10. CONSERVATION ACT AND RESERVES ACT APPROVALS APPLICATION

10.1 INTRODUCTION

To enable the construction, operation, maintenance and rehabilitation of the BPCP, approvals are required under the Conservation Act 1987 ("**Conservation Act**").

In this substantive application, "concession" has the meaning given in clause 1 of Schedule 6 of the FTAA (that is, a concession that would otherwise be applied for under the Conservation Act 1987). Concessions are required because key components of the BPCP must occur on Crown land administered by DOC, outside the boundaries of existing or proposed mining permits, including infrastructure construction and operation, access, monitoring, fly-rock deposition, and ecological management. These activities are inherently ancillary to the primary mining operations, rather than constituting core mining or extraction activities, and are consistent with the type and scale of concessions historically granted across the Buller Plateaux for comparable support, access, monitoring and environmental management activities. Notably, many of the activities for which concessions are sought reflect the continuation or expansion of activities that have previously been authorised under the Conservation Act across the Buller Plateaux.

Section 43(3)(e) of the FTAA sets out that a substantive application must, for an approval for a concession, include the information required by clause 3 of Schedule 6 of the FTAA. This part of the substantive application provides the information required for the concessions Bathurst seeks to authorise activities for the BPCP.

10.2 CONCESSIONS UNDER THE CONSERVATION ACT

Bathurst is seeking approval for up to ten concessions across the Buller Plateaux. As described above, clause 3 of Schedule 6 of the FTAA sets out the information requirements for applications for concessions, which include:

10.2.1 A description of the proposed activity:

A description of the Project, including the Project Site, is provided in full in **Chapter A.3 – Existing Environment** and **Chapter A.4 – Project Description** of these application documents, which form part of this application for approvals for concessions. For completeness, the concessions, which are being sought based on the activities required and the applicant, are required for the following activities:

> A new concession is being sought to replace the existing concession 67930-OTH, increasing the footprint authorising all activities associated with fly rock deposition from mining and mining operations at the Stockton Mine, ("**Stockton Fly Rock Concession**");

> A new concession authorising all activities associated with fly rock deposition from mining and mining operations on the Denniston Plateau, ("**Denniston Fly Rock Concession**");

> A new concession, which includes activities authorised under existing concessions,[94] with the addition of two new areas at the Stockton Sub-Area, to authorise all activities associated with the construction, operation, maintenance and rehabilitation of infrastructure required to undertake the extension to, and continuation of operations at the Stockton Mine, ("**Stockton Infrastructure Concession**");

> A new concession authorising all activities associated with the installation of telemetry equipment and access to water and dust monitoring sites across the Stockton Plateau, including freshwater ecological surveys ("**Stockton Monitoring Concession**");

> A new concession authorising all activities associated with the installation of telemetry equipment and access to water and dust monitoring sites across the Denniston Plateau, including freshwater ecological surveys ("**Denniston Monitoring Concession**");

> A new concession for the construction and operation of the Whirlwind Rise pest exclusion fenced area on the Stockton Plateau where it is located on DOC-administered land ("**Stockton Fence Concession**");[95]

> A new concession for the construction and operation of the Denniston North and Coalbrookdale Pest exclusion fenced areas on the Denniston Plateau ("**Denniston Fence Concession**"); and

> A new concession authorising all activities associated with the establishment and operation of wider compensation areas, including research and collection of propagation materials, pest control (through 1080 drops), weed management, establishment of walking routes, trap lines and monitoring sites ("**Residual Effects Concession**").

Section 10.3 below provides a complete description of each concession being sought.

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[94] Concessions 111267-OTH, 16811-OTH, 26733-OTH and EAS-0069.

[95] The Whirlwind Rise Pest Exclusion Fenced Area is also located on LINZ administered land and BT Mining owned land, within the boundaries of existing Mining Permits and Licences.

10.2.2 Information about whether the project could reasonably be undertaken in another location, or in another conservation area or another part of the conservation area, where the potential adverse effects will be significantly less:

The Project involves the continuation and extension of the existing Stockton Mine and access to additional coal resources across the Buller Plateaux with the ongoing management of significant legacy environmental liabilities, including AMD and the implementation of a REP. As described in detail in **Chapter A.5 – Application Approach and Structure** of this substantive application, the Project is therefore inherently constrained by the fixed location of the coal resource and the existing mining system, and cannot reasonably be undertaken in an alternative location, whether outside conservation land or within another conservation area, where adverse effects would be significantly less.

In respect of conservation land within the Project area, there are no other practicable locations for the Project or its component activities for the following reasons:

> The Project is centred on an established mining operation and integrated infrastructure network at Stockton, including existing processing infrastructure, access roads, and the aerial ropeway and avoids duplication of this infrastructure;

> The coal resource is physically located beneath the Buller Plateaux (including areas of conservation land), and therefore mining must occur where the resource exists. The Project requires the coordinated extraction and blending of coal from several Sub-Areas across the Buller Plateaux to produce a suitable product for the international coking coal market;

> The activities requiring concessions (including infrastructure, access, monitoring, and environmental management measures) are functionally linked to the location of the resource and existing operations, and must occur across conservation land to connect and enable those operations;

> Much of the Buller Plateaux has been subject to historic mining and associated disturbance, and the Project has been designed to utilise existing disturbance areas, infrastructure corridors and access routes to the extent practicable, thereby avoiding or minimising effects on less modified areas; and

> The Project includes significant environmental management and mitigation measures, including ongoing management of legacy AMD environmental effects and the implementation of a substantial REP across the conservation estate, all of which are inherently tied to the Project area and would not be achievable in an alternative location.

Accordingly, there are no reasonably practicable alternative locations, either within or outside the conservation estate, where the Project could be undertaken with materially lower adverse effects.

10.2.3 Information about the extent to which the project is consistent with:

- **The relevant conservation management strategy and conservation management plan:**
- **Any conservation management strategies or conservation management plans that have been co-authored, authored or approved by a Treaty settlement entity.**

The applicable conservation management strategies are addressed in **Chapter A.9 – RMA Approvals – Statutory Assessment** of this substantive application, and subsequently in **Section 10.4** of this Chapter.

10.2.4 Information about the extent to which the project is in keeping with the purposes for which the land is held, status, ownership and administration:

The proposed concessions are located across the following areas of Crown-owned land:

- Stewardship Land:
  - Waimangaroa – Granity Conservation Area;
  - Plover Stream Conservation Area;
  - Mt Rochfort Conservation Area; and
  - Stockton Conservation Area;
- Ecological Areas:
  - Ngākawau Ecological Area; and
  - Orikaka Ecological Area;
- Scenic Reserves:
  - Stockton Scenic Reserve;
  - Denniston Scenic Reserve; and
  - Lower Buller Gorge Scenic Reserve; and
- Local Purpose Reserves:
  - Ngākawau Local Purpose Reserve.

An assessment as to the purpose for which each area is held is provided in **Section 10.4.5** of this Chapter. While this assessment of the purpose for which the land is held is provided, it is noted that under clause 7(1)(a)(ii) of Schedule 6 of the FTAA, the Panel is not required to decline an application on the basis that an activity may be contrary to those purposes. This reflects the modified statutory framework applying to this application.

10.2.5 A description of –

> **The potential effects (positive and negative) of the proposed activity:**

> **Any actions that the applicant proposes to take to avoid, remedy, mitigate, offset, or compensate for any adverse effects of the proposed activity: and**

> **Details of the type of concession for which the applicant is applying.**

The effects associated with the Project are addressed in detail in **Chapter A.6 – Assessment of Environmental Effects** and **Chapter A.7 – Management and Monitoring of Actual and Potential Environmental Effects** of this substantive application report, and in the supporting technical assessments. These sections also include the measures proposed by Bathurst to manage adverse effects.

With respect to the type of concessions being sought, **Section 10.3** below details the required concessions and the proposed concession documents attached as **Appendix 10.A – 10. H** to this Chapter, which also document the nature of the required concessions.

10.2.6 A statement of –

> **The proposed duration of the concession; and**

> **The reasons for the proposed duration:**

Bathurst is seeking a 30-year duration for concessions associated with fly-rock deposition, a 40-year duration for concessions associated with infrastructure, and a 60-year duration for concessions related to pest-exclusion fenced areas and the REP sought as part of this substantive application. Bathurst is also seeking the duration of each concession sought in relation to water and dust monitoring to correspond to the resource consent duration being sought.[96] In accordance with sections 17Z(1) and 17Z(3) of the Conservation Act, a lease or licence, or easement, respectively, may be granted for a term not exceeding 30 years, or

[96] As described in **Chapter A.8 – RMA Approvals** to this substantive application and discussed in **Section 10.3.1** where relevant.

where the Minister is satisfied there are exceptional circumstances, for a term not exceeding 60 years.

The term exceptional circumstances is not defined in the Conservation Act; however, the Courts have considered its meaning and determined that exceptional circumstances need not be unique, unprecedented, or very rare.[97] Rather, they are circumstances that are not ordinarily, routinely, or regularly encountered. While exceptional circumstances are uncommon and arise outside the usual course of events, they need not be so unusual as to be regarded as extraordinary.[98]

It is considered that exceptional circumstances exist here and a term beyond 30 years is required for identified concessions to provide for the purpose of the FTA and enable the significant scale of investment for the BPCP,

The following exceptional circumstances exist to justify the durations sought beyond 30 years:

> Significant investment is proposed in infrastructure on conservation land, such as pest exclusion fences. The scale of this investment is considered exceptional relative to that usually contemplated in concession applications.

> A longer term reflects the timeline of the anticipated operational lifetime of the BPCP, including the rehabilitation phase, providing the appropriate time to enable a staged and coordinated rehabilitation programme, including the progressive establishment of rehabilitated landscapes, biodiversity restoration outcomes, and landform stability. A longer concession term is required to provide sufficient certainty to undertake these activities in a coordinated and staged manner over the life of the BPCP.

> The duration sought will also enable the implementation of the REP, including pest exclusion fenced areas, pest control initiatives, and ecological restoration activities. These measures are fundamental to achieving long-term ecological gains and to ensuring that post-mining land-use transitions deliver enduring conservation outcomes. A longer concession term ensures these commitments can be delivered and maintained over an appropriate timeframe.

> The BPCP represents a strategically significant, long-life resource development that underpins regional employment, infrastructure investment, and wider economic activity across the Buller region. At a national level, the Project contributes to the ongoing

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[97] *Wong v R* [2008] NZSC 29 at [8].

[98] *Treasury Technology Holdings Limited v The Commissioner of Inland Revenue* HC Auckland CP525. 25 May 1998 at [11].

supply of high-quality metallurgical coal essential for steel production, thereby supporting New Zealand's participation in global steelmaking supply chains and broader industrial resilience. Longer concession terms provide the certainty necessary to support the significant capital investment associated with the Project and enable the economic and social benefits to be realised. The Project also delivers significant social and economic benefits, including sustained direct and indirect employment, contractor engagement, and continued economic activity within the West Coast region.

10.2.7 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):

Information about Bathurst has been provided in **Chapter A.1 – Project Wide Overview** of this substantive application.

10.2.8 If the applicant applies for a lease, a licence granting an interest in land, or an easement:

> **Reasons for the request; and**

> **Sufficient information to satisfy the panel that it is appropriate to grant the lease, licence, or easement (as the case may be):**

Bathurst is seeking only licences that do not grant an interest in the land.

10.2.9 Full details of any consultation undertaken with relevant iwi and with reserve owners and managers:

The consultation undertaken by Bathurst in respect of the Project is addressed in **Chapter A.5 – Application Approach and Structure** of this substantive application, and the Community and Stakeholder Engagement Report (Bathurst, 2026am) attached to this substantive application in **Part F**.

10.2.10 Information about financial and legal liabilities associated with the land:

Bathurst owns and operates the Stockton Mine and undertakes mining and mining operations across the Buller Plateaux under a number of existing authorisations issued under the RMA, Coal Mines Act 1979, Crown Minerals Act 1991, Conservation Act 1987 and the Wildlife Act 1953. These authorisations are detailed in **Chapter A.1 – Project Wide Overview, Chapter A.2 – Mining Overview** and **Chapter A.3 – Existing Environment** to this substantive application.

Any obligations arising, including upon expiry of the concessions, are expressly covered by the conditions of the concessions and by the agreed processes in those concessions, as proffered in **Appendix 10.A – 10.H**.

If any further information on the financial and legal liability and obligations associated with the concession areas above is required, Bathurst can provide it as and if necessary.

10.2.11 Confirmation that the application has written agreement from the holder of a right of first refusal or right of offer or return to waive that right for the purposes of any lease proposed in the application if –

> **The proposed lease will be for a term (including any renewals) that will or is likely to be more than 50 years; and**

> **The granting of the lease will trigger the right of first refusal or right of offer or return.**

The proposed concessions are licences for specific activities (as described in **Section 10.3** below). The proposed term for pest-exclusion fenced areas and Residual Effects concessions exceeds 50 years; however, it is understood that the granting of the concessions as sought will not trigger a right of first refusal clause.

10.2.12 Relevant Provisions in Part 3B of the Conservation Act 1987

Clause 7(1)(a)(ii) of Schedule 6 of the FTAA requires the Panel to take into account Part 3B of the Conservation Act 1987 (except sections 17SB and 17U(3) of that Act) as if the application were an application for a concession under Part 3B.

While several provisions in Part 3B of the Conservation Act require or permit the decision-maker to decline an application, in the context of the FTAA, the Panel must give the greatest weight to the purpose of the FTAA, which is to facilitate the delivery of infrastructure and development projects with significant regional or national benefits.

The relevant matters in Part 3B of the Conservation Act are discussed below.

Contents of the Application

Section 17S of the Conservation Act specifies the contents of any application for a concession. Clause 3(1) of Schedule 6 of the FTAA includes those requirements (as well as additional information). This includes matters relating to alternative locations, providing information to the extent that the activity is consistent with the purposes for which the land is held, status, ownership, and administration, iwi consultation, and financial and legal obligations associated with the land.

Section 10.2 of this Chapter provides an overview of where the required information is provided.

Matters the Panel must have regard to

As modified by the FTAA, section 17U(1) of the Conservation Act requires the Panel to have regard to a number of matters in considering an application for a concession. The matters in section 17(1)(a) – (e) have been addressed throughout this substantive application, with reference to where these are addressed in **Section 10.2** of this Chapter, and the supporting technical assessments included in **Part B** to this substantive application. The matters included within section 17U(1)(f) and (g) are process-oriented and are not relevant under the FTAA.

Discretion of the Panel to decline an application

Section 17U(2) of the Conservation Act, as modified by the FTAA, provides the Panel with discretion to decline an application if it considers that:

- There is insufficient or inadequate information to enable it to assess the effects (including the effects of any proposed methods to avoid, remedy, or mitigate the adverse effects) of any activity, structure, or facility; or
- There are no adequate methods or no reasonable methods for remedying, avoiding, or mitigating the adverse effects of the activity, structure, or facility.

The information contained in this substantive application and the supporting technical assessments in **Part B** to this substantive application is adequate for assessing the effects of the proposed licences and easement, and any adverse effects can be appropriately managed.

Consistency with legislation and purpose for which the land is held

Clause 7(1)(a)(ii) of Schedule 6 of the FTAA states that the Panel is not to consider section 17U(3) of the Conservation Act, which ordinarily requires that a concession must not be granted if the proposed activity is contrary to the provisions of the Act or the purposes for which the land is held. This modification is significant, as it confirms that the Panel may approve concessions even where activities are not strictly consistent with the statutory purpose of the land, provided the broader FTAA purpose and other relevant considerations support that outcome.

It is also relevant that mining-related concessions have historically been granted across both the Buller Plateaux under the standard Conservation Act framework, demonstrating

that such activities have previously been considered capable of being authorised without reliance on this modified statutory approach.

In this context, and noting both the modified statutory framework and the history of concessions granted across the Buller Plateaux, the granting of the concessions sought is neither novel nor inconsistent with established practice in these landscapes.

Alternative locations

As modified by the FTAA, section 17U(4) of the Conservation Act provides that the Panel must not grant an application for a concession to build a structure or facility, or to extend or add to an existing structure or facility, where they are satisfied that the activity:

- Could reasonably be undertaken in another location that:
  - Is outside the conservation area to which the application relates; or
  - Is in another conservation area or in another part of the conservation area to which the application relates, where the potential adverse effects would be significantly less; or
- Could reasonably use an existing structure or facility, or the existing structure or facility without the addition.

An assessment of alternative locations, including the requirement to use existing structures and facilities, is addressed in **Section 10.2** of this Chapter.

Appropriateness of grant in the circumstances

As modified by the FTAA, section 17U(8) of the Conservation Act provides that the Panel is not required to grant a concession if it considers that the grant is inappropriate in the circumstances of the application. For the reasons set out in this application document (and read in conjunction with all other Parts), it is appropriate to grant these concessions. This conclusion is reinforced by the fact that similar mining-related concessions have historically been granted across the Buller Plateaux under the standard Conservation Act framework, indicating that such activities have previously been considered appropriate in comparable circumstances.

Conservation Management Strategy

Section 17W of the Conservation Act, as modified by the FTAA, requires the Panel to consider the Project's consistency with the relevant CMS or a conservation management plan, but does not require the Panel to decline approval if it finds any inconsistency.

310 Clause 3(1)(d)(i) of Schedule 6 (concession) of the FTAA requires a substantive application to include information regarding the extent to which the project is consistent with a relevant conservation management strategy and conservation management plan.

For this application, this includes:

> Conservation General Policy 2005; and

315 > West Coast Tai Poutini Conservation Management Strategy (CMS).

These are addressed in **Sections 10.4.3** and **10.4.4** of this Chapter.

It is noted that consistency must be based on a holistic basis, such that inconsistency with one policy does not equate to inconsistency with the policies and objectives as a whole:

> The Project aligns generally with the Conservation General Policy 2005 and the CMS;
320 and

> If the panel were to disagree with this assessment of consistency, the purpose of the FTAA must be given greater weight, and a finding of inconsistency does not require the panel to decline the approval.

In this context, it is also relevant that any inconsistency with conservation management
325 strategies or plans does not preclude approval, particularly given that the Panel is directed not to apply section 17U(3) of the Conservation Act and must instead give greatest weight to the purpose of the FTAA.

Conditions

Section 17X of the Conservation Act, as modified by the FTAA, provides that the Panel may
330 impose such conditions as they consider appropriate, provided they are no more onerous than necessary.[99] Section 17X provides a non-exhaustive list of conditions that may be imposed, including:

> The payment of specified rent, fees and royalties (not compulsory under the regime as modified by the FTAA, compared to section 17Y of the Conservation Act);

335 > A requirement at the end of the term to remove any structure or vest the structure in the Crown; and

> Periodic reviews of terms and conditions, including rent.

[99] Sections 81(2)(d) and 83; Clause 8, Schedule 6 of the FTAA. Clause 8(3) applies instead of section18Y(1) of the Conservation Act 1987.

Bathurst has prepared a set of conditions for the concessions sought in this application, included as **Appendix 10.A – 10. H** to this substantive application Chapter. The reasonable fee for any easements sought has been informed by having regard to:

- The circumstances relating to the nature of the activity;
- The effects of the activity on the purposes of the area affected; and
- Any contractual conditions, covenants, or other encumbrances placed upon intrinsic resources, natural resources, or historic resources by the concession.

Term sought

The term sought, and the reasons why the Panel should be satisfied that there are exceptional circumstances as required by section 17Z(3)(a) of the Conservation Act, are discussed above in **Section 10.2**.

The purpose for which the land is held, status, ownership and administration of the land

Clause 7(1)(a)(x) of Schedule 6 of the FTAA requires the Panel to take into account the status, ownership, and administration of the land that would be subject to a concession. The areas of land on which concessions are being sought are described in **Section 10.2** above, and in detail in **Section 10.4.5** below.

Existing arrangements that create obligations in relation to the land

Clause 7(1)(a)(xi) of Schedule 6 of the FTAA requires the Panel to take into account existing arrangements that create obligations in relation to the land. As outlined in the Community and Stakeholder Engagement Report (Bathurst, 2026am), attached to this substantive application in **Part F**, consultation with DOC and relevant Councils has confirmed there are no existing arrangements (including concessions or resource consents) that create obligations in relation to the land that is the subject of this application.

Legal and financial liabilities

Clause 7(1)(a)(xii) of Schedule 6 of the FTAA requires the Panel to take into account the legal and financial liabilities associated with decisions on licences to occupy land. Bathurst agrees to utilise such land in accordance with any appropriate terms and conditions, as set out in the proposed conditions (attached as **Appendix 10. A – 10.H**). This includes details relating to the legal and financial liabilities, including the concession fees.

Conferral of an interest in land that is incompatible with an existing interest in land

Clause 7(3)(b) of Schedule 6 of the FTAA requires the Panel to decline the approval if giving effect to it would result in the conferral of an interest in land that is incompatible with an

existing interest in land. Consultation undertaken with DOC has concluded that no active authorisations across the Project footprint have an existing interest in land. This consultation is outlined in the Community and Stakeholder Engagement Report (Bathust, 2026am) attached to this substantive application in **Part F**.

For completeness, the active authorisations across the Project area comprise concessions, mining activities, research and collection, and wildlife permits, and are held by numerous concessionaries. The authorised activities include, but are not limited to, helicopter use, landing, and hunting; walking tracks and guided tours; vehicular rights of way; collections; capture, handling, release, or killing of animals; and infrastructure and telecommunications.

The proposed activities are therefore not incompatible with an existing interest in the land subject to this application.

10.3 CONCESSIONS SOUGHT FOR THE BPCP

Bathurst seeks approval for nine concessions required to authorise BPCP activities that would otherwise require approval under the Conservation Act. These concessions are necessary to implement an integrated mining system across the Buller Plateaux, where key project components must occur on conservation land outside the boundaries of existing or proposed mining permits.

The concessions are being sought as licences, reflecting the nature of the activities proposed. They are required to authorise infrastructure, access, monitoring, fly rock deposition, and ecological management activities that are functionally linked to mining operations but extend beyond mining permit areas. These activities are fundamental to the construction, operation, maintenance, and rehabilitation of the Project and, due to their interconnected nature, cannot operate effectively in isolation.

Given the scale, duration and integrated nature of the BPCP, a long-term concession framework is required to provide certainty for both operational delivery and environmental management. The Project will deliver significant regional and national benefits, including ongoing economic contribution and continued management of legacy environmental liabilities; therefore, it is appropriate to grant concessions for a duration that aligns with the Project's operational life.

Mining and ancillary activities on Crown land within the boundaries of existing or proposed mining permits are addressed separately through applications for mining permits and access arrangements under the Crown Minerals Act 1991. While this Chapter references those approvals for context, full details are provided in **Chapter A.14 – Crown Minerals Act Approvals – Mining Permits** and **Chapter A.15 – Crown Minerals Act Approvals – Access Arrangements** to this substantive application.

10.3.1 Concession Details

The concessions being sought are necessary to authorise fly-rock deposition; construction, use, and maintenance of infrastructure; water and dust monitoring; construction, maintenance, and use of pest-exclusion fenced areas; and implementation of the REP required to enable the effective development of the BPCP. An overview of the required concessions is provided in **Table 10-1** below.

Table 10-1: Overview of Concessions Sought for the BPCP

Concession Name	Concession Type	Term Sought	Description	Applicant
Stockton Fly Rock	Licence	30 years	The deposition of fly rock within the Plover Stream and Waimangaroa – Granity Conservation Areas, associated with mining at the Stockton Mine.	BT Mining Limited
Denniston Fly Rock	Licence	30 years	The deposition of fly rock within the Mt Rochfort Conservation Area, associated with mining in the ESE and MFS Sub-Areas.	Bathurst Resources Limited
Stockton Infrastructure	Licence	40 years	Authorisation for various existing aspects of infrastructure at the Stockton mine, and Ngākawau (for a railway line) including parts of the aerial ropeway corridor providing access points to powerlines, haul road and vehicle access, with the inclusion of two new areas within the Stockton, Waimangaroa - Granity and Plover Stream Conservation Areas and the Ngākawau Local Purpose Reserve.	BT Mining Limited
Stockton Water Monitoring	Licence	To align with resource consent	The installation of telemetry equipment, access to water and dust monitoring sites and	BT Mining Limited

Concession Name	Concession Type	Term Sought	Description	Applicant
		term once granted	freshwater ecological surveys across the Stockton Plateau within the Plover Stream Conservation Area and Ngākawau Ecological Area.	
Denniston Water Monitoring	Licence	To align with resource consent term once granted	The installation of telemetry equipment, access to water and dust monitoring sites and freshwater ecological surveys across the Denniston Plateau within the Mt Rochfort Conservation Area and Denniston Scenic Reserve.	Bathurst Resources Limited
Stockton Fence Concession	Licence	60 years	The construction and operation of the Whirlwind Rise Pest Exclusion Area,[100] over areas of the Stockton mining area, UWHR Sub-Area, and the Waimangaroa – Granity Conservation Area.	BT Mining Limited
Denniston Fence Concession	Licence	60 years	The construction and operation of the Denniston North and Coalbrookdale Pest Exclusion Areas at the ESE Sub-Area and within the Mt Rochfort Conservation Area.	Bathurst Resources Limited
REP Concession	Licence	60 years	To undertake all activities associated with the establishment and operation of the REP, within the Mt Rochfort, Waimangaroa – Granity and Plover Stream Conservation Areas, Orikaka and Ngākawau	Bathurst Resources Limited and BT Mining Limited

[100] The Whirlwind Rise Pest Exclusion Area is located on land owned by BT Mining Limited and Crown owned land administered by DOC and LINZ. This concession being sought relates to the area where it is located on DOC administered land.

Concession Name	Concession Type	Term Sought	Description	Applicant
			Ecological Area and Denniston Scenic Reserve.	

10.3.1.1 Fly Rock Concessions

Fly rock deposition is a managed and well-understood aspect of controlled blasting in mining operations. It refers to small volumes of fragmented rock that may occasionally be displaced beyond the immediate blast area and onto adjacent land, despite standard blast design and operational controls to minimise its extent and effects.

At Stockton, fly rock deposition outside the coal mining licence is already authorised and managed under existing concessions, reflecting established and accepted operational practice on the Stockton Plateau.

Consistent with this approach, concessions are sought in two locations: a fly rock concession to reflect the mine footprint at Stockton (BT Mining), and a new concession to provide for similar activities associated with mining at the ESE and MFS Sub-Areas (Bathurst Resources).

Stockton Fly Rock Concession

BT Mining Ltd currently holds licence 67930-OTH for depositing fly rock on conservation land. The current concession is valid until 31 May 2028.

A new concession (license) proposes a footprint to reflect the additional mining within the Stockton Mine. The concession area is proposed to include areas on both the western and eastern boundaries of the Stockton Mine, as shown in **Figure 10-1** (drawing number 389), **Figure 10-2** (drawing number 253_5) and **Figure 10-3** (drawing number 253_4) below.

The proposed concession areas are located on the western and eastern boundaries of the Stockton Mine, within the Waimangaroa – Granity Conservation Area in the west, and the Plover Stream Conservation Area and a small area of the Ngākawau Ecological Area in the east, including land in the vicinity of the Fly Creek Mine Road and adjacent to the surrounding mining permit application area.

The concession applies to the following land parcels:

> 3642501 Crown Land (under action), Survey Office Plan 9821; and

> 3630386 Section 24, Block VI, Ngākawau Survey District.

440 An assessment of the effects of the proposed activities is described in **Section 10.5** below, and in **Chapter A.6 – Assessment of Environmental Effects** to this substantive application.

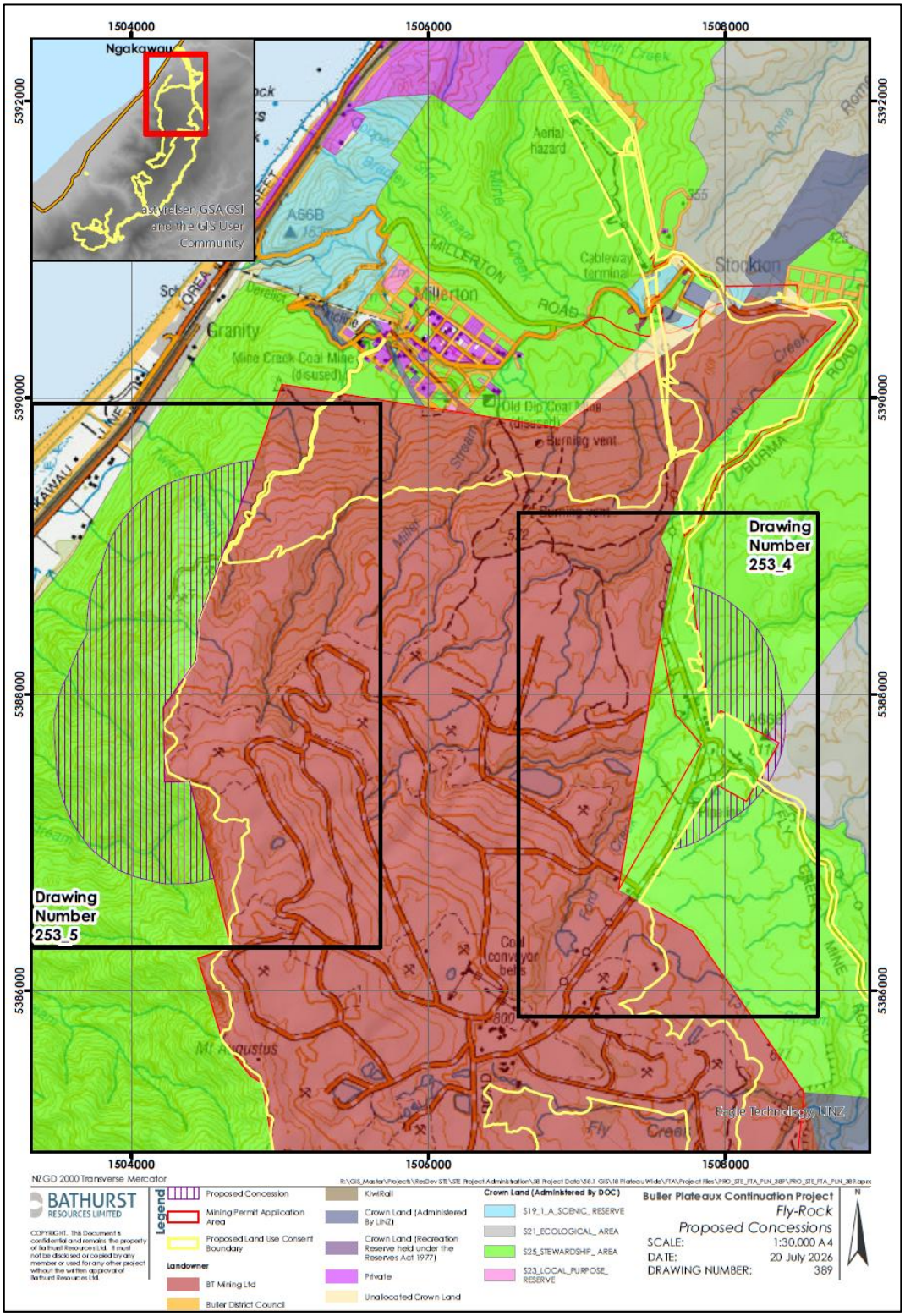
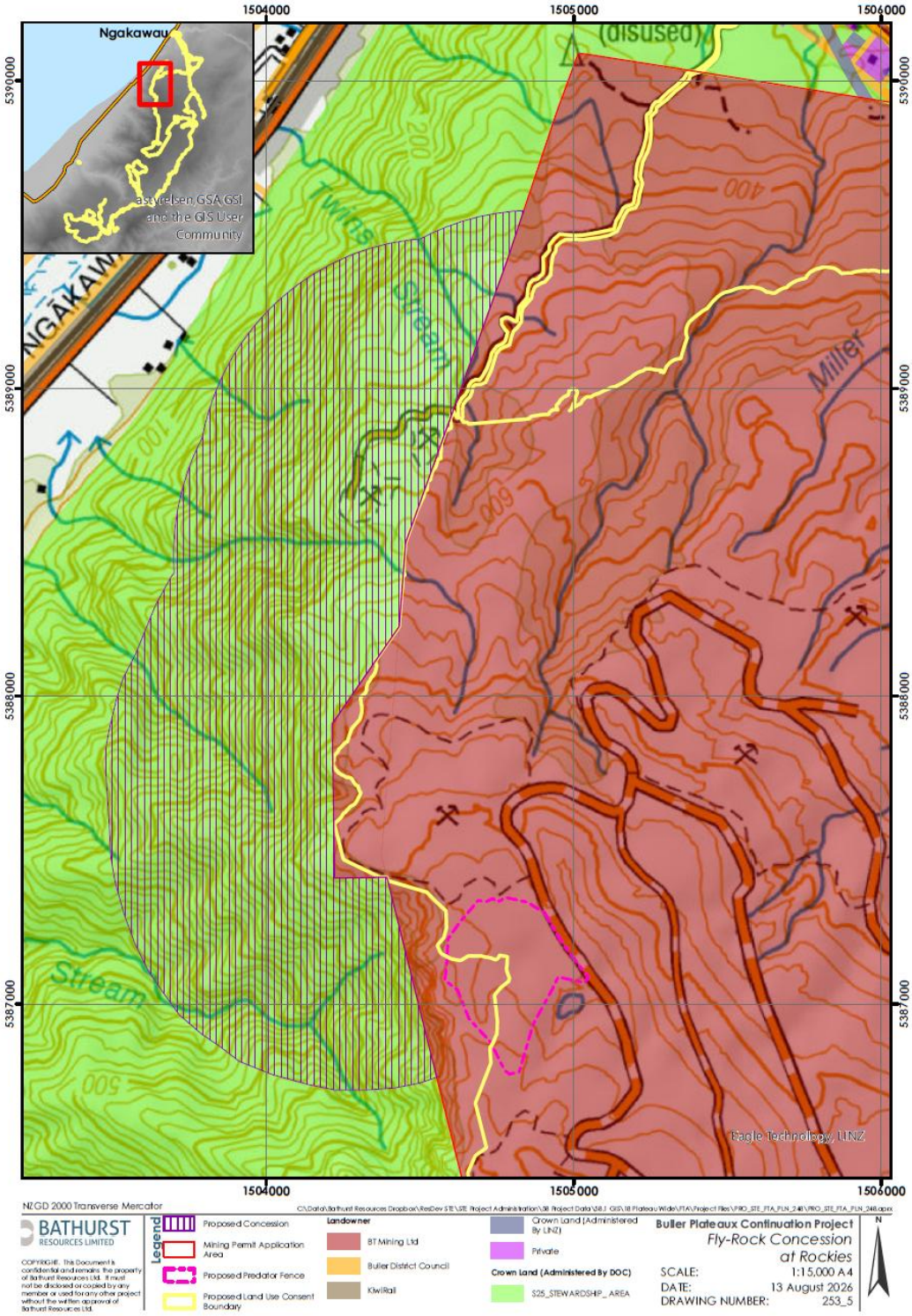


Figure 10-1: Overview of Licence for Fly Rock Deposition (Stockton Plateau)



445 **Figure 10-2: Licence for Fly Rock Deposition to the West of Stockton Mine**

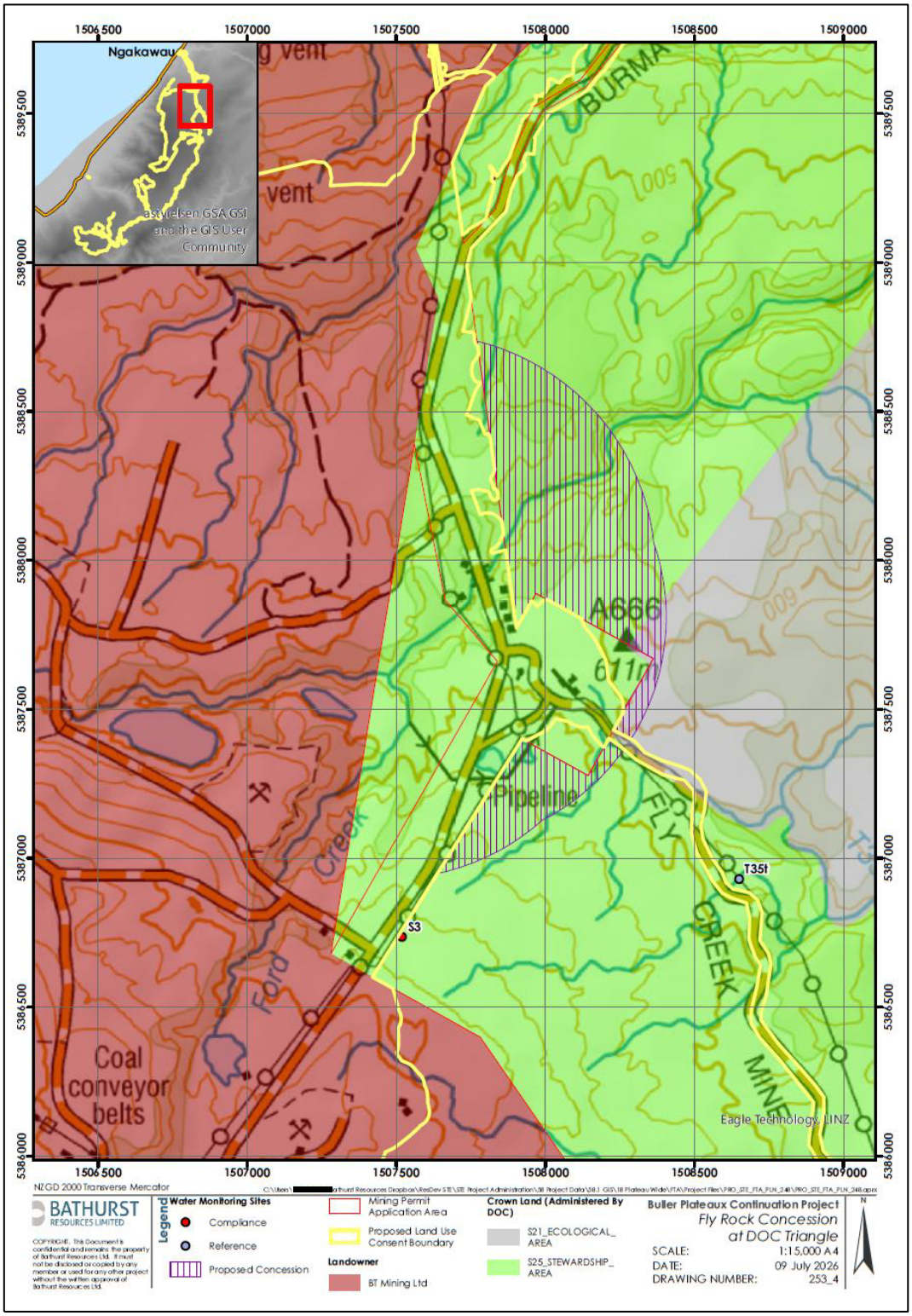


Figure 10-3: Licence for Fly Rock Deposition to the East of Stockton Mine

Denniston Fly Rock Concession

A new concession (license) is sought for the deposition of fly rock on conservation land on the Denniston Plateau associated with the proposed mining activities at the ESE Sub-Area and the MFS Sub-Area.

The proposed concession areas are shown in **Figure 10-4** (drawing number 393) below, and are located within the following land parcels:

> 7494156 Crown Land (under action) Survey Office Plan 161;

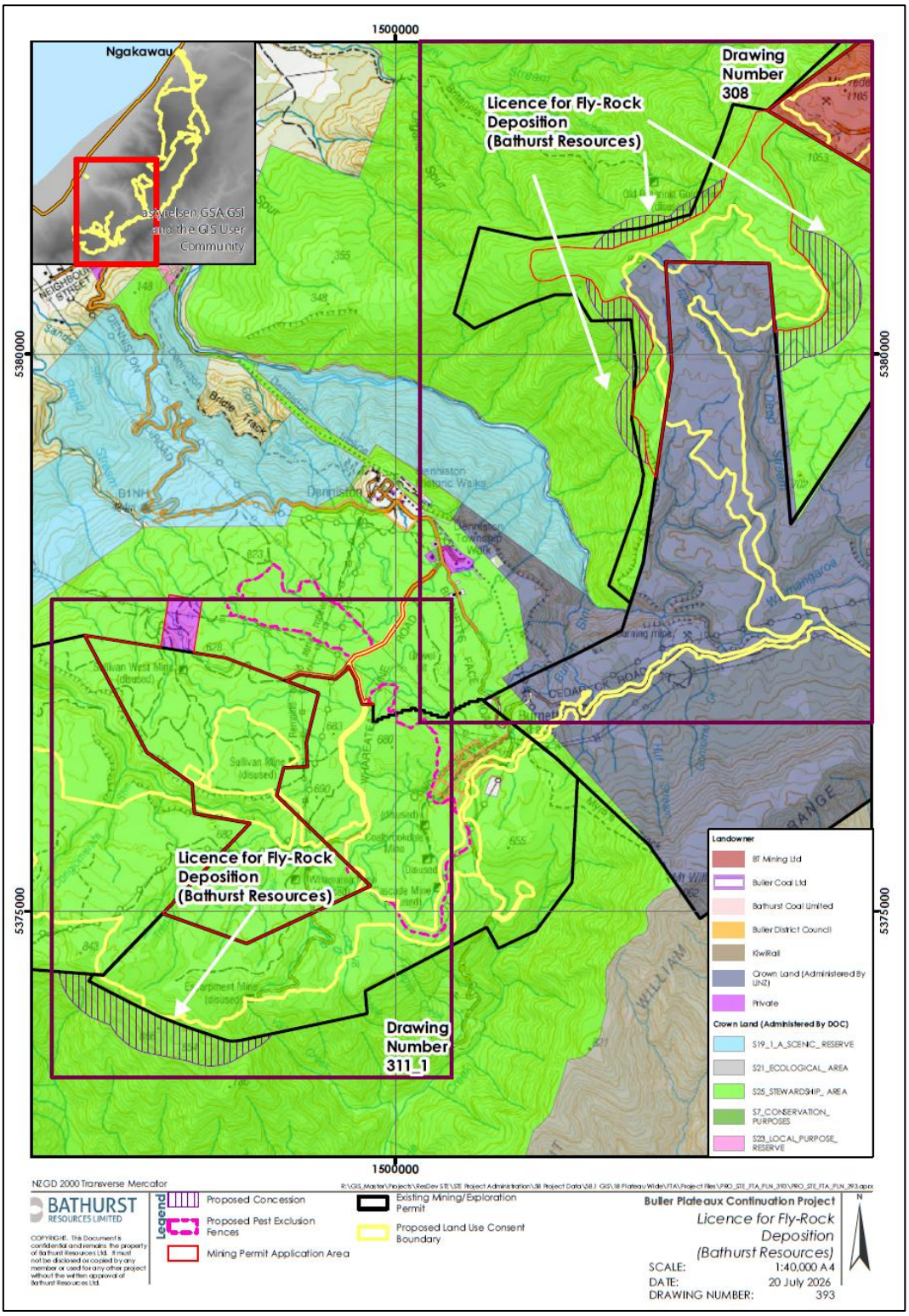
> 7493993 Crown Land (under action);

> 3642501 Crown Land (under action) Survey Office Plan 9821; and

> 7493829 Crown Land Block X (under action), Kawatiri Survey District.

In the ESE Sub-Area, the proposed concession area lies along the southern boundary of mining permits 51 279 and 60 26138, as shown in **Figure 10-5** (drawing number 311_1) below. This land is located within the Mt Rochfort Conservation Area.

At the MFS Sub-Area, the concession areas include land to the north, west and east of the mining permit application area, as shown in **Figure10-6** (drawing number 308) below. The land is located within the Waimangaroa – Granity Conservation Area.



465 **Figure 10-4: Overview of Licence for Fly Rock Deposition (Denniston Plateau)**

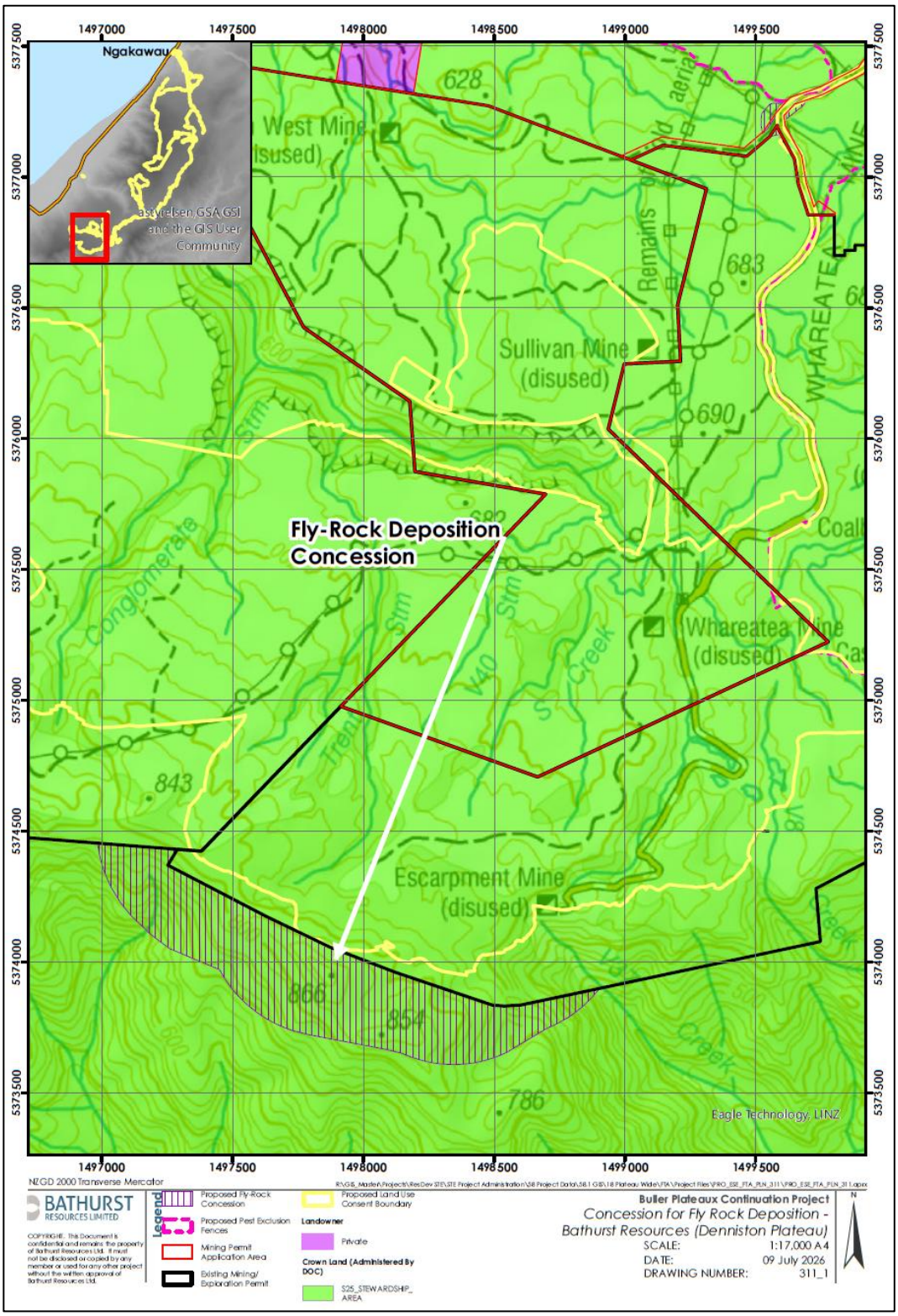
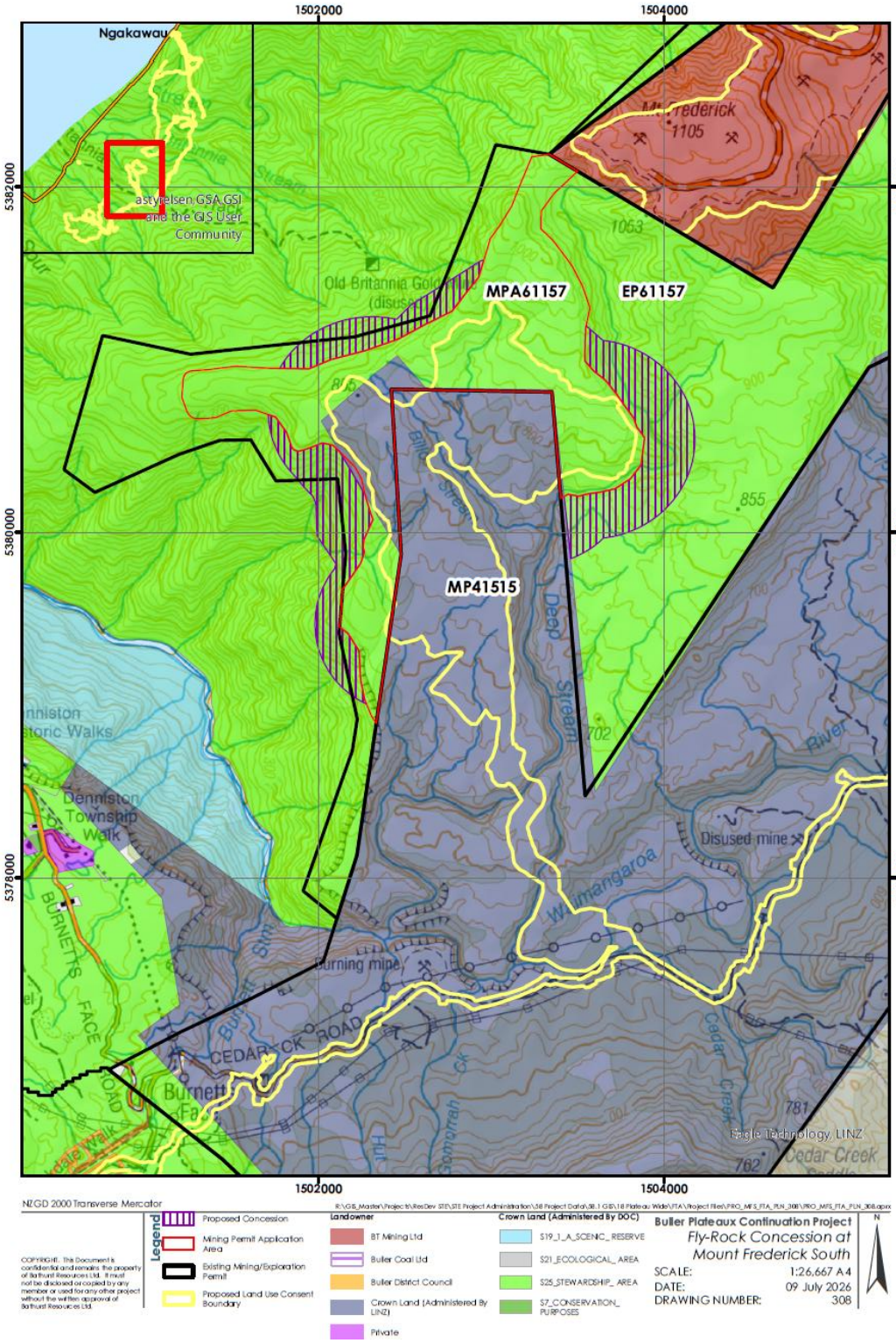


Figure 10-5: Licence for Fly Rock Deposition at Escarpment Extended (Denniston Plateau)



470 **Figure10-6: Licence for Fly Rock Deposition at Mount Frederick South (Denniston Plateau)**

10.3.1.2 Infrastructure Concessions

One concession, located on the Stockton Plateau and which generally aligns with existing or previously authorised infrastructure and access arrangements, is being sought to authorise infrastructure and related activities that support the ongoing operation of the Project. These activities are largely ancillary in nature and relate to established components of mining operations, including access, sections of roading, utility connections, and minor operational features such as workshops and gatehouse facilities.

The Stockon Infrastructure Concession includes the amalgamation of several existing concessions. The purpose for this amalgamation is to result in one concession, subject to one set of comprehensive conditions to enable the efficient, cohesive management of each area of land over which the concession is being sought.

Stockton Infrastructure

A single new concession (as a licence) is sought within the Stockton Sub-Area. It is intended to consolidate four existing authorisations as well as incorporating two additional areas. An overview of the existing and proposed concession areas is shown in **Figure 10-7** (drawing number 253_8) below. Figures showing individual areas included in this concession are outlined on **Figure 10-7** by drawing number and are described in the following paragraphs.

The existing authorisations to be consolidated comprise concessions 26733-OTH, 16811-OTH, EAS-0069 and 111267-OTH.

Concessions 26733-OTH, 16811-OTH and EAS-0069 (shown in **Figure 10-8** (drawing number 253_3), **Figure 10-9** (drawing number 253_10) and **Figure 10-10** (drawing number 253_9)) provide, respectively, for a vehicular right-of-way at the aerial ropeway, activities associated with the 2-5 haul road, and the placement and occupation of land for power poles and transmission lines at the aerial ropeway terminus.

Concession 111267-OTH (also shown in **Figure 10-8** (drawing number 253_3) and **Figure 10-11** (drawing number 253_6)) authorises vehicular access along the Stockton haul road to the south-east of the Stockton Sub-Area.

Details about each concession area as already authorised are provided after **Figure 10-11** (drawing number 253_6).

The two new areas proposed for inclusion within the new concession are shown in **Figure 10-12** (drawing number 253_2) and **Figure 10-9** (drawing number 253_7) and are described in detail below. Together, the existing and new areas will be covered by a single concession, subject to one complete set of conditions.

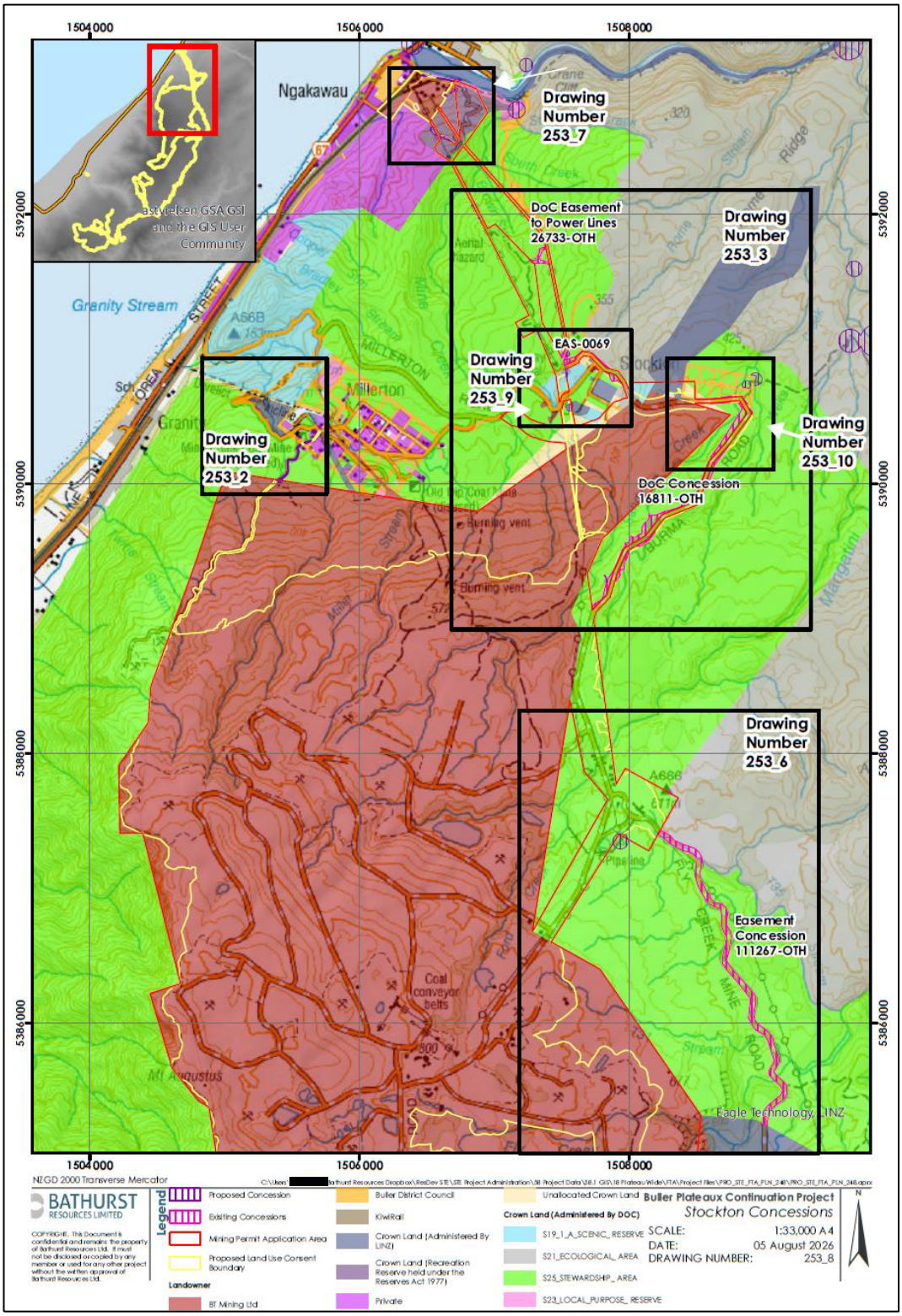


Figure 10-7: Overview of Stockton Infrastructure Concession Areas

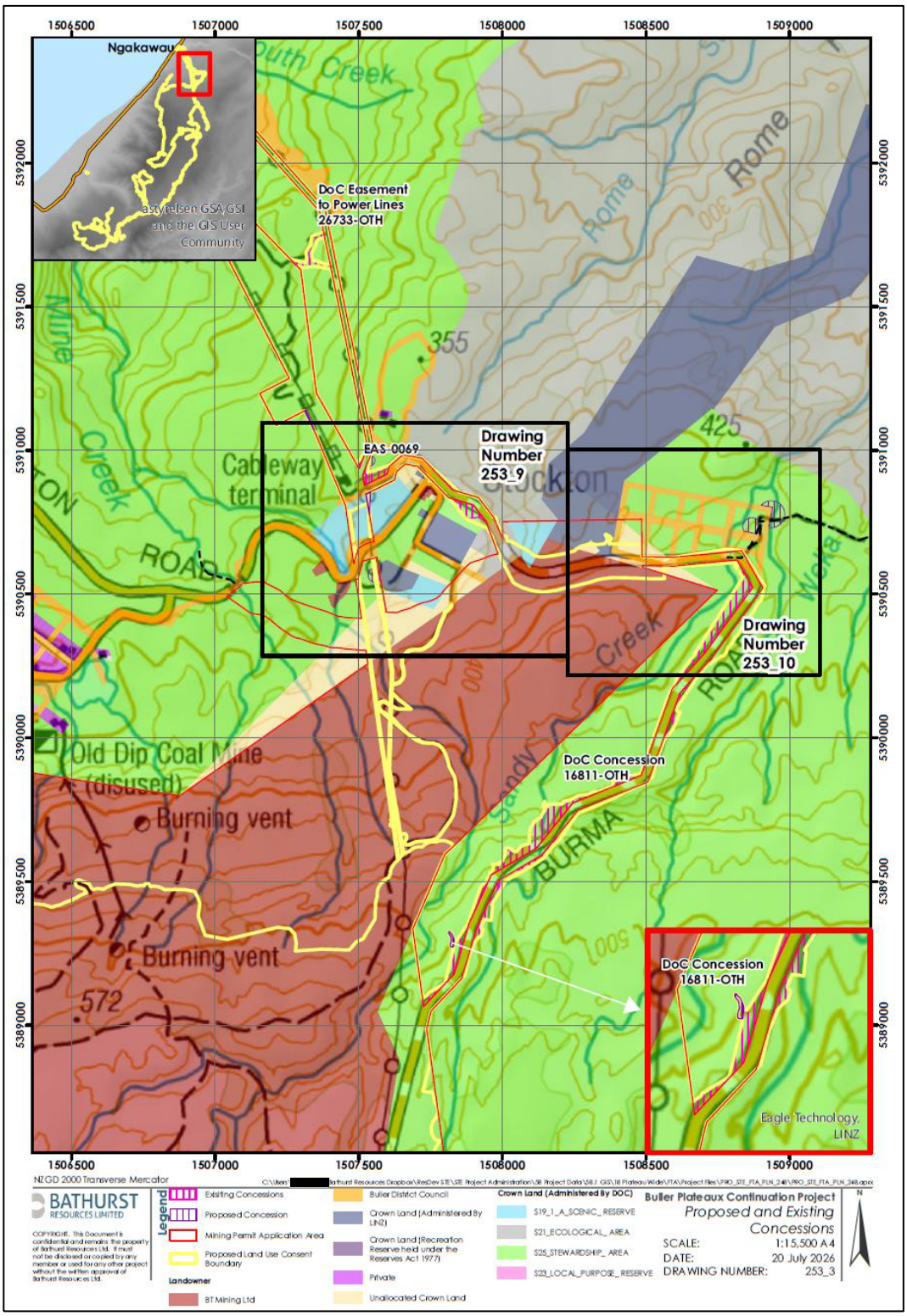
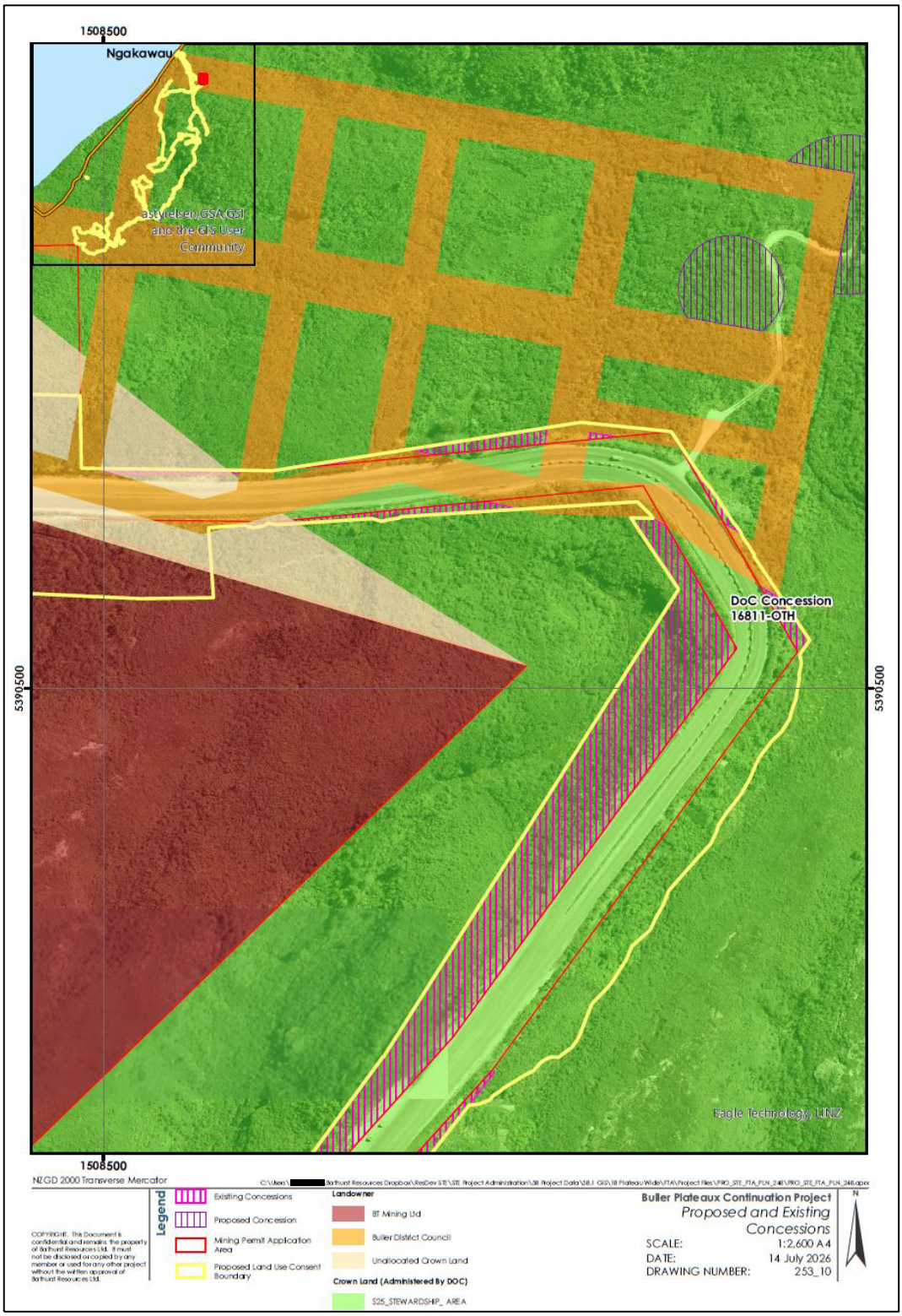


Figure 10-8: Overview of Concessions 26733-OTH, 16811-OTH and EAS-0069



510 **Figure 10-9: Concession 16811-OTH**

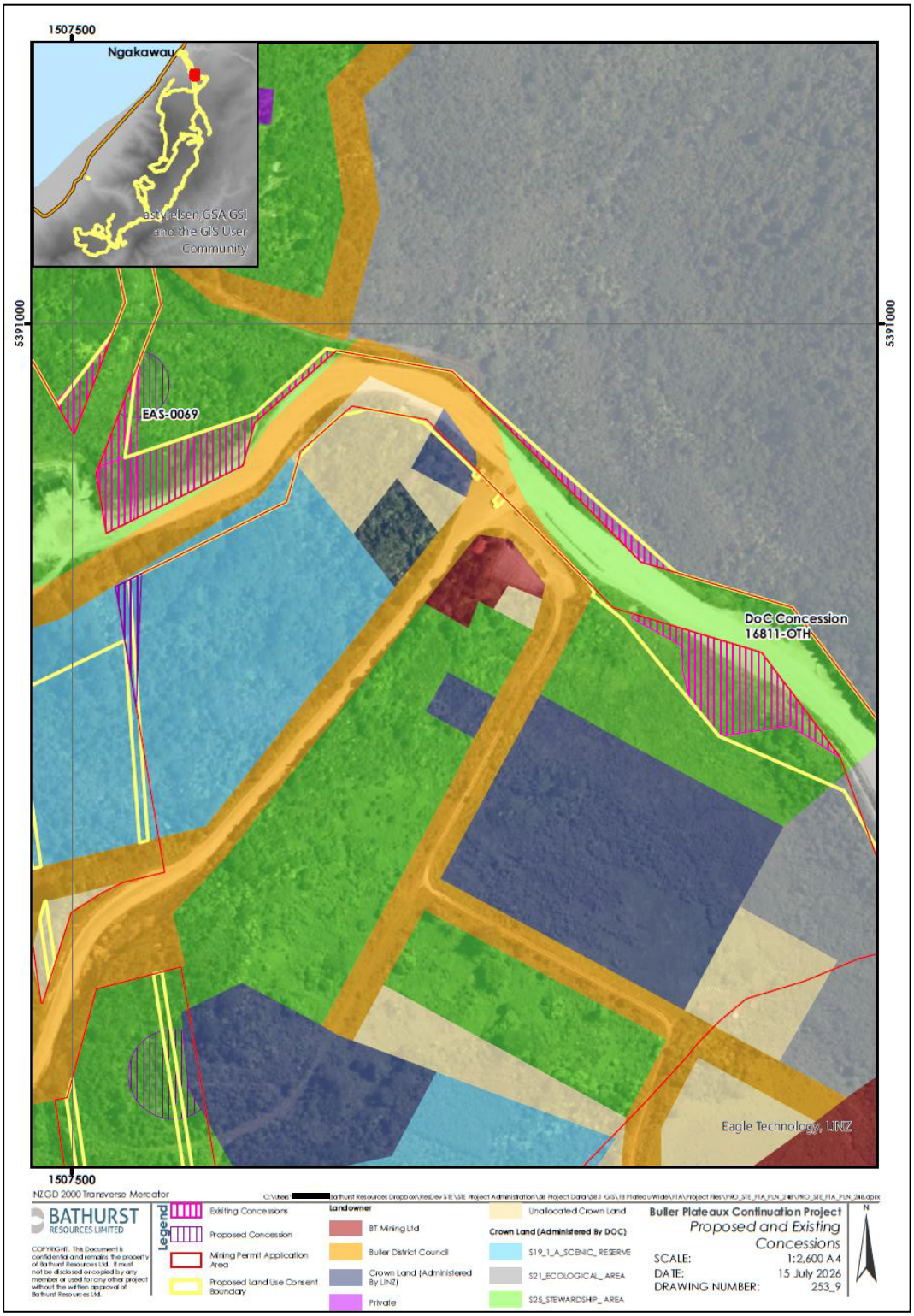


Figure 10-10: Concession 16811-OTH at the Aerial Ropeway Terminus

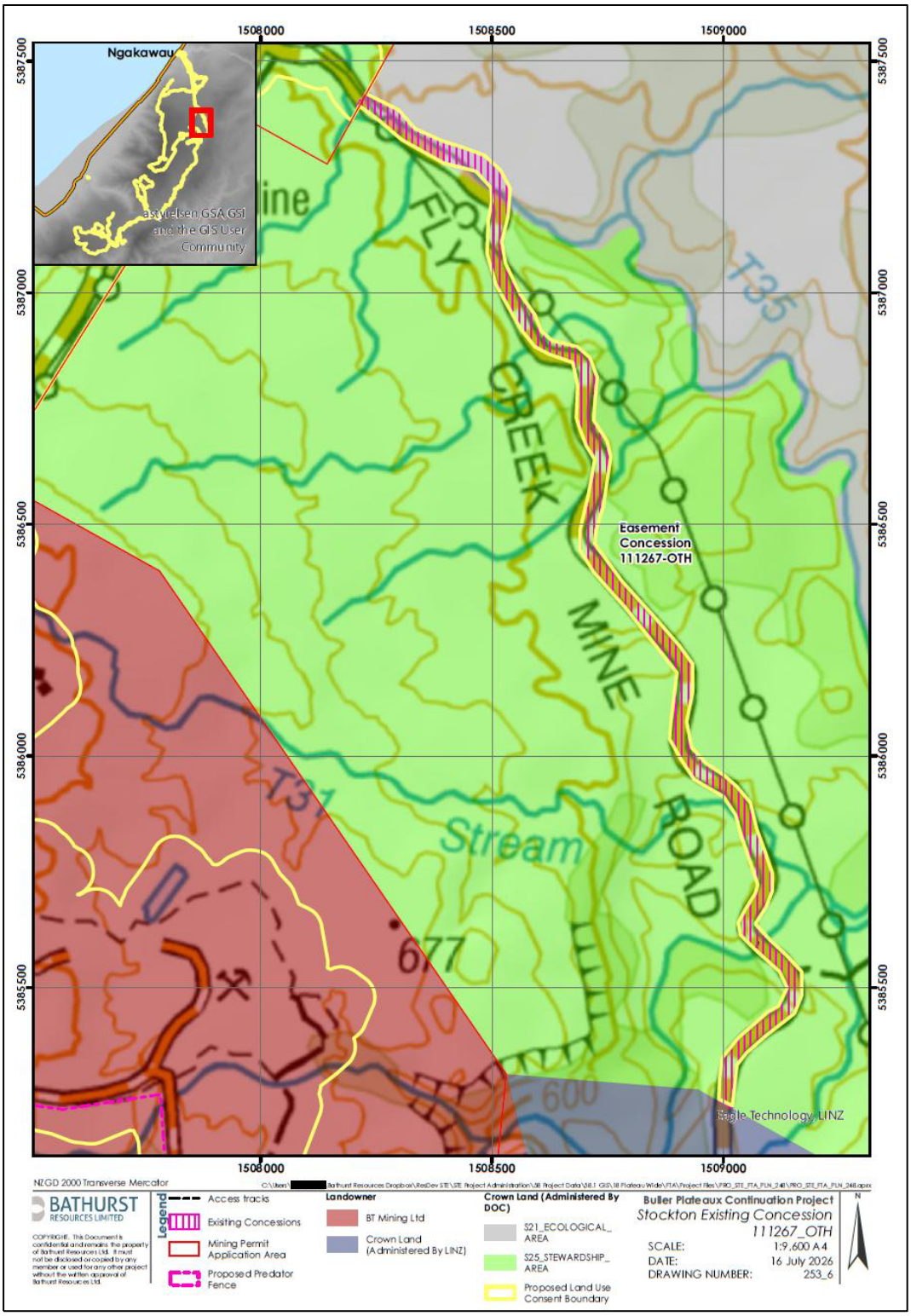


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Figure 10-11: Concession 111267_OTH

26733-OTH

Concession 26733-OTH currently provides for a vehicular right of way along the aerial ropeway corridor providing access to infrastructure below the ropeway enabling maintenance activities to be undertaken, as shown in **Figure 10-8** (drawing number 353_8) above. The concession was issued on 1 June 2010 and expires on 31 March 2027. The land is located within the Stockton Conservation Area and is legally described as 7017654 Crown Land (under action), which is administered by DOC.

16811-OTH

Concession 16811-OTH is an existing easement associated with the Stockton Haul Road, as shown in **Figure 10-8** (drawing number 253_8), **Figure 10-9** (drawing number 253_3), and **Figure 10-10** (drawing number 253_10). The concession was issued on 1 September 2005 and is due to expire on 31 August 2027. A deed of variation to the concession easement was granted on 15 August 2006 to add 1.31 ha of land to the concession area, authorising the widening of the road.

This concession is located to the north-east of the Stockton Mine within the Plover Stream Conservation Area on Crown Land administered by DOC over several land parcels, as follows:

> 7493978 Crown Land (under action);

> 7493996 Crown Land (under action);

> 3650582 Crown Land Block VII (under action) Ngakawau Survey District;

> 3617213 Crown Land Block VII (under action) Ngakawau Survey District;

> 7493979 Crown Land (under action);

> 3633757 Crown Land Block VII (under action) Ngakawau Survey District;

> 7493126 Crown Land Block VII (under action) Ngakawau Survey District;

> 3648296 Crown Land Block VII (under action) Ngakawau Survey District;

> 3612641 Section 12 Block VII Ngakawau SD;

> 3610879 Section 1 SO 15636;

> 3660362 Crown Land Block VII (under action) Ngakawau Survey District;

> 7493125 Crown Land Block VII (under action) Ngakawau Survey District;

> 7017654 Crown Land (under action); and

> The following road parcels: 3662498, 3664481, 3668929, 3666304, 3670311, 3662000, 3662010, 3662017, 3669164, 3664866, 3667645, 3669474, 3668933, 3664470 and 3662638.

The alignments of the concession parcels generally follows the alignment of Burma Road. At the northern end, it traverses a mixed land ownership pattern at the northern extent of the Stockton Mine. Small pockets of conservation land associated with the easement are shown in pink on the plans, while the surrounding land is predominantly owned and administered by Buller District Council.

The new concession proposed includes several areas within this roading alignment to further extend the concession footprint as shown in purple in **Figure 10-8** (drawing number 253_3), **Figure 10-9** (drawing number 253_10) and **Figure 10-10** (drawing number 253_9) above. These areas are also located within the Plover Stream Conservation Area, with the remaining portion situated on Buller District Council land, including a small section associated with Burma Road. To the east of the proposed concession area lies the Manatini Stream corridor.

Within these areas, the concession is required to ensure the continued operation and access to the Stockton Haul Road and related mining infrastructure.

<u>EAS-0069</u>

This existing concession authorises the placement and occupation of the easement area by three power poles and associated 11,000-volt transmission lines, as shown in **Figure 10-8** (drawing number 253_3) and **Figure 10-10** (drawing number 253_9). The concession was issued on 1 January 2001 and is due to expire on 31 December 2031. It applies to land parcel 7017654 Crown Land (under action).

The area is located within the Stockton Conservation Area. Directly south of the concession is a small area of land designated the Stockton Scenic Reserve. The narrow gaps and irregular sections between the conservation area and scenic reserve comprise land owned and administered by Buller District Council, including sections associated with Burma Road, which explains the presence of several small, fragmented areas within the concession footprint.

<u>111267-OTH</u>

This concession provides for vehicular access, as shown in **Figure 10-8** (drawing number 253_8) and **Figure 10-11** (drawing number 253_6). The concession excludes vehicular access associated with coal haulage activities. It was granted on 15 November 2023 and is due to expire on 31 May 2034.

The concession area comprises several small roadway fragments shown in pink on the plans, located on Crown land administered by LINZ. The remaining sections of the access route are situated within the Plover Stream Conservation Area.

The access route extends south from the Bathhouse office complex and generally follows the alignment of Fly Creek Road. The concession provides for ongoing operational and maintenance access within and around the Stockton Mine, excluding coal haulage activities.

The concession covers the following land parcels:

> 7493980 Crown Land (under action);

> 7493978 Crown Land (under action); and

> 7404025 Part Crown Land (Under Action) shown as Area B on SO 13547.

<u>New Concession Area - Vehicular Access from Millerton Town to Stockton Mine</u>

This concession provides for vehicular access to Rockies Road, as shown in **Figure 10-12** (drawing number 253_2) below, and will utilise the existing access track within this location. It is noted that Rockies Mining Ltd also holds a concession over parts of this area.

The proposed concession connects the Millerton township to the Stockton Mine (land owned by BT Mining Limited) along an existing formed track, crossing into the Waimangaroa - Granity Conservation Area. This conservation area generally extends along the western edge of the Stockton mining area. The section of conservation land subject to the concession contains an existing formed access track, which is proposed to continue to be used for operational access purposes and may require maintenance from time to time.

Further north, the road corridor traverses a mixture of land ownerships. The proposed concession passes through sections of BDC land before re-entering a small portion of the Waimangaroa - Granity Conservation Area. The route then continues back onto BDC land, where the proposed concession area terminates.

The concession is sought to formalise and provide for ongoing vehicular access along the existing track network connecting the Stockton Mine area to Rockies Road.

The concession covers the following land parcels:

> 3623841 Section 271 TN OF Millerton;

> 3607123 Section 270 TN OF Millerton;

> 3648129 Section 269 TN OF Millerton; and

> 3640477 Part Section 46 Block VI Ngakawau SD.

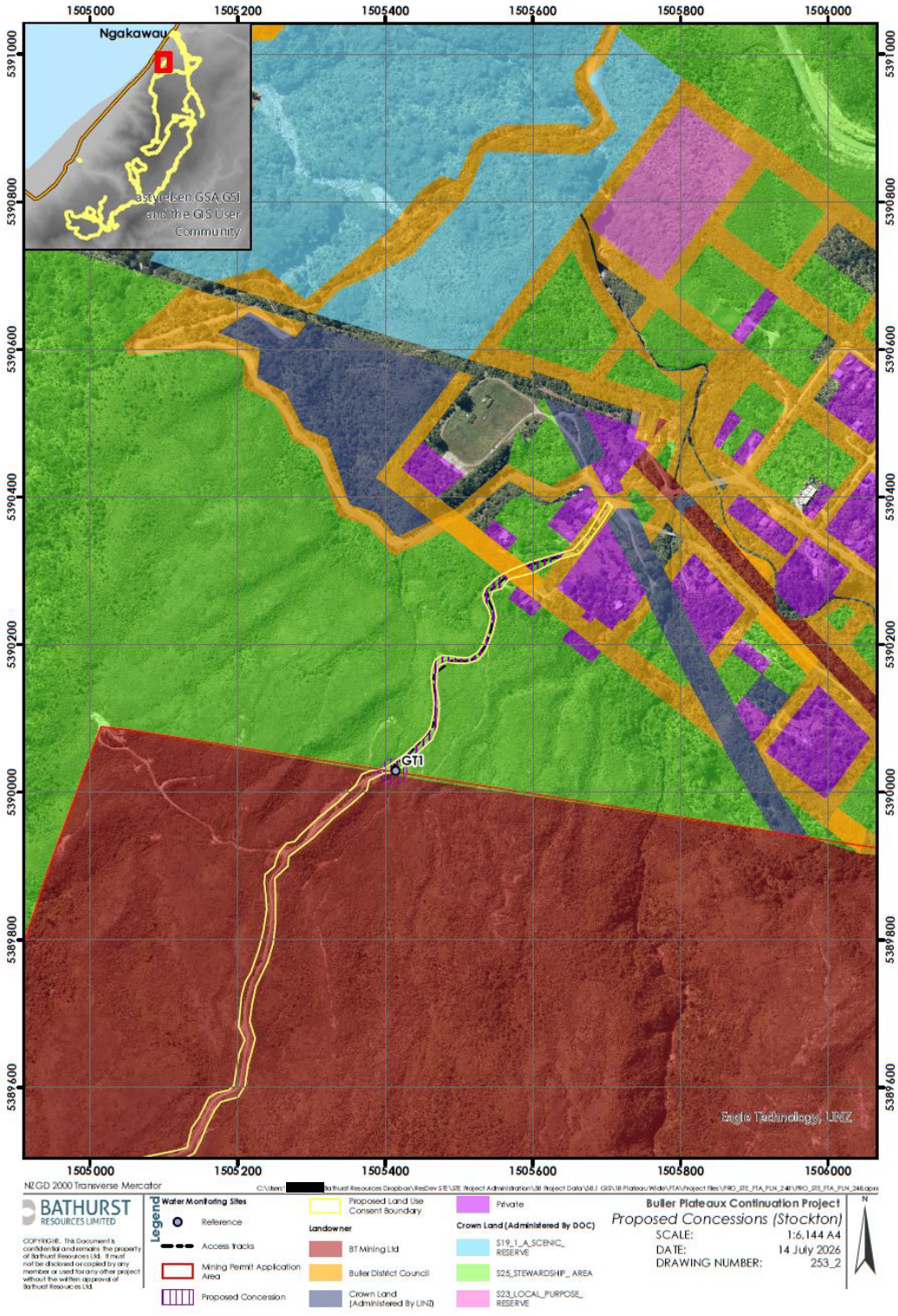

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Figure 10-12: Proposed Concession Area for Vehicular Access from Millerton Town to Stockton Mine

New Concession Area - Vehicular Access Ngākawau

620 The second new area sought is for vehicular access along the road in Ngākawau to the rail lines where trains can shunt and load coal, as shown in **Figure 10-13** (drawing number 257_3) below and also the walking track to the east of the rail lines that is used to access water monitoring sites up the Ngākawau River. This is an existing activity that is currently authorised under the existing AMCL.

625 These concession areas are located within the Local Purpose Reserve (purpose not specified) at Ngākawau. The existing road primarily traverses land owned by the Buller District Council, small sections intersect the reserve land, necessitating the granting of concessions over these limited areas.

The concession is located on the land parcel 7017655 Section 1 SO 392314.

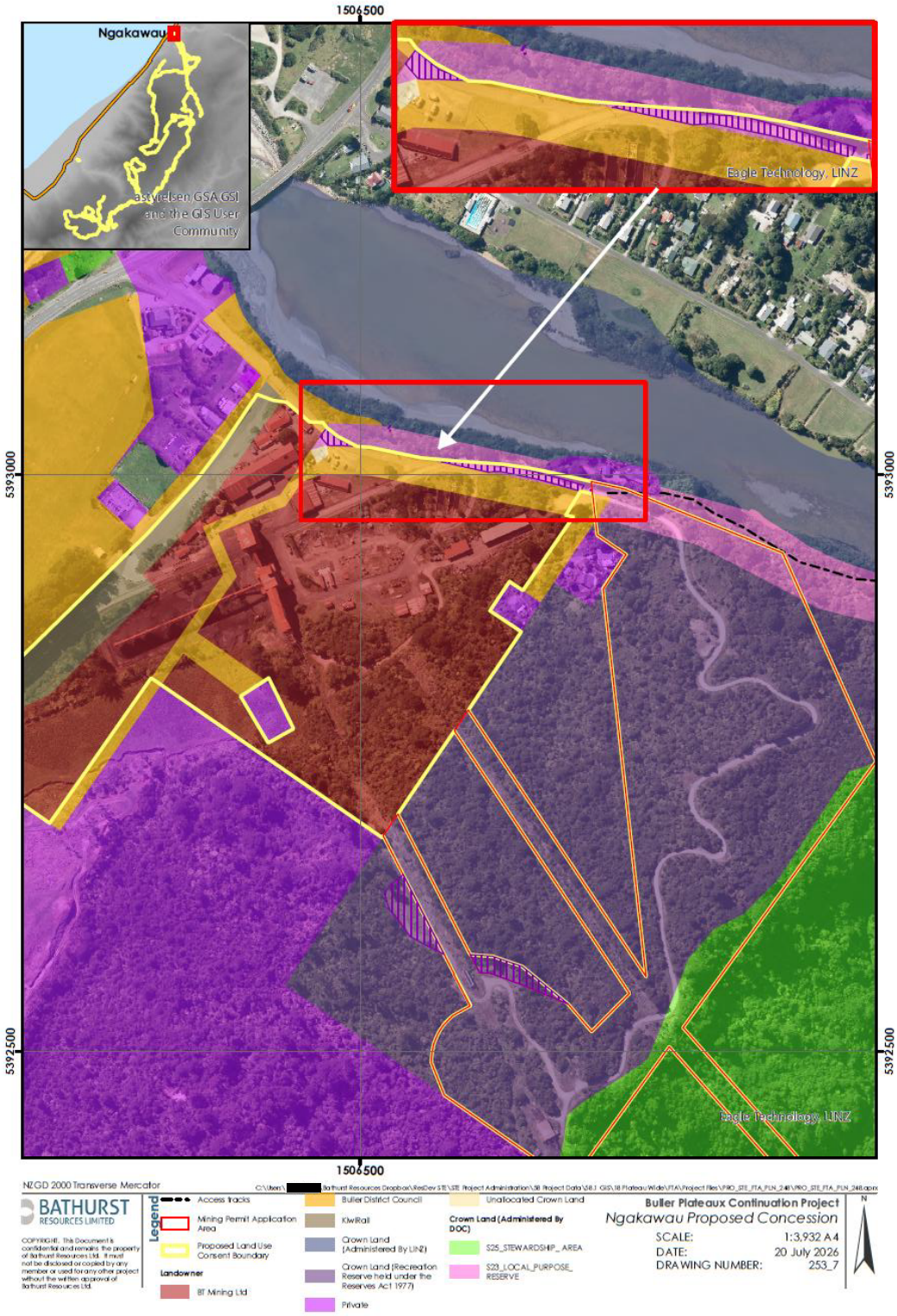

Figure 10-13: Proposed Concession Area at Ngākawau

10.3.1.3 Monitoring Concessions

Two concessions are sought to enable environmental monitoring activities on the Buller Plateaux. These concessions provide for ongoing water quality and dust monitoring, as well as associated freshwater ecological surveys, to support the assessment and management of environmental effects arising from the Project.

The monitoring activities are an integral component of the Project's environmental management framework, enabling data collection to inform adaptive management, verify environmental performance, and support the protection and enhancement of ecological and amenity values across the Buller Plateaux.

Typical water monitoring activities include installing, operating and maintenance of water monitoring sondes, collecting water grab samples, and providing foot and vehicular access to these monitoring sites. The sondes are minor in scale, as shown in **Figure 10-14** below, are telemetered sites which connect to Starlink for real-time availability. Dust monitoring sites are also minor in scale, as shown in **Figure 10-15** below. These are further discussed in **Sections 10.5.3** and **10.5.4** below.

Figure 10-14: Water Monitoring Sondes

Figure 10-15: Dust Monitoring Sonde

Stockton Monitoring

On the Stockton Plateau, water, dust and aquatic monitoring is required at several locations at varying distances from the Stockton Mine to ensure appropriate management of any effects on water quality from Mining and Mining Operations, as described in **Table 10-2** and shown on **Figure 10-16** below.

Table 10-2: Stockton Monitoring Sites

Monitoring Site	Purpose	NZTM coordinates	
WR Dust	Dust – Background	[redacted]	[redacted]
TTC	Dust – Human	[redacted]	[redacted]
MTN1	Dust – Eco	[redacted]	[redacted]

Monitoring Site	Purpose	NZTM coordinates	
N5A	Dust – Eco	[redacted]	[redacted]
Millerton	Dust - Human	[redacted]	[redacted]
MT6	Water - Reference	[redacted]	[redacted]
T35t	Water - Reference	[redacted]	[redacted]
MC1	Water - Performance	[redacted]	[redacted]
NR	Water - Compliance	[redacted]	[redacted]
NR2	Water - Compliance	[redacted]	[redacted]
S14B	Water - Compliance	[redacted]	[redacted]
S1	Water - Reference	[redacted]	[redacted]
S4	Water - Performance	[redacted]	[redacted]
UC2	Water - Performance	[redacted]	[redacted]
S16	Water - Compliance	[redacted]	[redacted]
S14C	Water - Compliance	[redacted]	[redacted]
S6	Water - Performance	[redacted]	[redacted]
S23	Water - Performance	[redacted]	[redacted]
S24A	Water - Compliance	[redacted]	[redacted]
S25	Water - Compliance	[redacted]	[redacted]
S28U	Water - Compliance	[redacted]	[redacted]
T1	Water - Compliance	[redacted]	[redacted]
NRB	Water - Performance	[redacted]	[redacted]
MGD	Water - Performance	[redacted]	[redacted]

Monitoring Site	Purpose	NZTM coordinates	
GS1	Water - Performance	[redacted]	[redacted]
T3	Water - Performance	[redacted]	[redacted]
6W	Water - Performance	[redacted]	[redacted]
WRBBC	Water – Performance	[redacted]	[redacted]
GT1	Water – Reference	[redacted]	[redacted]

Aquatic monitoring is required in accordance with the proffered consent conditions set out in **Part E** to these substantive application documents. Site visits for aquatic monitoring would occur as needed to conduct testing and monitoring, utilising established longitudinal and fish monitoring sites.

The concession applies to the following land parcels:

> 3640477 Part Section 46 Block VI Ngakawau SD;

> 3644388 Crown Forest Land;

> 7017655 Section 1 SO 392314;

> 7493862 Part Section 29 Block II Ngakawau SD;

> 7493978 Crown Land (under action);

> 7493993 Crown Land (under action); and

> 7494601 Crown Land (under action) Survey Office Plan 161.

These land parcels are located within the Stockton, Waimangaroa - Granity and Plover Stream Conservation Areas and the Ngākawau Local Purpose Reserve.

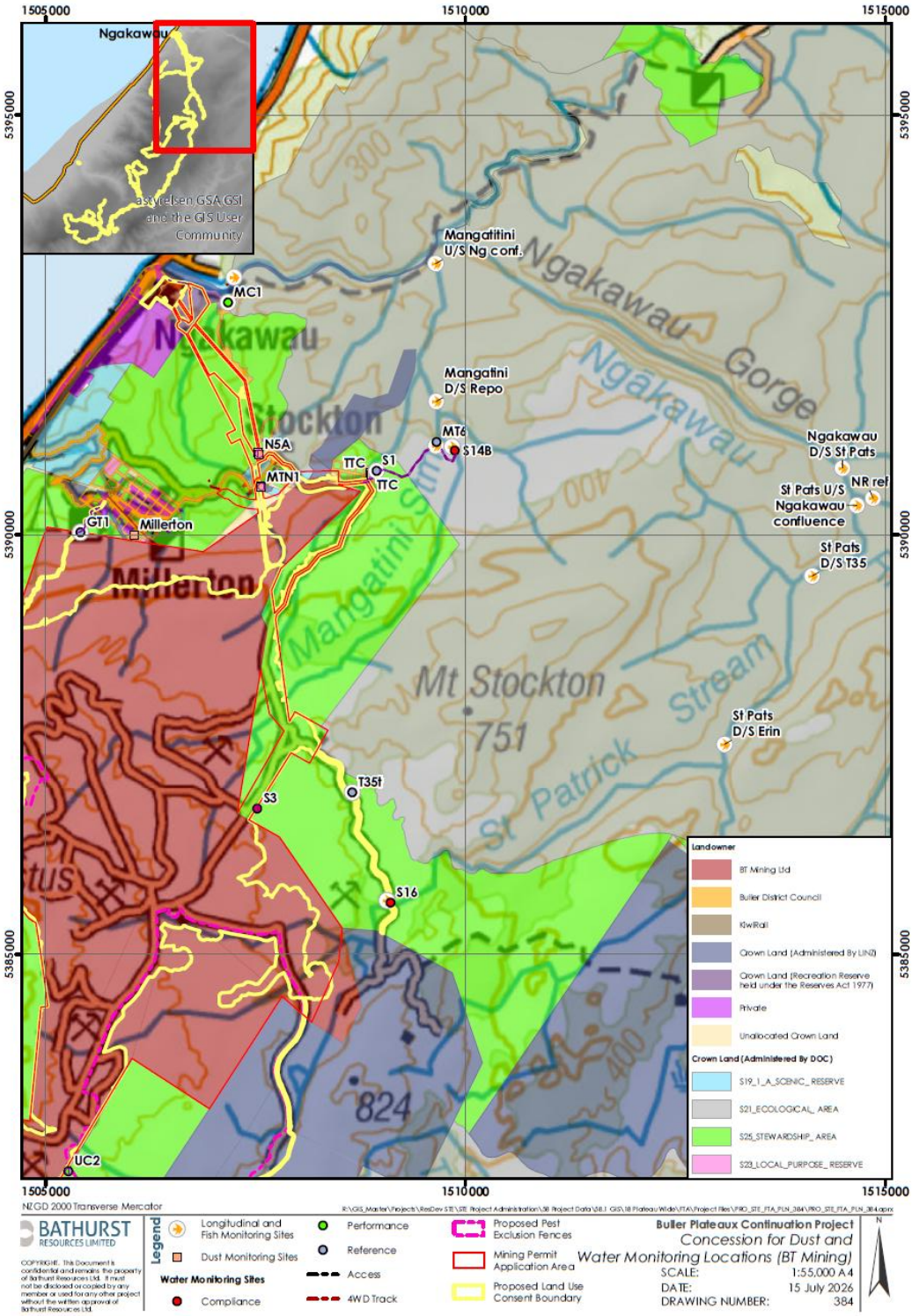

Figure10-16: Stockton Water Monitoring Concession Locations

675 **Denniston Monitoring**

On the Denniston Plateau, water, dust, and aquatic monitoring are also required at several locations, at varying distances from the ESE Sub-Area, to ensure appropriate management of any effects on water quality from Mining and Mining Operations. An overview of the monitoring proposed on the Denniston Plateau is provided in **Table 10-3** and shown on
680 **Figure 10-17** (drawing number 384_1) below.

As with the Stockton monitoring concession, this concession (license) provides for the installation, maintenance and operation of water monitoring sondes, including access to monitoring sites for the collection of water samples by foot or vehicle, and covers both grab sampling and sonde-based monitoring activities. These locations are shown in **Figure 10-18**
685 (drawing number 311_2) below.

An aquatic monitoring site is proposed in the Upper Cascade Creek area, which lies within the Escarpment Mining Permit area. In addition, the area located to the west of the Cascade Creek monitoring sites, along the edge of the mining permit and licence boundary, overlaps with the area discussed in **Section 10.3.1.1** of this Chapter in relation to the proposed fly
690 rock deposition concession at Denniston.

Table 10-3: Denniston Monitoring Sites

Monitoring Site	Purpose	NZTM coordinates	
ESE_1	Dust ECO	[redacted]	[redacted]
ESE_2	Dust ECO	[redacted]	[redacted]
Denniston	Dust – Human / Recreation	[redacted]	[redacted]
V70	Water Reference (and Performance)	[redacted]	[redacted]
RAP.R1	Water - Reference	[redacted]	[redacted]
W07	Water – Compliance	[redacted]	[redacted]
W08	Water - Performance	[redacted]	[redacted]
W09	Water - Performance	[redacted]	[redacted]
KEL	Water – Compliance	[redacted]	[redacted]
WM-3	Water - Performance	[redacted]	[redacted]

Monitoring Site	Purpose	NZTM coordinates	
M-M1	Water – Compliance	[redacted]	[redacted]
V37-F	Water - Performance	[redacted]	[redacted]
V37-G	Water - Performance	[redacted]	[redacted]
DS.V37	Water - Performance	[redacted]	[redacted]
V62	Water – Compliance	[redacted]	[redacted]
MFS_1	Dust – Eco	[redacted]	[redacted]
MFS_2	Dust – Human / Recreation	[redacted]	[redacted]
UWHR_North_1	Dust – Eco	[redacted]	[redacted]
UWHR_South_1	Dust – Eco	[redacted]	[redacted]
UWHR_North_2	Dust – Human / Recreation	[redacted]	[redacted]
UWHR_South_2	Dust – Eco	[redacted]	[redacted]
14W	Water – Performance	[redacted]	[redacted]
15W	Water – Performance	[redacted]	[redacted]
16W	Water – Local Reference	[redacted]	[redacted]
2W (Smokestack)	Water – Compliance	[redacted]	[redacted]
17W	Water – Compliance	[redacted]	[redacted]
WIL.MS1	Water – Reference	[redacted]	[redacted]
CED.MS1	Water – Reference	[redacted]	[redacted]
BIL.L1	Water – Reference	[redacted]	[redacted]
BS01	Water - Performance	[redacted]	[redacted]
SW01	Water - Compliance	[redacted]	[redacted]

Monitoring Site	Purpose	NZTM coordinates	
SW03	Water - Compliance	[redacted]	[redacted]
SW04	Water - Performance	[redacted]	[redacted]
SW02	Water – Performance	[redacted]	[redacted]
BUR.L1	Water - Performance	[redacted]	[redacted]
18W	Water - Performance	[redacted]	[redacted]

These areas to be included in this concession are located within the Mt Rochfort Conservation Area. The access track subject to the concession is identified by the black dotted line and purple shading on the plan and generally follows Cascade Creek, where the proposed water monitoring sites are located. The concession also includes sections where an existing 4WD track traverses conservation land to provide access for monitoring.

The concession applies to the following land parcels:

> 7494156 Crown Land (under action) Survey Office Plan 161;

> 7493829 Crown Land Block X (under action) Kawatiri Survey District;

> 3600459 Crown Land Block VII (under action) Ngakawau Survey District;

> 3623856 Section 223 TN OF Millerton;

> 7017654 Crown Land (under action); and

> 7488480 Crown Land (under action).

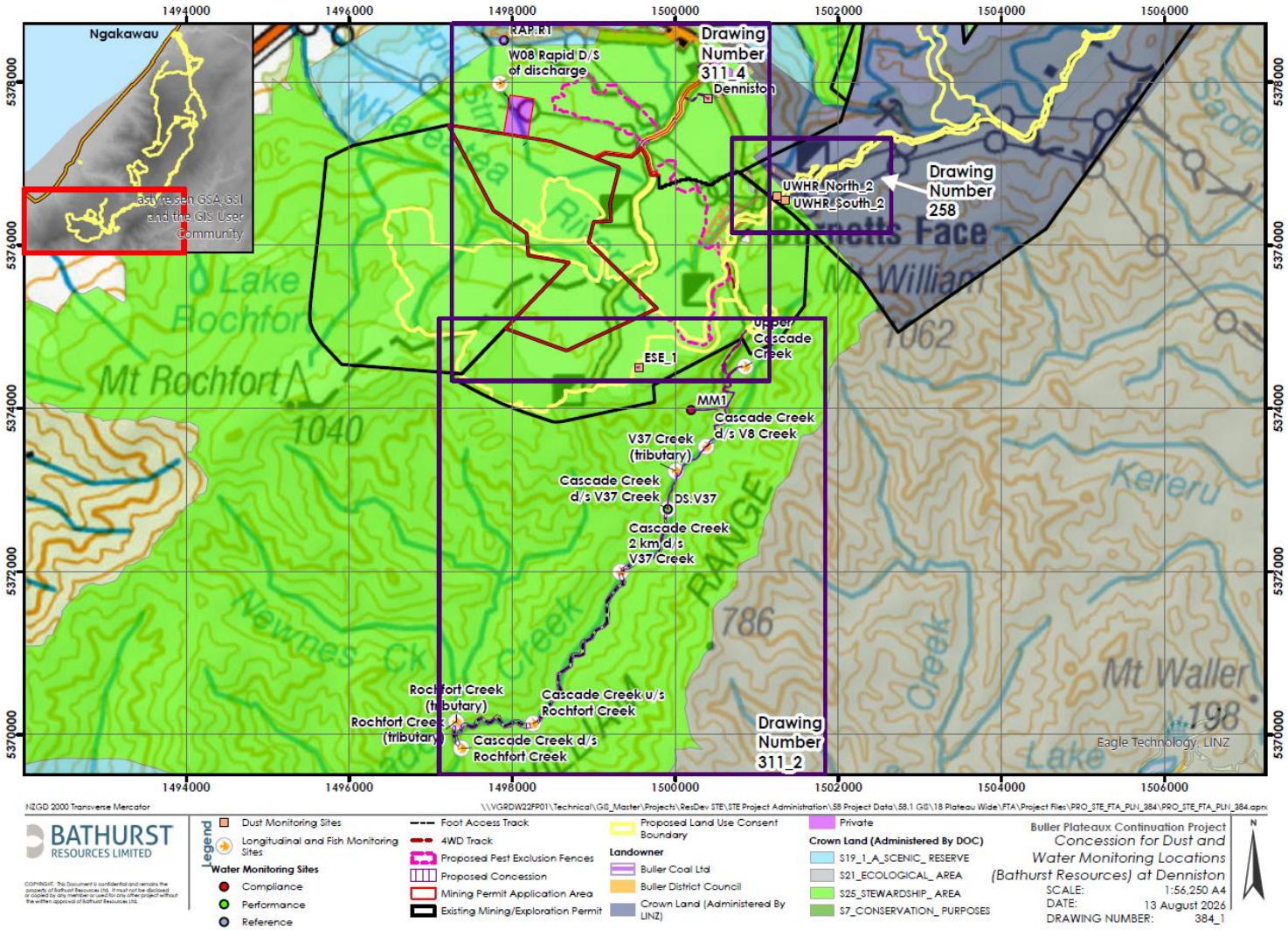

Figure 10-17: Denniston Monitoring Overview

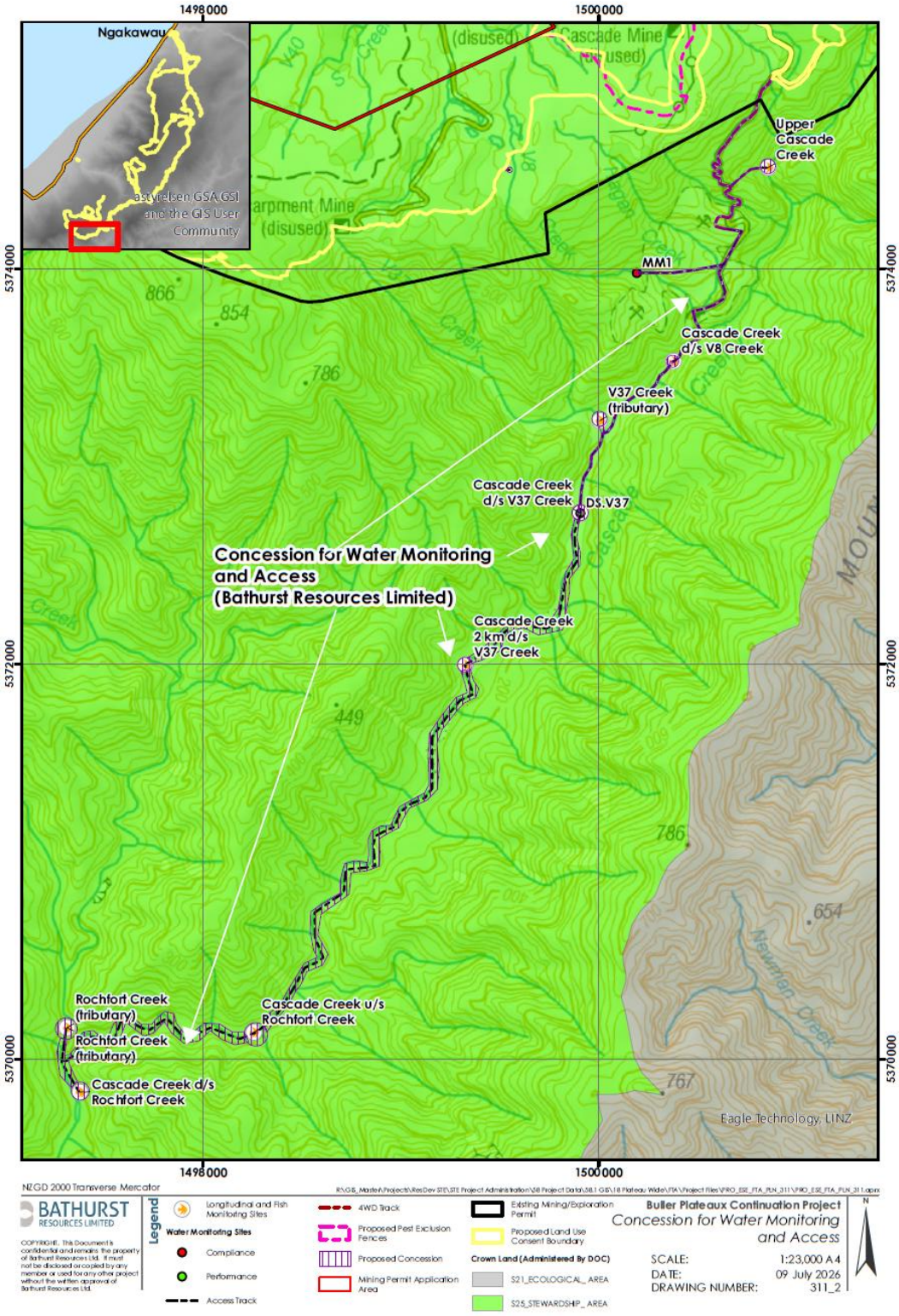

Figure 10-18: Denniston Water Monitoring and Access Concession

10.3.1.4 Fenced Pest Exclusion Areas Concessions

Two concessions are required for the proposed long-term fenced pest exclusion areas. One for the Whirlwind Rise pest exclusion area on the Stockton Plateau, and one for both the Denniston North and Coalbrookdale pest exclusion areas on the Denniston Plateau. The pest exclusion areas are a fundamental aspect of the REP being proffered for the BPCP (Alliance Ecology, 2026a).

The provision of the fenced pest exclusion areas have been informed by technical assessments provided in **Part B** (specifically Pestproof Fences reports on possible response of great spotted kiwi to pest exclusion fences on the Denniston and Stockton Plateaux, and Pest exclusion fencing feasibility report Denniston and Stockton Plateaux, attached to this substantive application in **Part B** as **B.6** and **B.7**, respectively), and managed in accordance with management plans as provided in **Part G** to this substantive application.

Stockton Fence Concession – Whirlwind Rise Pest Exclusion Area

The Stockton Fence Concession is required for the construction, maintenance and operation of the Whirlwind Rise pest exclusion area proposed on the Stockton Plateau, as shown in **Figure 10-19** (drawing number 383) below. This area lies within the Stockton and UWHR Sub-Areas and is partially located on conservation land within the Waimangaroa – Granity Conservation Area. This concession area applies only to the land parcel 7494601, Crown Land (under action), Survey Office Plan 161.

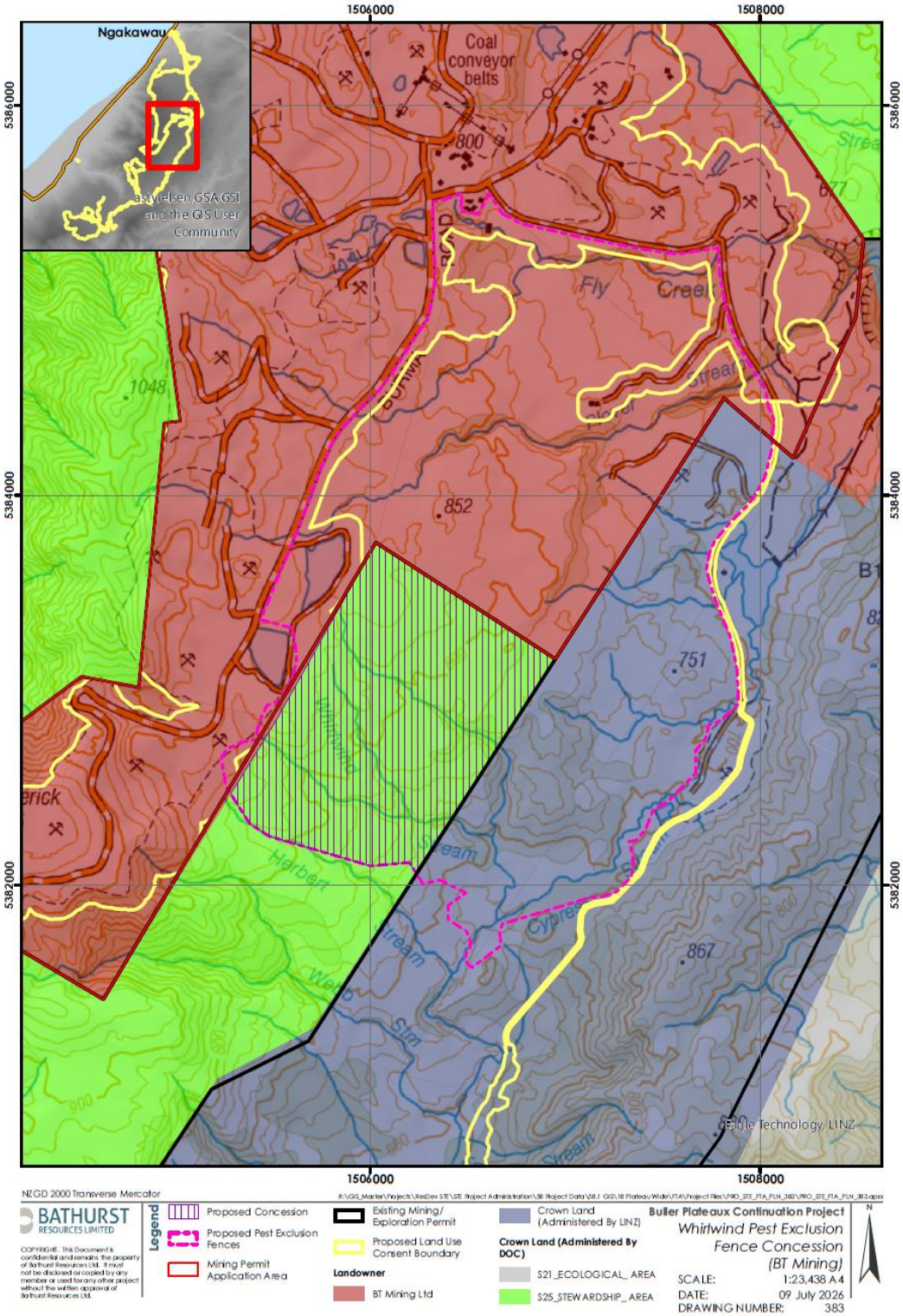

Figure 10-19: Stockton Pest Exclusion Area Concession

Denniston Fence Concession – Denniston North and Coalbrookdale Pest Exclusion Areas

The Denniston Fence Concession is required for the construction, maintenance and operation of the Denniston North and Coalbrookdale pest exclusion areas proposed on the Denniston Plateau, as shown in **Figure 10-20** (drawing number 311_3) below.

These concession areas are located on conservation land within the Mt Rochfort Conservation Area and apply to the following land parcels:

> 7494189 Crown Land (under action) Survey Office Plan 161;

> 7494601 Crown Land (under action) Survey Office Plan 161;

> 3596043 Section 2 SO 14927;

> 3634019 Section 1 SO 14774;

> 7404025 Part Crown Land (Under Action) shown as Area B on SO 13547;

> 3633511 Section 3 SO 14927; and

> 3600090 Section 1 SO 14250.

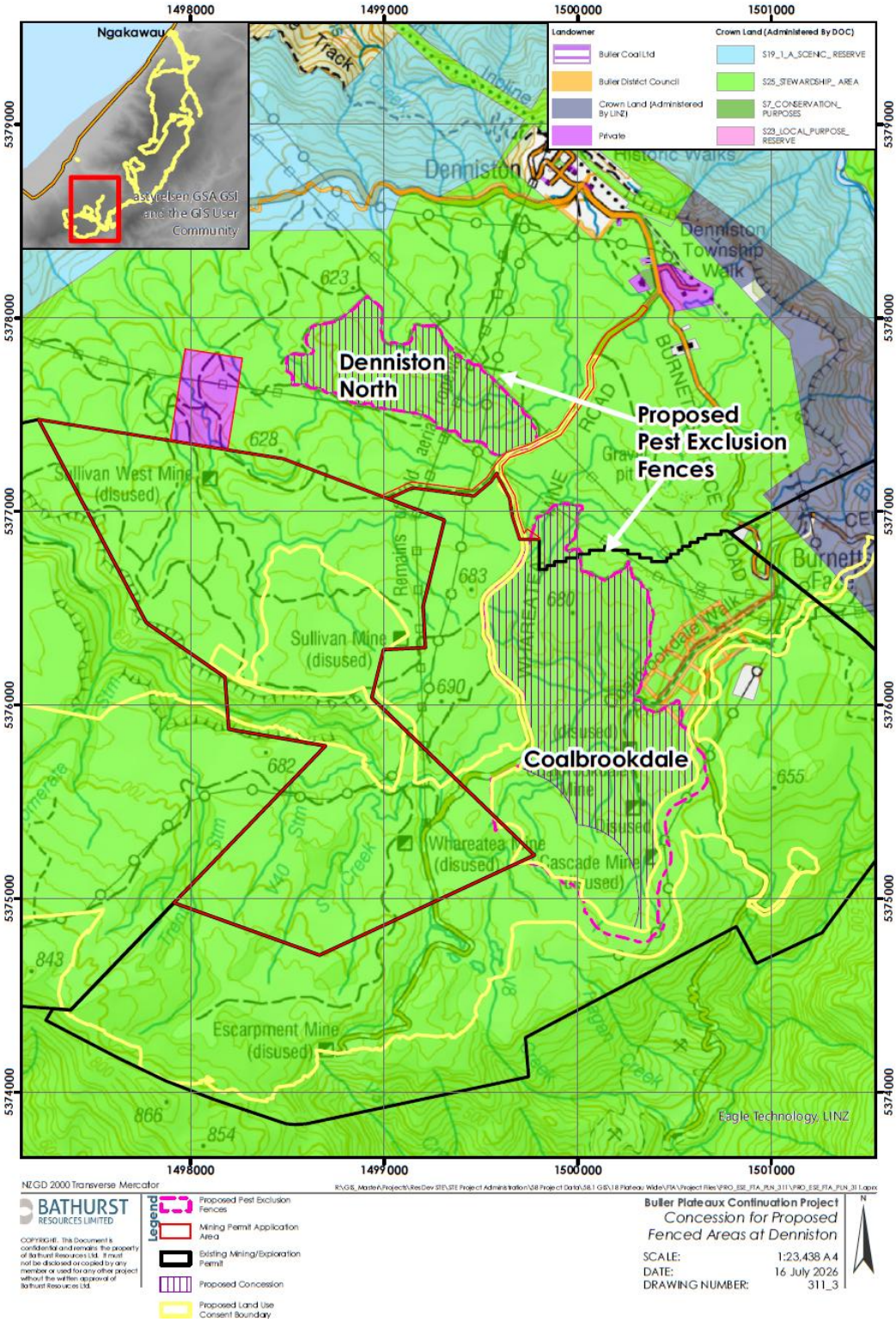

Figure 10-20: Denniston Pest Exclusion Fence Concessions

10.3.1.5 Residual Effects Concession

A concession is required to enable the activities associated with the REP and applies to those areas shown in **Figure 10-21** (drawing number 387_1) below.

The REP is structured as a multi-tiered system that combines predator-free refuges (pest exclusion areas), intensive pest suppression zones, targeted weed management, and landscape-scale buffering to reduce reinvasion pressure and extend ecological benefits across the wider receiving environment, including activities such as research; collection (including trapping, monitoring, and surveys); the establishment and marking of walking routes, trap lines, and monitoring sites; and the establishment and ongoing operation of the wider compensation areas for ecological monitoring; and wider pest control including 1080 drops and weed management (pest control is managed under an ongoing aerial 1080 programme (Alliance Ecology, 2026a)).

The concession area is located across the Mt Rochfort, Waimangaroa - Granity and Plover Stream Conservation Areas, Denniston Scenic Reserve and Orikaka and Ngākawau Ecological Areas on the following land parcels:

> 7493978 Crown Land (under action);

> 7493980 Crown Land (under action);

> 3644388 Crown Forest Land;

> 3627708 Crown Land (under action) Survey Office Plan 15311;

> 7493830 Crown Land Block X (under action) Kawatiri Survey District;

> 3610359 Crown Land Block X (under action) Kawatiri Survey District;

> 3606090 Crown Land Block XI (under action) Orikaka Survey District;

> 7499201 Crown Land (under action) Survey Office Plan 164;

> 3627406 Crown Land (under action) Survey Office Plan 161;

> 3629532 Crown Land (under action) Survey Office Plan 161;

> 3612721 Crown Land Block X (under action) Orikaka Survey District;

> 3612294 Crown Land Block XIV (under action) Orikaka Survey District;

> 3644352 Crown Land (under action) Survey Office Plan 161;

> 3623888 Section 10 Block I Inangahua SD;

> 3599186 Section 8 Block I Inangahua SD;

> 3615889 Section 7 Block I Inangahua SD;

> 3632635 Section 6 Block I Inangahua SD;

> 3632636 Part Section 5 Block I Inangahua SD;

> 3599087 Part Section 9 Block I Inangahua SD;

> 3631102 Crown Land (under action) Survey Office Plan 161;

> 3607089 Crown Land Block IV (under action) Inangahua Survey District;

> 3642290 Part Reserve No 8 (in red) Block III, IV, VII, VIII Ohika Survey District;

> 7493829 Crown Land Block X (under action) Kawatiri Survey District;

> 3624699 Section 1 Block IX Kawatiri SD;

> 7494156 Crown Land (under action) Survey Office Plan 161;

> 3618033 Section 13 Block VI Kawatiri SD;

> 3596753 Section 75 Block V Kawatiri SD;

> 3610905 Part Section 65 Block V Kawatiri SD;

> 3661027 Part Section 60 Block V Kawatiri SD;

> 3601266 Section 44 Block VI Kawatiri SD;

> 3597741 Section 45 Block VI Kawatiri SD;

> 3651450 Part Section 51 Block VI Kawatiri SD;

> 7207093 Crown land (under action) Survey Office 161;

> 3642501 Crown Land (under action) Survey Office Plan 9821;

> 7492834 Crown Land (under action) Survey Office Plan 9821; and

> 7494601 Crown Land (under action) Survey Office Plan 161.

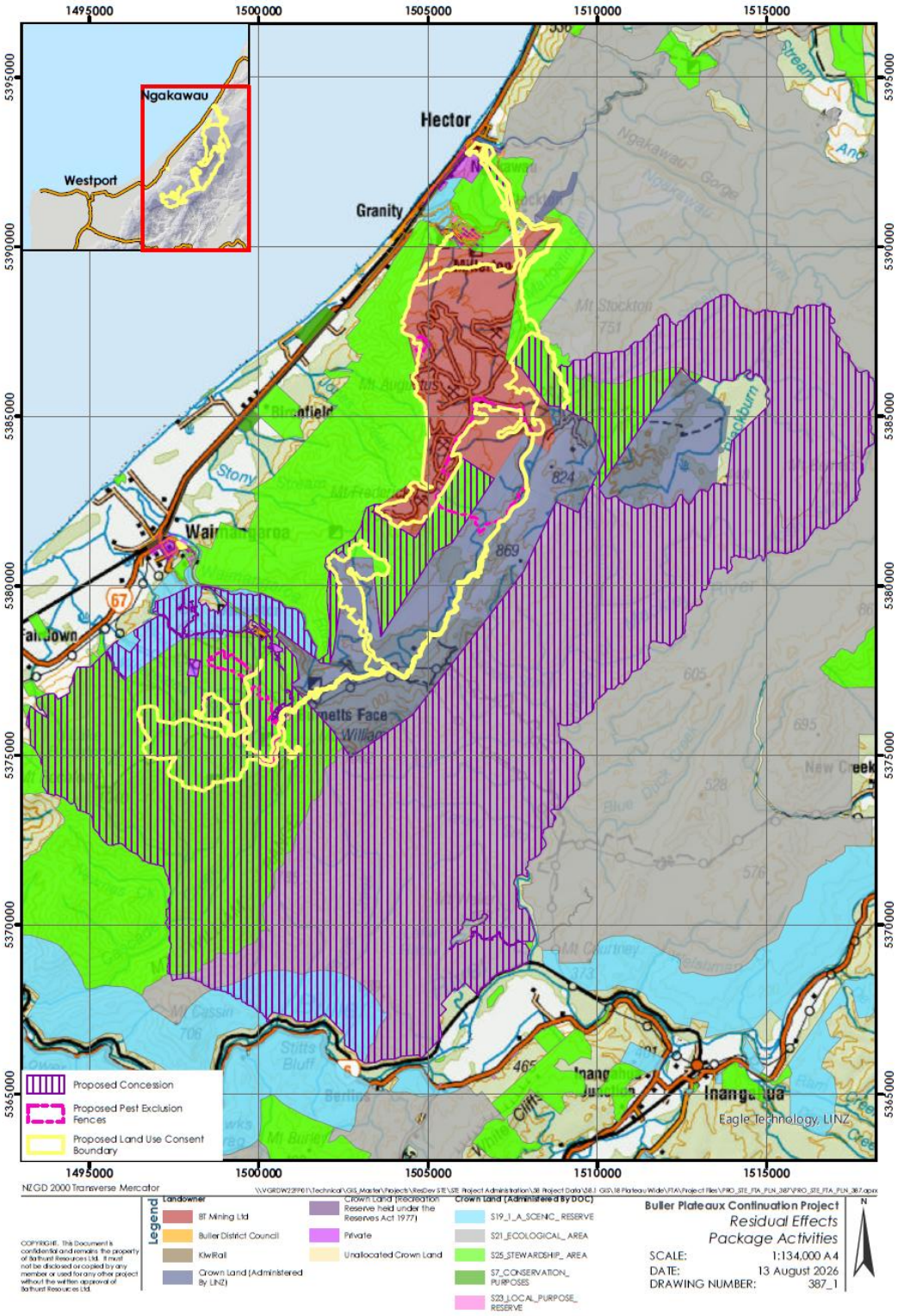

Figure 10-21: Residual Effects Concession Area

10.4 STATUTORY ASSESSMENT

10.4.1 Introduction

In assessing applications, Panels are to give the greatest weight to the purpose of the FTAA, which is "*to facilitate the delivery of infrastructure and development projects with significant regional and national benefits*". Section 81(4) of the FTAA states that, when taking into account the purpose of the FTAA, the Panel must consider the extent of the Project's regional or national benefits. Where a substantive application is made, the approval process set out in the FTAA applies instead of the processes provided for under other legislation.[101]

An assessment of the statutory provisions relevant to this application for concessions is provided in the sections below.

10.4.2 Purpose of the FTAA

In accordance with clause 7(1)(a) of Schedule 6 of the FTAA, assessment of this application for concessions must take into account, and give the greatest weight to, the purpose of the FTAA. The alignment of the Project with the purpose of the FTAA is discussed in detail in **Chapter A.1 – Project Wide Overview** to this substantive application. However, for completeness, it is noted that the Project will have significant regional and national benefits.

The concessions sought in this application are necessary to enable the delivery of the Project and reflect the integrated nature of the various operational components across the Buller Plateaux. While collectively important to the functioning of the Project, the individual concessions largely pertain to small-scale, ancillary activities typical of both established and proposed mining areas, including access, monitoring, minor infrastructure, and ecological management measures.

Many of these activities build on existing infrastructure, operational practices, and previously authorised concessions at Stockton, and are extended where required to support new mining areas as part of the Project. They are generally located within or adjacent to already modified areas or established operational corridors. In this respect, the concessions are consistent with established and accepted patterns of use across the Buller Plateaux and primarily formalise or enable activities necessary to support the extraction and management of the coal resource.

Importantly, a number of the concessions relate to environmental management and ecological enhancement measures, including pest exclusion fencing, pest control and weed

[101] Section 40 of the FTAA.

management, and monitoring programmes. These activities form part of the Project's wider REP and are intended to deliver positive ecological outcomes across the conservation estate. They are inherently linked to the Project area and represent standard and well-established approaches to ecological management in both existing and proposed mining environments.

While the concessions are located on conservation land, the statutory framework under the FTAA provides that consistency with the purpose for which the land is held is not determinative and must be considered alongside the wider purpose of the Act. In this context, the concessions are appropriately characterised as enabling and administrative in nature, rather than introducing new or standalone uses of conservation land.

Their approval is therefore consistent with the purpose of the FTAA and necessary to support the continued, integrated operation of this nationally significant project.

10.4.3 Conservation General Policy 2005

Clause 3 (1)(d)(i) of Schedule 6 (concession) of the Act requires a substantive application to include information about the extent to which the project is consistent with a relevant policy statement, conservation management strategy and conservation management plan.

The Conservation General Policy 2005 ("**CGP**") provides the overarching policy for the management of the conservation estate, seeking to ensure that activities undertaken on conservation land are done in accordance with the purpose of the land. The following analysis applies to all activities within this application that require approval from the Department of Conservation.

The CGP primarily sets out policies for developing conservation management strategies. The most pertinent provisions for the project are set out in Section 11 of the CGP – activities requiring specific authorisation, including (of relevance to the Project):

> Any application for concession or other authorisation must comply with, or be consistent with, the objectives of the relevant Act, the statutory purpose for which the place is held and any conservation management strategy or plan;[102]

> Activities on conservation lands and waters should avoid, remedy or mitigate any adverse effects and maximise positive effects;[103] and

[102] GCP Policy 11.1 (a).

[103] GCP Policy 11.1 (b).

> All concession or authorisation holders should monitor the effects of authorised activities.[104]

In respect to these provisions:

> An assessment of the Project against the relevant strategies or plans is addressed below in this Chapter;

> **Section 10.5** to this Chapter and **Chapter A.6 – Assessment of Environmental Effects** to this substantive application contain an assessment of environmental effects; and

> **Chapter A.7 - Management and Monitoring of Actual and Potential Environmental Effects** to this substantive application and the proposed conditions provided in **Part E** to this substantive application, sets out the monitoring proposed as part of the Project.

10.4.4 West Coast Tai o Poutini Conservation Management Strategy (CMS)

The purpose of a CMS, as defined by section 17D of the Conservation Act, is to implement statements of general policy and to establish objectives for the integrated management of natural and historic resources, including species managed by DOC, for recreation, tourism and other conservation purposes.

The West Coast Tai o Poutini was approved in 2010 and remains operative. Although the CMS straddles areas under the jurisdiction of the Nelson Marlborough, Canterbury Aoraki, and Otago Conservation Boards, the West Coast Tai Poutini Conservation Board has primary responsibility for implementing and reviewing the CMS. DOC, Poutini Ngāi Tahu (Te Rūnanga o Ngāti Waewae, Te Rūnanga o Makaawhio) and the West Coast Tai Poutini Conservation Board are working together in partnership to develop a new CMS for Te Tai Poutini West Coast.

In relation to the proposed concessions described in **Section 10.3** above, the CMS outlines the following objectives and policies relevant to these activities.

> Prevent pests becoming established and eradicate pests where practicable;[105]

> Undertake pest-led control programmes and stop the spread of the most damaging invasive weeds and animal pests into ecologically important areas, and existing populations of pests should be controlled;[106]

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[104] CGP Policy 11.1 (c).

[105] CMS – Policy 3.3.3.6 (2).

[106] CMS – Policy 3.3.3.6 (7), (8) and (9).

> Protect freshwater ecosystems and marine habitats;[107]

> Undertake and complete inventory and assessment of freshwater ecosystems and identify threats affecting their value;[108]

> Compare and evaluate current extent and composition of freshwater ecosystems, assess induced changes and monitor future trends;[109]

> Protect landscapes from adverse effects of human use;[110]

> Preserve the natural character and values of landscapes;[111]

> Support vehicle access primarily on existing formed roads to minimise environmental effects, while restricting four-wheel-drive use to identified routes and ensuring access across other land is appropriately authorised and managed; and[112]

> Low-impact access options will be preferred including the use of existing formed roads.[113]

The project aligns with these objectives and policies of the CMS.

In particular, the proposed concessions include a range of activities that directly support CMS objectives relating to pest management and biodiversity protection. The establishment of pest exclusion areas, pest control programmes, and associated monitoring initiatives represent a significant and proactive approach to improving ecological outcomes within the Project area. These measures are consistent with, and give practical effect to, CMS policies requiring active pest management and the protection of indigenous flora and fauna.

Similarly, the monitoring concessions, including water quality, dust, and freshwater ecological surveys, align with CMS objectives relating to the understanding, protection, and ongoing assessment of freshwater ecosystems. These activities will enable the identification of environmental trends, support adaptive management, and contribute to the broader knowledge base for ecological management across the Plateau.

The Project has also been designed to minimise effects on landscape values and access by relying, where practicable, on existing infrastructure, roads, tracks, and previously disturbed areas. This approach is consistent with CMS policies favouring low-impact access and

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[107] CMS – Objective 3.3.3.1 (1) and (2).
[108] CMS – Policy 3.3.3.1 (1).
[109] CMS - Policy 3.3.3.2 (10).
[110] CMS – Objective 3.3.4.3 (1).
[111] CMS – Policy 3.3.4.3 (1).
[112] CMS – Policy 3.6.4.17 (1), (2) and (6).
[113] CMD – Policy 3.7.5 (7).

limiting unnecessary disturbance to conservation land. The use of established corridors reduces the need for new ground disturbance and supports the efficient and controlled management of activities.

Overall, while the concessions enable a range of operational activities, they also include a substantial component of environmental management and ecological enhancement. The Project therefore not only aligns with the CMS, but in several respects actively advances its objectives through pest control, biodiversity protection, and environmental monitoring outcomes.

10.4.5 Conservation Act and Reserves Act Land

With regard to clause 3 of Schedule 6 of the FTAA, the following paragraphs describe the conservation land subject to the concessions sought, including its values, status, ownership and administration. These descriptions provide important environmental context; however, it is noted that these landscapes also have a long history of mining and associated concessions, and the purposes for which the land is held are not determinative in the assessment under the FTAA framework.

10.4.5.1 Conservation Act Land

The land subject to the BPCP which falls under the provisions of the Conservation Act is either a Stewardship Area subject to section 25 of the Conservation Act, or an Ecological Area subject to section 21 of the Conservation Act, as identified in Section 10.2 above.

Stewardship land is public conservation land that has not been classified for the values present. As the land does not hold a specific protection, it is managed under the Conservation Act broadly to protect natural and historic resources. When the land is reclassified, it is also given specific values for which it must be protected; however, until then, there is no specific purpose for the land against which an application is required to be considered.

Ecological Areas are classified for their scientific value, protecting representative or unique ecosystems, plants, and animals.

Waimangaroa – Granity Conservation Area

The Waimangaroa – Granity Conservation Area, which holds stewardship land status, covers 3,764.27 ha of the western slopes of the Stockton Plateau, immediately to the west of the Stockton mining permit application area. It is bordered by the Denniston Scenic Reserve, Deep Stream/Waimangaroa Ecosystem Management Unit, Mt Augustus Species Management Unit, and the Stockton Ribbon Wetland.

The area features diverse landforms, including steep coastal bedrock faces composed of pre-Tertiary basement granite, gneiss, and Greenland greywacke. The plateau consists of uplifted Brunner sandstone, siltstone, and coal measures, with block outcrops of pre-Tertiary granites. The landscape includes sandstone erosion pavements, deep gorging gullies, pakihi wetlands, tarns, quartzose cliffs, and boulder fields of acidic rock (RMMLA, 2026).

The conservation area supports a wide range of vegetation, including coastal podocarp broadleaf forests, subalpine beech forests, northern rata, southern rata, pink and yellow silver pine, mountain beech, and rimu. It also supports a diverse array of bird, lizard, and large land snail species. Notable species include the great spotted kiwi, kea, rifleman, fernbird, pipit, forest gecko, and West Coast green gecko (EcoLogical Solutions, 2026a). The threatened large land snails *Powelliphanta augusta* and *Powelliphanta patrickensis* inhabit the area (Lloyd's Ecological Consulting, 2026a).

There are active mining permits for open-cast coal mining within the area, and it is identified as having a long history of coal and gold mining and is used by visitors to historic mining sites, as well as by hunters and trampers (RMMLA, 2026; Rob Greenaway & Associates, 2026).

Plover Stream Conservation Area

The Plover Stream Conservation Area, which is held as stewardship land, is located on the eastern side of the Stockton Plateau, south of the Ngākawau River and Mount Stockton, with a recorded area of 1,213.28 ha. The area features diverse landforms, including high-altitude coal plateaus, steep mountain slopes, undulating coal measures, undifferentiated granites, exposed pavements, and deeply incised gullies. It also includes wetlands and sandstone erosion pavements, which are classified as Naturally Uncommon Ecosystem types (RMMLA, 2026).

The vegetation is highly diverse, with shrub, tussock, and forest associations. Notable species include silver beech, mountain beech, pink pine, silver pine, yellow silver pine, southern rata, manuka, kanuka, and broadleaved hardwoods.

The area also supports a wide range of fauna including the forest gecko and West Coast green gecko, as well as fernbird, pitpit, Australasian bittern, great spotted kiwi, kea, rifleman, tui, kereru, kaka, kakariki, karearea, bellbird and fantail.

The area is considered to be ecologically significant due to its high-quality habitats, diverse ecosystems, and the presence of rare and endangered species. It also provides connectivity to adjacent conservation areas, enhancing its ecological value.

Mt Rochfort Conservation Area

The Mt Rochfort Conservation Area, which is identified as having stewardship land status, spans approximately 7,539.17 ha on the Denniston Plateau within the Cascade Creek catchment. It lies on the boundary of the Buller and Ngākawau Ecological Districts and is part of the Buller Coal Plateau. As discussed in the Heritage Assessment (Clough & Associates, 2026), mining has occurred within the Mt Rochfort Conservation Area since the 1870s and has been continued through the modern day.

The plateau is characterized by high sandstone outcrops, manuka bogs, sandstone erosion pavements, and a mosaic of ecotones and gradients. It also includes the elevated coal measure ridgeline above Te Kuha, which is an example of unmodified Buller Coal Measure ecosystems.

The conservation area is noted as being a significant ecological and historical site, offering diverse habitats, rare ecosystems, and recreational opportunities such as tramping, mountain biking, and visiting heritage sites (Rob Greenaway & Associates, 2026).

Mt Rochfort supports diverse vegetation, including subalpine species, manuka bogs, sandstone pavements and mixed beech forests with rimu, southern rata and kamahi. It also supports an assemblage of lizards, including the striped forest gecko and the yellow morph of the West Coast green gecko. Both of these are identified as threatened or at-risk species. There is also a high density of forest geckos. Birdlife within the area includes the great spotted kiwi, kaka, kea and the yellow-crowned parakeet. The area is also home to the Denniston subspecies of the threatened land snail *Powelliphanta patrickensis*.

Stockton Conservation Area

The Stockton Conservation Area, which is held as stewardship land, is approximately 347.80 ha and is located within a discrete area between the Ngākawau township and Stockton mining permit application area. As such, the features are consistent between the two areas and are assessed jointly by DOC.

The area features steep-sided gullies, including the Mine Creek catchment, which drains the north-west tip of the Stockton Plateau into the Ngākawau River. The land is characterised by lower coal plateau topography and steep-sided gullies. A small portion of the area is cleared for mining infrastructure and Millerton Road. The Stockton-Ngākawau coal cableway runs through the area (RMMLA, 2026).

The Conservation Area is predominantly covered by regenerating native forest, including podocarp species, kamahi and broadleaf. The lower catchment features regenerating forest

and mānuka scrub on poorer coal measure substrates. The vegetation is representative of the Ngākawau Ecological District and has moderate naturalness.

Ngākawau Ecological Area

The Ngākawau Ecological District encompasses a large and diverse landscape (~48,800 ha), including the Denniston Plateau and the Stockton Plateau (EcoLogical Solutions, 2026a). The Buller Plateaux is characterised by gently sloping sandstone surfaces, extensive wetlands and rock pavements, and are dissected by steep gullies and incised stream valleys, particularly around their margins (RMMLA, 2026).

The climate is characterised as being wet and bleak on the plateaux and milder on the coast. Soils are considered strongly leached, low in fertility, and often poorly drained. Indigenous vegetation is spread across the area, including podocarp/beech forests, rimu and kahikatea, and silver beech forming a low treeline (RMMLA, 2026).

The coal plateaux are noted as featuring a mosaic of tussock land, scrub, and low forest, supporting some endemic species. In limestone areas, gully vegetation is well-supported, and pakihi bogs are present.

Notable fauna across the district includes the Great Spotted Kiwi, Blue Duck, New Zealand Falcon, kea, brown skink, short jawed kokopu, weta[114], and *Powelliphanta* snails. Mining, burning, deer, possums, farming and exotic forests are noted as having modified part of the landscape, particularly on the coal plateau (RMMLA, 2026).

At the time of classification,[115] the area was noted as being held to protect the range of forest types and wildlife habitat within the Ngākawau catchment including the southern range of land snails *Powelliphanta lignaria johnstoni* and *Powelliphanta lignaria rotella*.

Orikaka Ecological Reserve

The Orikaka Ecological Area is approximately 20,967 ha and is part of the largest continuous unmodified native forest in New Zealand and is identified as a stewardship area. The area was established and later expanded to protect ecosystems that are poorly represented elsewhere in the Buller and Reefton ecological districts, including low-altitude podocarp–beech forests, wetlands, pakihi shrublands, swampland forest, and important habitat for roroa and other native forest birds. It supports diverse geology including limestone, quarts

[114] *However, based on site-specific ecological surveys of the Buller Plateaux, wētā species that would typically trigger Wildlife Act approvals are not confirmed from the plateau environments.*

[115] New Zealand Gazette, Issue No. 20, 7 March 2002, pages 602 - 603.

and coal measures (RMMLA, 2026). The area is managed by DOC for its scientific and conservation values.

At the time of classification,[116] the area was noted as being held for conservation purposes to protect indigenous intrinsic natural values and resources, ecological and evolutionary systems, and in particular to protect the values specified in the explanatory notes.

10.4.5.2 Reserves Act Land

The land subject to the BPCP which falls under the provisions of the Reserves Act is either a Scenic Reserve subject to section 19 of the Reserves Act, or a Local Purpose Reserve subject to section 23 of the Reserves Act, as identified in **Section 10.2** above.

The purpose of Scenic Reserves is to protect and preserve landscapes which are noted as having scenic interest or beauty or natural features worthy of protection in the public interest.

Local Purpose Reserves are held for particular purposes that are specified when the land is classified.

Stockton Scenic Reserve

The Reserve at Stockton is approximately 6.93 ha for which the purpose has been identified as scenic. A scenic reserve may be identified as being natural or modified and is managed separately based on this classification. In this case, the reserve at Stockton has not been further classified as modified or natural, however, it should be noted that the approximately 6.93 ha is fragmented into three distinct areas separated by Conservation and Ecological Areas, namely the Millerton and Stockton Conservation Areas and the Ngākawau Ecological Area.

Ngākawau Local Purpose Reserve

The Local Purpose Reserve at Ngākawau is approximately 3.95 ha. A local purpose reserve is identified as being suitable for a specified local educational or community purpose that does not duplicate any other reserve purpose. Management objectives for a local purpose reserve are determined by the purpose for that area of land defined at the time the area is classified; however, in this case the Ngākawau Local Purpose Reserve has not yet been given a specific purpose, nor have any other values been identified for management.

[116] New Zealand Gazette 170, 8 October 1998, pages 4068 – 4069.

Denniston Scenic Reserve

The Denniston Scenic Reserve is approximately 600 ha and is part of the Denniston coalfield on the Mt Rochfort Plateau. It is noted for both its ecological and historical significance, containing a mosaic of pakihi wetlands, tussock grasslands, low podocarp–beech forest, mānuka and Dracophyllum shrublands and a number of significant species, including the *Powelliphanta patrickensis* giant land snail, roroa, kea, fernbirds, and a variety of rare plants and invertebrates. Denniston contains remnants of historic coal mining and railway, representative of the history of mining on the Plateau. The reserve is managed for both conservation and public appreciation.

Lower Buller Gorge Scenic Reserve

The Lower Buller Gorge Scenic Reserve is approximately 5,928.72 ha and surrounds the lower Buller River corridor between Inangahua and the coast. It is noted for steep forested hillsides, river terraces and gorge landscapes.

10.5 KEY EFFECTS RELEVANT TO THESE APPROVALS AND MANAGEMENT

Below is an assessment of the potential effects of the proposed activities for which approvals are sought under this section, together with the proposed measures to manage any effects.

A detailed assessment of effects for the BPCP is provided in **Chapter A.6 – Assessment of Environmental Effects** to this substantive application and should be read in conjunction with this Chapter. The assessment below is intended to supplement that broader assessment by addressing the effects that are specific to the concession activities sought under this section, including:

- Fly rock deposition;
- Construction, use, operation, maintenance and rehabilitation of infrastructure;
- Use of existing roads, tracks and access routes;
- Installation, operation and maintenance of water monitoring equipment;
- Water grab sampling and aquatic ecology monitoring;
- Access to and operation of dust monitoring sites;
- Construction, operation, inspection and maintenance of pest exclusion fencing and associated pest exclusion fenced areas; and

> Activities associated with the proposed compensation package, including pest control, monitoring, surveys, research, trap lines, walking routes and ecological management activities.

10.5.1 Fly Rock Deposition

Fly rock refers to rock fragments that may occasionally be projected beyond the intended blast area during controlled blasting activities. It is a recognised and well-understood aspect of open-cast mining operations and is managed through established blast design and operational controls to minimise both its extent and potential effects.

The concessions sought for fly rock are required to authorise the potential for limited and localised deposition of such material on conservation land outside existing or proposed mining permit boundaries, and to enable appropriate management controls to be implemented.

At Stockton, fly rock deposition is already authorised and effectively managed under existing concession arrangements, reflecting an established and accepted aspect of operations on the Plateau. Consistent with this, the anticipated effects are intermittent, small in scale, and confined to defined areas adjacent to active mining, and are appropriately managed through standard industry practices and site-specific controls.

The principal potential effect associated with fly rock is risk to public and worker safety. Rock fragments generated during blasting may travel beyond the immediate blast area and could pose a hazard to persons accessing nearby conservation land, tracks, maintenance routes, or operational areas. This risk will be managed through established blast management procedures, including blast design controls, defined exclusion zones, temporary access restrictions, warning and communication protocols, and post-blast inspections where required. Access to affected areas will be restricted during blasting activities to minimise risk to workers, contractors and members of the public.

Fly rock may also result in localised physical disturbance to land, vegetation or habitat within the receiving area. Rock deposition can damage individual plants, disturb ground surfaces, or affect fauna inhabiting nearby vegetated or rocky habitats. Noise and vibration associated with blasting may also temporarily disturb or displace fauna from surrounding areas. These effects are expected to be intermittent, short-term and localised, given the controlled nature of blasting activities and the proximity of the concession areas to existing or proposed mining operations. The use of defined concession areas also provides certainty as to where such effects may occur and allows those areas to be managed appropriately, and there are no recreational facilities managed by DOC within the areas subject to applications for concessions.

Overall, the fly rock concessions will enable blasting activities to be undertaken in a controlled and managed manner, while ensuring that safety, access and environmental risks are appropriately identified and managed.

10.5.2 Infrastructure, Roads and Access Tracks

The infrastructure concessions are required to authorise the construction, use, operation, maintenance and rehabilitation of infrastructure necessary to support the BPCP. This includes access roads, haul roads, formed tracks, utility infrastructure, power poles and transmission lines, gatehouse infrastructure, buildings, vehicle gates, car parking areas, water sumps and other ancillary infrastructure required for mining operations.

Many of the proposed infrastructure and access activities are existing and will continue to utilise existing roads, tracks and disturbed areas. Use of existing formed access routes will minimise the need for new land disturbance, vegetation clearance, earthworks or the creation of new access corridors. As a result, the effects associated with access are expected to be less than would occur if new routes were required through previously undisturbed conservation land.

Potential effects associated with infrastructure and access activities could include disturbance to land surfaces, vegetation and habitat; traffic and vehicle movement effects; sediment generation; noise; dust; and temporary disturbance to recreational or conservation users. These effects are currently being managed by confining vehicle movements to authorised routes, using existing formed roads and authorised access tracks where practicable, maintaining access routes to appropriate operational standards, and implementing erosion and sediment controls where ground disturbance is required.

Where infrastructure is located on or near conservation land, the activity may result in ongoing occupation of the land and visual change. However, the infrastructure is necessary to support safe and efficient mining operations and, in many cases, reflects existing authorised or established infrastructure. Consolidating existing authorisations into new concessions will also assist with the integrated management of those activities under a consistent set of conditions.

Overall, the infrastructure and access concessions are expected to have manageable effects, particularly where they rely on existing roads, tracks, infrastructure corridors and disturbed land. The concessions will provide a clear authorisation framework for access, maintenance and rehabilitation obligations. These rehabilitation obligations are further detailed in the Rehabilitation Management Plan (2026), which sets out the specific requirements for decommissioning, removal, or rehabilitation of infrastructure, roads and

access corridors at the cessation of mining activities, including recontouring, revegetation, and long-term closure criteria.

10.5.3 Water Monitoring Sites

The water monitoring concessions are required to authorise the installation, operation, inspection and maintenance of water monitoring equipment, including sondes, as well as regular water grab sampling and associated access to monitoring locations. The concessions also provide for aquatic ecology monitoring where required.

The potential physical effects of water monitoring activities are expected to be minor. Monitoring equipment generally has a small footprint and will be installed at discrete locations. Access to sites will occur by foot or vehicle, depending on the location and existing access arrangements. Where vehicle access is required, it will use existing roads, tracks or authorised routes as far as practicable, thereby minimising vegetation clearance and disturbance to land surfaces.

Potential effects include temporary disturbance of riparian margins, stream banks, aquatic habitat, and nearby vegetation during installation, inspection, maintenance, and sampling. There is also potential for minor disturbance to aquatic fauna during grab sampling, aquatic ecology monitoring, or the placement and retrieval of monitoring equipment. These effects will be managed by limiting the extent and duration of site visits, using established monitoring locations where practicable, avoiding unnecessary disturbance to stream beds and banks, and ensuring equipment is installed and maintained in a manner that does not impede water flow or create erosion risks.

Water monitoring activities aid in the management of effects as discussed in **Chapter A.7 – Management and Monitoring of Actual and Potential Environmental Effects**. They will provide information on water quality, aquatic ecological condition and environmental performance within and around the BPCP area. This information will assist with detecting changes over time, informing adaptive management, and verifying the effectiveness of management and mitigation measures.

Overall, the effects of water monitoring activities are expected to be minor and temporary, while the activity itself will provide important environmental management and compliance benefits.

10.5.4 Dust Monitoring Sites

The dust monitoring concessions are required to authorise access to dust monitoring sites and the installation, inspection, operation and maintenance of dust monitoring equipment.

Dust monitoring equipment is typically small-scale and located at discrete monitoring points. The physical footprint of these sites is expected to be limited. Potential effects may include minor disturbance to land or vegetation during installation and maintenance, temporary access-related disturbance, and minor visual effects associated with monitoring equipment. These effects will be managed by using existing access routes where available, limiting the extent of ground disturbance, and locating monitoring equipment to operate effectively while minimising environmental impacts.

Dust monitoring will aid in managing effects of the Project, as detailed in **Chapter A.7 – Management and Monitoring of Actual and Potential Environmental Effects**, by enabling the collection of information on dust levels associated with mining operations. This will support ongoing environmental management, assist with compliance monitoring, and allow management responses to be implemented if monitoring indicates that further controls are required.

Overall, the adverse effects of dust monitoring activities are expected to be minor, while the monitoring will support the effective management of air-quality impacts associated with the BPCP.

10.5.5 Residual Effects Package Concession

The REP concession is required to authorise activities associated with the establishment, implementation and ongoing operation of the proposed REP. These activities may include ecological research, species surveys, monitoring, pest control (including 1080 drops), weed management, trapping, establishment and marking of walking routes, trap lines and monitoring sites, and other ecological management activities.

The potential adverse effects of these activities are expected to be low. Most activities will be low-impact and undertaken on foot, with only limited equipment required. Potential effects may include minor disturbance to vegetation from the marking or use of walking routes and trap lines, temporary disturbance to fauna during surveys or monitoring, and localised effects associated with the placement, inspection and maintenance of traps or monitoring equipment.

These effects will be managed by using existing routes where practicable, limiting vegetation clearance or trimming to what is necessary for safe access and effective operation, ensuring traps and equipment are appropriately installed and maintained, and carrying out monitoring and survey work in accordance with accepted ecological methods. The activities will be undertaken for conservation management purposes and will be subject to appropriate controls to minimise unnecessary disturbance.

The REP is expected to have positive ecological effects by supporting pest control, ecological monitoring, restoration actions, research, and other conservation outcomes. These activities will help manage residual effects associated with the BPCP and support long-term biodiversity gains.

Overall, the adverse effects of REP activities are expected to be minor and temporary, while the intended ecological outcomes are expected to be positive and enduring.

10.5.5.1 Pest Exclusion Fenced Areas

The pest exclusion concessions are required to authorise the construction, operation, inspection and maintenance of pest exclusion fenced areas. These activities are intended to support biodiversity protection and ecological enhancement outcomes associated with the BPCP. Further detail on the proposed pest exclusion fenced areas can be found in the Pest Control and Elimination Management Plan (Bathurst, 2026ag) attached in **Part G** of this application. A more detailed assessment of effects arising from the construction and operation of the pest exclusion fenced areas (including potential effects on heritage values) is also set out in **Chapter A.6 – Assessment of Environmental Effects** to this substantive application and should be read alongside this section.

Potential construction effects include vegetation clearance or trimming along fence alignments, ground disturbance from fence installation, noise from construction activity, temporary disturbance to fauna, and temporary access-related effects. These effects will generally be localised to the fence corridor and construction access routes. They will be managed through careful alignment selection, minimising the construction footprint, using existing access where practicable, and applying appropriate erosion and sediment controls where ground disturbance occurs.

During operation, pest exclusion fenced areas may have ongoing effects associated with their physical presence, including visual effects and potential impacts on the movement of some fauna. These effects will be managed through fence design, inspection and maintenance procedures, and by ensuring the fence remains fit for purpose. Regular inspection and maintenance, as described in the technical assessments provided in **Part B** as attachments **B.6** and **B.7**, will be necessary to ensure that the fenced areas continue to function effectively and do not create avoidable environmental or safety risks.

The pest exclusion areas are expected to result in significant positive ecological effects. By excluding predator access, the fenced areas, along with weed management, will support the protection and recovery of indigenous fauna and habitat values within the fenced areas. The activity will also support broader pest management and biodiversity restoration outcomes associated with the BPCP.

Overall, while the construction and maintenance of pest exclusion fenced areas may result in localised, manageable adverse effects, the long-term ecological benefits of pest exclusion are expected to be positive.

10.5.6 Overall Assessment

The concession activities addressed in this section are necessary to enable the construction, operation, maintenance, monitoring, rehabilitation and environmental management of the BPCP. While the activities have the potential to cause adverse effects on conservation land, those effects are generally expected to be localised, temporary, and appropriately managed through conditions, operational controls, monitoring, and rehabilitation obligations.

In many cases, the concessions will authorise activities that occur within or adjacent to existing mining operations, existing access routes, existing infrastructure corridors, or previously disturbed environments. This will reduce the need for new disturbance and help avoid or minimise effects on intact conservation values.

The concessions will also provide positive environmental and management benefits. In particular, the water and dust monitoring concessions will support environmental monitoring and adaptive management; the pest exclusion fence concessions will support biodiversity protection and restoration; and the compensation concession will enable ecological management, pest control, monitoring and research activities that contribute to long-term conservation outcomes.

The proposed activities also reflect a continuation and consolidation of activities that have historically been authorised across the Buller Plateaux under the Conservation Act, supporting the conclusion that the concessions sought are appropriate in the circumstances.

Accordingly, having regard to the modified statutory framework under the FTAA, the established history of mining-related concessions across the Buller Plateaux, and the ability to manage the effects appropriately, the concessions sought are appropriate in the circumstances and should be granted.

10.6 SUMMARY OF CONSULTATION

Consultation is addressed in **Chapter A.5 – Application Approach and Structure** to this substantive application and in the Community and Stakeholder Engagement Report, attached to this application in **Part F**.

10.6.1 Department of Conservation

Bathurst's long-standing operations on the West Coast has enabled the establishment of ongoing relationships with agencies, including DOC. As more than half of the Project footprint is located on Crown land administered by DOC, engagement with DOC has been ongoing and has included site visits, meetings, technical briefings, provision of draft ecological technical reports, and management plans (including proposed conditions). Feedback has been collated and is intended to be incorporated, where appropriate, into revised management plans and conditions as the BPCP application process evolves.

10.6.2 Te Rūnanga o Ngāti Waewae

A CIA has been undertaken by Ngāti Waewae for the BPCP (2026). The CIA confirms that Ngāti Waewae, as mana whenua, has been actively engaged throughout the development of the BPCP. This engagement has included review of project information and technical reports, as well as participation in site visits, ensuring that Ngāti Waewae has been appropriately informed and able to contribute to the understanding of project effects from a cultural perspective.

The CIA adopts a holistic perspective in recognising the cultural values of the area, noting that the entire landscape is of significance to Ngāti Waewae. As such, project effects are considered at a whole-of-landscape level, rather than in isolation, reflecting the interconnected nature of cultural, environmental, and spiritual values.

In the context of land use and development, Ngāti Waewae reduces the need to extend activities into previously undisturbed areas and aligns with broader conservation land management principles. The CIA also identifies a preference, where practicable, for utilising existing land disturbance and infrastructure, including established roads and access tracks.

10.7 CONCLUSION

As part of the BPCP, Bathurst is seeking approval for nine concessions associated with the construction and use of the 2-5 Haul Road, deposition of fly rock, construction and operation of pest exclusion areas, water and dust monitoring and implementation of the wider compensation package over areas of conservation land (subject to Part 3 and Part 5 of the Conservation Act).

This application document provides a description of the proposed activities and the existing environment; consideration of alternative options; an assessment of environmental impacts and proposed management measures; details of consultation undertaken; and an assessment of the relevant objectives and policies of the CMS. This assessment demonstrates that all potential adverse effects of the proposed concession activities are of

low impact and will be appropriately managed through site-specific conditions for all approvals being sought under the BPCP (e.g., weed control, pest control) and those more standardised conditions relating to concessions.