Whether any fish salvage activities or other complex freshwater fisheries activities are proposed.	Y	Part B.26 Part B.27	Fish salvage will occur where required and is to be to sites where the species already occur. The release sites are not on PCL.
Clause 3 of Schedule 9 for listed and referred projects			
(a) in relation to the structure and any fish facility:			
(i) a description of the type of structure or fish facility:	Y	Part B.27	A freshwater dam is proposed on each of Coal and Camp Creeks
(ii) the dimensions of the structure or fish facility:	Y	Part B.27	Designs of each dam, including the location of each dam, can be found in the relevant design reports (Attachment B and C)
(iii) the design of the structure or fish facility:	Y	Part B.27	As above
(iv) the placement of the structure or fish facility:	Y	Part B.27	As above
(v) the water flows:	Y	Part B.27	As above. Also, impacts of flow on fish passage are discussed in the section 'Downstream flows during and after dam filling' of the report

(vi) the operating regime:	Y	Part B.27	The applicant advises that the exact discharge regime required to achieve this mitigation will be determined through an adaptive management process but will maintain residual flow in the waterways below the dams at a rate of 2 L/s below Camp Creek Dam and 5 L/s below Coal Creek Dam
(b) the freshwater species and values present (with particular focus on threatened, data-deficient, and at-risk species as defined in the New Zealand Threat Classification System):	Y	Section 15.1.2 and Part B.27	Taieri flathead galaxiid (<i>Galaxias depressiceps</i> ; At Risk – Declining) Longfin eel (<i>Anguilla dieffenbachii</i> ; At Risk – Declining) Shortfin eel (<i>Anguilla australis</i> ; Not Threatened) Brown trout (<i>Salmo trutta</i> ; Introduced and Naturalised)
(c) the water quality and quantity in the surrounding habitat (at the proposed structure location, upstream and downstream):	Y	Section 15.1.3 and Part B.27	Water quality is discussed in the Background section. Water quality in Camp Creek is moderately degraded (elevated nutrients, average water clarity) due to stock access and the large amount of exposed soft sediment. In Coal Creek it is characterised by elevated sediment loads and nutrient concentrations, as a result of stock access, and warm temperatures during summer due to a lack of riparian shading.
(d) how the passage of fish will be provided for or impeded.	Y	Section 15.1.4 and Part B.27	The Schedule 9 assessment section addresses how fish passage may be impacted. The applicant states that while fish passage for eels will be impacted, the barrier will not impact eel populations due to the very limited habitat (limited by both quality and quantity) upstream of the dams, and Taieri flathead galaxiid populations are non-migratory by nature meaning barriers will have little to no impact on their populations.

Application for complex freshwater fisheries dispensation – MEEA fenceline culverts and reclamation in Trimbells Gully

Clause 3 of Schedule 9 outlines the information required in an application for complex freshwater fisheries activity approval. Note that due to section 13(4)(y)(iv), and Schedule 5 clause 9, this information is also required for resource consent applications that include standard freshwater fisheries activities.

Relevant section	Information present	Application reference	Comment
Clause 2 and 3 Schedule 9 – For the purpose of section 43(3)(j), an application for a complex freshwater fisheries activity approval must include the following information:			
s13(4)(y)(vi), Clause 2 of Schedule 9 – For listed projects			
Cl 2 Schedule 9 (a) Whether an in-stream structure is proposed (including formal notification of any dam or diversion structure) and the extent to which this may impede fish passage	Y	Part B.26 s5.3.8	See details below.
(b) Whether any fish salvage activities or other complex freshwater fisheries activities are proposed.	Y	Part B.26 Part B.27	Fish salvage is proposed and an application has been made for complex freshwater fishery approval. Proposed release is to sites where the species are already present, and no release site is proposed on PCL (see previous table).
Clause 3 of Schedule 9 for listed and referred projects			
(a) in relation to the structure and any fish facility:			It is noted that the information required by this subclause in relation to the MEEA culverts will be determined at detailed design stage, which DOC deems acceptable. The below assessment relates to the Trimbells Gully reclamation

(i) a description of the type of structure or fish facility:	Y	Part A.06 s6.4.1.4	Facility is adequately described. The channel will be excavated into the underlying rock to provide natural erosion and scour resistance.
(ii) the dimensions of the structure or fish facility:	Y	Part A.06 s6.4.1.4	The proposed diversion channel is 1,100 m long.
(iii) the design of the structure or fish facility:	Y	Part A.06 s6.4.1.4	As above and subject to detail design at later stage.
(iv) the placement of the structure or fish facility:	Y	Part A.06 s6.4.1.1 and s6.4.1.4	The streambed will be realigned around the proposed Trimbells waste rock stack extension.
(v) the water flows:	Y	Part A.06 s6.4.1.4	The proposed channel will convey flows up to the 1% AEP event (100-year ARI).
(vi) the operating regime:	Y	Part A.06 s6.4.1.4	Open channel.
(b) the freshwater species and values present (with particular focus on threatened, data-deficient, and at-risk species as defined in the New Zealand Threat Classification System):	Y		eDNA sampling indicates no fish are present in Trimbells Gully. The applicant assumes that the same species present in Murphy's Creek will also be in the MEEA tributaries.
(c) the water quality and quantity in the surrounding habitat (at the proposed structure location, upstream and downstream):	Y	Part B.26 s4.5.2, Table 3	
(d) how the passage of fish will be provided for or impeded.	Y	Part B.26 s4.6; Part B.25 s5.3.8	No fish are present in Trimbells Gully. Fish passage will be maintained in the main stem of Murphy's Creek, as well as in any additional culverts in tributaries.