

Department of Conservation advice for EPA completeness assessment

Overview

Project name	Buller Plateaux Continuation Project
Project applicant	Bathurst Resources Limited (including subsidiaries Bathurst Coal Ltd and Buller Coal Ltd, and joint venture BT Mining Ltd)
EPA unique ref. no	FTAA-2608-1279
EPA Request Number	CRM:0139020000
Conservation approvals sought	• Concessions (x 10) • Wildlife Act approvals (x 1) • Complex Freshwater Fisheries approvals (x 1) and dispensations (x 1) • Access Arrangements (x 7)
EPA request overview	<i>To inform the EPA's completeness assessment of the application, please provide DOC's views on whether the documentation provided by the EPA regarding the above approval/s, as provided by the applicant, meet the requirements of sections 42 and 43 of the Act and has been provided in sufficient detail to satisfy the purpose for which it is required, in accordance with section 44 of the Act.</i>
Date received	Monday 24 August 2026
Date due to EPA	Wednesday 2 September 2026

On 24/08/2026 the Department of Conservation (DOC) received a request from the EPA seeking its views whether the application meets the requirements of sections 42 and 43 of the Fast-track Approvals Act 2024 (the Act) and whether the information is in sufficient detail to satisfy section 44 of the Act.

The purpose of this document is to provide advice to assist the EPA in making its decision on whether the application lodged by Bathurst Resources Limited on 24 August 2026, complies with the requirements of section 46(2) of the Act.

The advice covers compliance with the following:

- Preliminary matters under section 43
- Information requirements for relevant approvals
- Notification requirements
- Access arrangement notification requirements

The advice also includes further observations of relevance to processing of the application, for example where further information could be needed for a decision by the Panel.

DOC understands that this document will be passed on to the applicant, the Panel Convener and the Panel.

Compliance with information requirements

Our detailed assessment of the information requirements for the relevant approvals is provided in the attached tables. In summary, DOC's advice is that the application *does NOT meet the requirements of sections 42, 43, and 44 of the Act*.

DOC has provided key considerations in relation to where information has been assessed as not present and/or not sufficient or undetermined as below and as is set out in the appendices. Whilst DOC's view is that the information to meet requirements is in some cases not present in the application, or not present in sufficient detail, DOC acknowledges:

- The implications around the absence of some of this information may be minor and further information could be provided as part of the process.
- The scale and complexity of the application's 230 documents may mean that some of the information is present but has been unable to be identified by DOC in the timeframe provided for DOC's response to EPA's request.
- Some of the information gaps identified by DOC may impede its ability to give advice to the Panel, if this information is not identified or provided as part of the application during the process.

DOC has provided a detailed assessment of the information requirements for each of the conservation approvals sought as appended to this document.

DOC's assessment is broken down by approval type, and a table in each appendix provides commentary on whether the information provided satisfies the requirements set out in the relevant schedules of the Act.

In relation to the detail/further information identified as required, DOC will be limited in its ability to provide comprehensive s51 reports which address the relevant matters set out in each of the schedules. Subsequently this may limit the Panel's assessment against the relevant criteria as again required under the Act and the relevant schedules.

Further information

DOC's advice is that the application does not meet the requirements of sections 42, 43, and 44 of the Act. More details on areas that are not considered complete or where sufficient detail has not been provided are included in the appendices attached. DOC

considers that the following information will be important for further processing and deciding on the application. Therefore, DOC recommends that the following information is requested from the Applicant pursuant to s 46(2A) FTAA.

1. Concessions

- a) Provide information regarding convictions or charges.
- b) Confirmation of whether the concessions application includes fly rock deposition in the areas around Sullivan and Whareatea West and Escarpment Extended (ESE), noting that blasting effects on these areas is mentioned in the recreation consultant's report.
- c) Clarify if visitors will be excluded from the Denniston North or Whirlwind Rise pest Exclusion areas after pest proof fences are established to determine what concession type is required.
- d) Provide details of how the Applicant will manage public access issues within proposed concession areas for health and safety, security and other reasons. This includes structures forming part of the aerial ropeway at Stockton and Ngakawau, the footprint beneath the aerial ropeway, the pest exclusion fence structures and the areas within those fences. These details are important to determine the appropriate concession type.
- e) Provide details and assessment of the loss of public educational opportunities for heritage from what is a largely intact cultural landscape.
- f) Provide copies of all existing authorities currently in operation, along with a detailed summary from the Applicant that identifies their existing legal and financial obligations relating to rehabilitation, mitigation, offsetting and environmental compensation for activities on the land, and further identifies those environmental obligations that are intended to endure under the BPCP.
- g) Provide details of the trust proposed to enable funds to be gathered to ensure compensation obligations, such as the fenced areas, endure post mine closure.
- h) Provide an assessment of heritage against the Conservation Management Strategy, including section 3.4 of the CMS detailing heritage, and a consistency assessment.
- i) Provide details of the proposed Historic Heritage Enhancement Fund (HHEF), including how the size of the fund has been determined, what the process is to decide how funds from the HHEF will be allocated, and who the ultimate decision maker is with regards to fund allocation and expenditure.
- j) Provide details of measures proposed to mitigate adverse impacts on heritage values.
- k) Provide detailed information on Koranui and Taipo Mines. As it is proposed to destroy large parts of these largely intact sites, it is not sufficient to state that

additional features may be present. More detailed site surveys are required to understand the scale and effects of the proposed activity.

- l) In relation to landscape visualisations, provide details of the methodology stating how the landscape visualisations were created.
- m) Clarify and provide details of the distinction between legacy ecological management and new compensation.
- n) Provide details of the proposed recreation of rock pavement that explain the rehabilitation methodology or demonstrate how the distinctive physical and perceptual characteristics of natural sandstone erosion pavement will be recreated.
- o) Provide details of the proposed tarn rehabilitation / reconstruction referred to in the landscape report.
- p) Provide a detailed ecological justification for why replacing pākihi, shrubland and rock pavement with more forest is considered an appropriate target.
- q) Provide a detailed discussion of whether replacing sandstone pavement, pākihi and low shrubland mosaics, with a larger area of forest could itself be regarded as an adverse effect on landscape character.
- r) Provide quantitative evidence or detailed analysis to support the landscape report's longer-term conclusions regarding landscape integration and restoration of natural character at 50 years.
- s) Provide a detailed assessment of the effect of the predator proof fenced enclosures in preventing the natural movement of biota across the wider area (a potentially significant adverse effect on natural character).
- t) Provide detailed analysis to support the landscape report's conclusion that the fences will have '**Very low**' adverse visual effects.
- u) Provide details and an assessment of the Upper Waimangaroa Haul Road, including the actual cleared and excavated corridor width created by vegetation removal and forming cut and fill batters along the length of the road.
- v) Provide details of the proposed 50 m long Deep Stream Bridge.
- w) Provide proposed blast effect limits for the fly rock concession application. The Noise, Blasting and Vibration Management Plan G.15 relies on future consent conditions and repeatedly refers to "applicable consent limits", but details of the limits themselves are absent from the documents provided.

2. Access arrangements

a) General

- i. Provide the approval of Buller District Council for the use of Ngākawau–Hector Recreation Reserve, which is controlled and managed by Buller DC, but is Crown land, for Access Arrangement A.

- ii. Provide details of existing financial and legal liabilities and obligations of the applicant arising from existing resource consent conditions, access arrangements, concessions and wildlife approvals. These existing documents provide a range of obligations relating to rehabilitation, compensation and offsetting (including financial obligations) associated with the land. Details of these obligations are required to assess the extent to which the applicants' proposed effects management package is additional to, or is less than, its existing legal obligations.
- iii. Provide the two reports referenced in B.01 that have not been lodged with the application; Upper Waimangaroa Haul Road Wildlife Mitigation – Literature Review (Ecological Solutions Limited 2026i) and Upper Waimangaroa Haul Road (UWHR) Options Assessment (Ecological Solutions Limited 2026j).
- iv. Provide detailed information about the proposed bond methodology. This may include cost estimates, schedules of quantities, unit rates, closure assumptions, water-treatment duration, risk analysis, contingency basis or proposed bond values. The intensifying effects of climate change means that an approach that has been in place since 1999 is unlikely to be suitable today in the absence of adaptation of the method to these evolving conditions and risks. The application's climate-change assessment does not characterise plausible changes in hydrological variability and extremes and consequently does not provide a reliable basis for estimating climate related post-closure water management risks and costs. Provide details about how bond methodology will safeguard against climate change related risks throughout the life of the project, and beyond. Include details regarding how the bond assessment will be updated once those risks have been adequately assessed, including their implications for long-term (potentially in perpetuity) water treatment, monitoring, maintenance, contingency and post-closure management costs.

b) Hydrology

- i. Provide revised hydrological and climate-change scenarios to evaluate relevant high-flow, low-flow, dry-period and extreme-event conditions both for the current and evolving future climate. The hydrological and climate-change scenarios do not correctly characterise the local hydrological variability and extremes that determine mine-water discharge volumes, treatment requirements and dilution in receiving waters.

- ii. Provide an updated sediment turbidity assessment with revisions to the model inputs and methodology details that addresses the following issues, which are expected to result in significant underestimation of the effects of the proposed activity on the receiving water bodies:
 - omission of a suitable detailed water quality assessment for the proposal to discharge untreated mine water 5% of the time (the modelling assumes that untreated discharges are treated to the same standard as treated discharges),
 - a flawed sediment basin performance “model” which contradicts the fundamental physics of sedimentation basin processes, unsuitable model inputs and a range of materially important but unjustified assumptions.
- iii. Provide robust key source-term assumptions and uncertainty analysis for the AMD impact assessment, particularly the extrapolation of Barren Valley (BV) ELF results to proposed ELFs. The true water quality outcomes could potentially be much worse than the assessment suggests. The BV ELF model assumes a 10 m oxidation zone in future ELFs, despite oxygen data indicating oxygen at greater depth, and does not test plausible shallower oxidation depths that could substantially increase predicted AMD loads. It also relies on poorly constrained sulphate-decay and contaminant–sulphate relationships without propagating uncertainty into predicted water-quality outcomes.
- iv. Provide justification for the AMD impact assessment’s exclusion of arsenic, chromium and lead from monitoring or limits, despite potential mobilisation and analytical constraints in the available data. The possible range of MSR treatment efficiencies have not been addressed in the effects assessment, with mean and in some instances potentially best-case scenario removal rates applied, with an associated underestimation of potential effects.
- v. Provide a detailed assessment of climate-change effects on cover performance, oxygen ingress, seepage and AMD generation. The modelling is not probabilistic and does not provide a credible assessment of upper-range AMD source terms and receiving-water effects. Major revision is required before the assessment can be relied upon. This should include a comprehensive assessment of the plausible range of model inputs, interrogation of key assumptions and suitably precautionous interpretation and extrapolation of empirical data.

- vi. Provide additional groundwater information to assess the key risk that contaminated seepage from proposed engineered landforms may bypass collection and treatment infrastructure and discharge untreated via groundwater to receiving waters. The assessments rely on simplified assumptions regarding infiltration, hydraulic conductivity and the hydraulic separation of engineered landform seepage from underlying or adjacent Brunner Coal Measures and does not adequately assess seepage capture performance or the consequences of seepage loss. This is material because bypass of treatment infrastructure has the potential to cause significant water quality impacts. Further site-specific groundwater characterisation and quantitative assessment are required to demonstrate that contaminated ELF seepage will be intercepted and treated, or to assess the resulting groundwater and receiving-water effects if it is not.
- vii. Provide geotechnical assessments that demonstrate that the proposed engineered landforms (ELFs) will retain AMD-generating material and maintain the integrity of their covers, drainage and water-management controls over the relevant operating and post-mining period. This is a material omission such that DOC is unable to assess the effects of the proposed activity. At Mount Frederick South, the ELF analyses indicate likely slope failure under seismic conditions.
- viii. Provide the geotechnical discussion of predicted failure displacement in Section 15.3, which is referred to but not included in the report. The available material does not establish the magnitude or post-failure configuration of an ELF failure, or whether it would affect PAF material, covers, drains or containment structures.
- ix. Provide geotechnical assessment of environmental risks, not only geotechnical risks.
- x. For Stockton and Escarpment Extension, provide ELF-specific geotechnical evidence showing that credible seismic, groundwater, rainfall or fault-related deformation would be confined and non-consequential for reactive material containment.
- xi. Provide analysis to support the Stockton geotechnical summary's general statement that failures are expected to be local, have limited displacement and remain within mine footprints. This missing information is fundamental to the water-quality assessment.

- xii. Provide the information referred to in the Escarpment geotechnical assessment that identifies residual uncertainty relating to groundwater conditions, faults and discontinuities. This missing information is fundamental to the water-quality assessment.
- xiii. Provide ELF-specific stability and permanent-deformation analyses, including failure geometry and post-failure drainage, and demonstrate the resulting implications for containment integrity and contaminant loading to receiving waters.
- xiv. Provide additional information in sufficient detail to assess the proposal's effects on receiving-water quality and aquatic ecology and the effect of projected flow reductions on in-stream ecology. The assessments rely principally on a counterfactual in which mining and AMD treatment cease in 2027 and therefore conflate the benefits of continuing management of existing and legacy AMD with the effects of the proposed continuation activities. This is not an adequate sole counterfactual, particularly as the reports recognise the ongoing legacy AMD liability and potential for Crown-led treatment and management. Assessment is required of a scenario in which the proposed mining does not proceed but necessary AMD treatment and other site rehabilitation obligations continue, in order to identify and evaluate the proposal's incremental and residual effects on receiving waters and aquatic ecosystems.

c) Ecology

- i. Provide new / updated vegetation mapping based on vegetation plots (and walk-through surveys) that are of sufficient scope and coverage to adequately determine the locations and distributions of Threatened and At-Risk species (notably non-vascular species) over the full extent of the area affected by the proposed activity. The vegetation mapping method (computer analysis of plot data and drone images) is inadequate; field checks have shown the map to be inaccurate.
- ii. Provide an updated Ecological Impact Assessment that includes assessment of effects on the wider plateaux ecosystem, notably fragmentation.
- iii. Update the assessment of vegetation types to include key terrestrial vegetation values that have not been adequately represented, notably sandstone pavement (which is more than just bare rock), coal measures tussock (*Chionochloa juncea*) tussockland, and mossfield/lichenfield (non-vascular vegetation).
- iv. Provide an assessment of the ecological impacts of disturbance associated with construction of the pest exclusion fences.

- v. Provide an updated list of environmental weeds that includes weedy native species that were planted as part of early rehabilitation efforts, notably toetoe (*Austroderia richardii*) and koromiko (*Veronica salicifolia*).
- vi. Undertake and provide the results of a comprehensive survey of the extent of existing weed infestations on the plateaux. Effective weed management requires comprehensive data on the presence/infestations of each invasive weed species across the plateaux. These data are important to determine the risk of reinfestation and the feasibility of eradication, for each invasive weed species.

d) Pest / predator control

- i. Provide an assessment of the effects of the network of traps proposed for the Blackburn Pakihi, including forming and using the track network. The adverse effects could be substantial, especially if motorbikes are used to provide access (motorbikes are used elsewhere for trap servicing on the Buller Plateaux).
- ii. Provide a description of how the benefits of proposed pest control (Blackburn Pakihi and Landscape Pest Control for 35 years and maintenance of pest exclusion fences for 50 years) will be sustained beyond the proposed duration periods.
- iii. Provide more detail on weka population size and trends to support a mitigation package heavily weighted on exclusion of weka to protect snails. The application relies on a problematic camera trap protocol with baited cameras maintained over too short a period of time within too constrained an area to understand current size and projected future population trends of weka on the Plateaux.
- iv. Provide assessment of the permanent effects on the landscape, flora and fauna of erecting an unspecified number of 0.5 ha “temporary” (up to 10 years) weka exclosures.
- v. Provide an assessment of how the competing interests of different species will be resolved, noting the “temporary” weka excluding fences proposed to protect snails salvaged from the BPCP disturbance zone will presumably be placed in areas most likely to support snails – that is deeper soils with more worms. Such sites are preferentially used by kiwi, but they would be excluded (0.5ha is too small for a kiwi to survive in).
- vi. Provide a clear comparison of what is required under the existing Cypress and Escarpment consent conditions for biodiversity increases via pest control and what is proposed in this application.

- vii. Provide detail about what further reductions in pest numbers above those targets already set (whether or not they have been reached) is being offered, so that any additional issues can be understood.
- viii. Provide information on how kiwi survival rates and population trends in the Orikaka sector of the proposed 23,843 ha halo predator control area will be accurately measured, as kiwi are the main intended beneficiary of the proposed wider predator control programme.
- ix. Clarify why a Mt Augustus predator exclusion fence has been proposed as compensation for the BPCP when the critically endangered snail species there, *P. augusta*, is far less affected by predators than by the mining-induced insecurity of its only surviving 0.5 ha of good quality snail habitat.
- x. Provide an assessment of the ecological consequences (road mortality, barrier to movement, ongoing access for pests and weeds, habitat fragmentation) to either kiwi or snails of retaining the UWHR as a smaller access road in perpetuity.

e) Rehabilitation

- i. Provide an assessment of how substantial changes to mine sequencing, production rates, market-driven extraction priorities, or delays between mining sub-areas could affect the ability to achieve progressive rehabilitation commitments, including the availability of suitable NAF materials, timing of rehabilitation works, or delivery of VDT outcomes.
- ii. Provide detail about the quantity of VDT which would be needed to deliver each of the high priorities for VDT specified in the BPCP. The application is missing the detailed accounting needed to assess the risk that not enough VDT will be available.

f) Heritage

- i. Provide an assessment of the proposal against the Policy for Government Management of Cultural Heritage Places.
- ii. Undertake and provide the results of more detailed site surveys for Koranui mine & incline site and Taipo mine to support any application for damage. It is not sufficient to state that additional features may be present.
- iii. For historical mine sites, provide specific detail of impacts on landscape and public access and impacts on setting and appearance, and comments on permanent fragmentation and destruction of a significant heritage landscape.

- iv. Provide an assessment of the heritage effects of removing 1 km of the Historic Electric Loco line (site L28/20) at Stockton. This was NZ's first electric railway, so an important heritage site.
- v. Provide additional detail on heritage effects at Whareatea and Sullivan, including comment on impact of spoil heap footprint or height and therefore setting, major landscape change through construction of ELF's, and heritage landscape change on surviving features due to ELF's.
- vi. Provide statements of heritage value for Koranui and Taipo mines.
- vii. Identify the methods or management measures that will be implemented to protect heritage sites from stormwater runoff and sediment discharge to Coalbrookdale Creek, and consider water run-off from the road into Coalbrookdale.
- viii. Provide additional information regarding the management of the impacts on heritage sites from dust emissions arising from mine pits, blasting, haulage traffic, the proposed haul road, stockpiles, and the construction and operation of Engineered Landforms.
- ix. Provide an assessment of cumulative loss/heritage landscape loss.
- x. Provide better quality, consistent mapping for heritage features and site extents. This should be sufficiently detailed to see the relationship between the proposed pit boundaries and the recorded locations of individual features at the Koranui mine, and to obtain a clear overall impression of the surviving evidence at the Taipo and Koranui mines.
- xi. Update the Historic Heritage and Archaeology Management Plan to clearly set out the relevant standards to be applied. For a project of this size in an industrial landscape of acknowledged very high value this in effect means the Nizhny Tagil Charter for industrial heritage.
- xii. Provide site specific, sufficiently detailed assessment or recommendations regarding the height, profile or otherwise of ELF's (spoil heaps) around Whareatea and Sullivan mines. This is critical to the future appearance of these sites.

g) Recreation

- i. Provide an assessment of cumulative effects on recreation values.
- ii. Clarify what the minimum setback distance will be between the UWHR and Coalbrookdale track.

3. Wildlife Act authority applications

- a) Provide details of the activities to be carried out between the 25 year mine development period and the end of the 60 year Wildlife Act authority term and clarify the purpose of these activities.
- b) Explain why the proposed wildlife special conditions (A.11A Schedule 3) contain no conditions or detail on methods or management approach, and clarify whether 04 Ecological Conditions are intended to apply to the wildlife approval.
- c) Avifauna
 - i. Provide holding times for robin and fernbirds.
 - ii. Provide details of the artificial burrows for kiwi proposed as remediation for habitat loss.
 - iii. Provide the specific release locations for translocated weka.
 - iv. Amend the assessment to take into account that scaring off nesting birds could kill nestlings.
 - v. Explain why only nests from Threatened and At-Risk species are proposed to be protected, and species with a lower threat status will not be offered protection despite being protected under the Wildlife Act 1953.
 - vi. Provide details and analysis of territory locations of those kiwi that have had transmitters on in the previous five years.
 - vii. Provide detail on what percentage of kiwi territory revegetation by VDT would be undertaken.
 - viii. Amend the assessment to take into account the time taken for friable probing soil and invertebrates to recover that kiwi rely on for feeding.
 - ix. Provide detail on how kiwi will be shepherded away from the mined area.
 - x. Identify the exact release sites of removed weka.
 - xi. Identify where kiwi will be released, noting that the Avifauna Management Plan does not mention kiwi being transferred to fenced enclosures, but the fencing plan (B.06) does.
 - xii. Clarify whether the wording of proposed conditions (A.11A) about the maximum holding time for kiwi and weka are intended to allow them to be held for longer than 45 hours if they are fed.
 - xiii. Clarify whether the wording of the proposed conditions for other protected bird species are intended to allow them to be captured, held for unspecified times, and relocated.
 - xiv. Provide an assessment of the potential adverse effects of the proposed predator-proof fences on avifauna.

- xv. Clarify what measures will be implemented where active nests of protected indigenous bird species that are not Threatened or At-Risk are identified during vegetation clearance.

d) Lizards

- i. Amend the application to include Northern grass skink (*Oligosoma polychroma*), which are known to occur on the Plateaux and are potentially present within the Project Area.
- ii. Provide an estimate of the number of lizards (of each species) present within the Project Area.
- iii. Identify cumulative effects on lizards.
- iv. Provide an assessment of the actual and potential effects on lizards related to the construction of the predator exclusion fences.
- v. Provide details of interim relocation sites for lizards (i.e., temporary weka-free exclosures and designated release areas within the footprints of planned fenced areas), including the location, size, mapping, and carrying capacity.
- vi. Provide details of the number of lizards that will be impacted, not only the aerial extent of habitat loss.
- vii. Amend salvage estimates to include the total number of lizards expected to be impacted, not only the number that are expected to be captured.
- viii. Provide an assessment of the impacts on threatened, data deficient, and At-Risk lizards themselves, not only the effects of loss of habitat.
- ix. Correct the inconsistencies in the application of the correct threat classification status for Westland speckled skink throughout the B.01 report and across other reports.
- x. Clarify the intended length of time for holding lizards, which is inconsistently stated as 24 hours (A.11A, Schedule 1 A)b)iii) but also up to 72 hours (G.04 p22).
- xi. Provide more detail about the relocation destinations for lizards, particularly timing, given that the pest exclusion fenced areas into which lizards are to be released will not be constructed and cleared of pests until between approximately one and ten years after salvage commences.

e) Snails

- i. Provide a detailed soil and snail movement plan to address the risks of mixing genetically distinct populations associated with moving salvaged snails and VDT sods to unspecified locations.
- ii. Provide detailed mapping showing where snails are absent, where habitat is suitable, and where snail densities are highest.

- iii. Identify the locations of and provide GPS coordinates for temporary weka-proof fence sites, receiving sites for VDT containing snails, and receiving sites for snails salvaged by hand.
 - iv. Provide the source reports relied on for assumptions about VDT, nocturnal searches, carrying capacity of fenced areas, habitat quality and snail information (including the Lloyd reports from 2021, 2023 and 2024 referenced in B.02 and B.03).
 - v. Provide additional information on the scale of impact of mining on *Powelliphanta patrickensis*, noting that calculations of the number of individuals affected based on anticipated reductions in the area of occupancy are considered misleading due to very large differences in the density of snails in different parts of their habitat range.
 - vi. Provide evidence to support the estimates of snail numbers.
 - vii. Provide an assessment of the effects of the proposed long-term capture-mark-recapture programme on *P. patrickensis*, including information on the effects of permanently marking a large number of snails and the effects of repeated searches, including potential trampling impacts.
 - viii. Provide information on ethics considerations for permanently marking a large proportion of the surviving population for capture-mark-recapture (CMR) monitoring.
 - ix. Provide information on ethics considerations for the large number of snails expected to be killed and not salvaged by hand or VDT.
- f) Other Invertebrates
- i. Identify any species-specific actions proposed for protected non-snail invertebrates.
 - ii. Amend the application to include giant wētā (*Deinacrida broughi*) which are protected invertebrates known to exist in the Denniston Plateau. Describe and assess the impacts on giant wētā.
 - iii. Identify the numbers of Helm's stag beetle (*Geordorcus helmsi*) affected.
 - iv. Provide a description of how terrestrial invertebrates (other than snails) will be managed other than potential transfer by VDT. There is no mention of invertebrates (other than snails) in the Wildlife Act authorisation Technical Report (Feb 2026).
 - v. Provide species-specific handling or relocation programmes for species such as Helm's stag beetle.
 - vi. Provide an assessment of the actual and potential effects of the proposal on protected non-snail invertebrates, including Helm's stag beetle and giant wētā.

- vii. Provide a description of what measures, if any, are proposed to avoid, minimise, remediate, offset or compensate adverse effects on non-snail protected invertebrates, including Helm's stag beetle.

4. Complex freshwater fisheries applications

- a) Confirm whether complex freshwater fisheries activity approval is sought as part of this application for the loss and diversion of 17.1 km of existing stream.
- b) Provide detailed designs for the reconstructed (diverted) stream channels.
- c) Provide structure specific designs for all proposed culverts.
- d) Provide final dimensions for the 47 culverts that will not provide for fish passage, the pest-exclusion fence culverts, and the clean-water diversions.
- e) Provide location information for clean water diversion drains and clarify how each structure will provide for or impede fish passage.
- f) Provide information about how fish passage will be provided for or impeded for the pest exclusion fence culverts.
- g) Clarify why conditions have been provided for the 12 culverts that will provide fish passage (A.13A).
- h) Confirm whether complex freshwater fisheries activity approval is sought as part of this application for the construction of culverts impeding fish passage at intersections between pest-exclusion fenced areas and waterways within the Stockton and Cypress areas.
- i) Provide water flow information, including structure specific calculations, for each road culvert, pest exclusion fence culvert or clean water diversion structure.
- j) Provide information on the freshwater species and values present specific to each structure that approval is sought for.

Summary of feedback on information requirements

Concessions

- The applicant has applied for 10 concessions.
- Details of compliance with information requirements are set out in Table 1 (Appendix 1).
- The following information is not present:
 - The land is subject to a complex regulatory framework which includes obligations extending beyond existing mining operations. The documents that most clearly set out these obligations, such as current authorisations and consents, have not been provided. The most effective way to identify associated legal and financial obligations would be to provide copies of

all existing authorities currently in operation, along with a detailed summary provided by the applicant that identifies its existing legal and financial obligations relating to rehabilitation, mitigation, offsetting and environmental compensation for activities on the land, and further identifies those environmental obligations that are intended to endure under the BPCP. Statements about existing obligations and liabilities are scattered throughout the application and are of a nature so vague they are not sufficient to enable assessment.

- The application does not contain information regarding convictions or charges.
- The fly rock concession application does not include the areas around Sullivan and Whareatea West and the Escarpment Extended (ESE) area but blasting effects on both these areas is mentioned in the recreation consultant's report.
- There is no clarification if visitors will be excluded from the Denniston North or Whirlwind Rise pest exclusion areas after they are established. This information determines what concession type is required.
- In addition, there are multiple areas where information is not provided in sufficient detail, as set out in Table 1 (Appendix 1).

Access arrangements

- The applicant has applied for seven access arrangements.
- Details of compliance with information requirements are set out in Table 2 (Appendix 2).
- The following information is not present:
 - The written consent of Buller District Council as manager of the Ngākawau-Hector Recreation Reserve. Maps for Access Arrangement A.15B6 show Ngākawau-Hector Recreation Reserve, which is controlled and managed by Buller DC, but is Crown land. The landholder bundle identifies Section 13 Block I Ngākawau SD as Crown recreation reserve land intersected by the project. It lists the Ngākawau-Hector Recreation Reserve, Lot 1 DP 3961, as adjacent, but contains no Council approval. (H.01 Affected and adjacent landowners bundle 2). The Buller District Council Heads of Agreement covers Council-owned roads and only records agreement in principle. The copy appears undated and unsigned, and it doesn't expressly approve activities on either reserve parcel. (F.02 BDC Heads of Agreement)
 - Very little information is provided about existing financial and legal liabilities and obligations of the applicant arising from existing resource consent conditions, access arrangements, concessions and wildlife

approvals. These existing documents provide a range of obligations relating to rehabilitation, compensation and offsetting (including financial obligations) associated with the land. Details of these particular obligations are required to assess the extent to which the applicants' proposed effects management package is additional to its existing legal obligations.

- Two reports referenced in B.01 do not appear to have been lodged with the application. These are: Upper Waimangaroa Haul Road Wildlife Mitigation – Literature Review (Ecological Solutions Limited 2026i) and Upper Waimangaroa Haul Road (UWHR) Options Assessment (Ecological Solutions Limited 2026j).
- In addition, there are multiple areas where information is not provided in sufficient detail, as set out in Table 2 (Appendix 2).

Wildlife approvals

- The applicant has applied for one global wildlife approval for the entire Project area, relating to different species and covering a range of activities.
- Details of compliance with information requirements are set out in Table 3 (Appendix 3).
- The following information is not present:

Avifauna

- Holding times are not provided for robin and fernbirds.

Lizards

- Northern grass skink (*Oligosoma polychroma*) has been omitted from the list of potentially affected lizard species despite being known to occur on the Plateaux and potentially being present within the Project Area.
- No estimate is provided of the number of lizards present within the Project Area. No estimate is provided of the number of lizards likely to be impacted by the Project, and no explanation is given for this omission.
- Cumulative effects on lizards are not identified (B.01; G.04; B.04).
- Actual and potential effects on lizards related to the construction of the predator exclusion fences not specifically identified (B.01; G.04; B.04).

Snails

- A detailed soil and snail movement plan is not provided. This is required because the proposal involves moving salvaged snails and VDT sods to unspecified locations, which risks mixing genetically distinct populations.
- Detailed mapping is not provided showing where snails are absent, where habitat is suitable, and where snail densities are highest.

- GPS coordinates are not provided for salvaged snail relocation sites, temporary weka-fence sites, or sites where VDT containing snails would be placed.
- The source reports relied on for assumptions about VDT, nocturnal searches, carrying capacity of fenced areas, habitat quality and snail information have not been provided. *Missing source reports include Lloyd reports from 2021, 2023 and 2024 referenced in B.02 and B.03.*

Other Invertebrates

- The application does not identify any species-specific actions proposed for protected non-snail invertebrates.
- Aside from *Powelliphanta*, two species of protected invertebrates are known to exist in the Denniston Plateau: Helm's stag beetle (*Geordorcus helmsi*) and giant wētā (*Deinacrida broughi*).
- Wildlife approval is sought for Helm's stag beetle, but numbers affected are not identified.
- Giant wētā is not applied for or listed as present or potentially present. Recent observations and records¹ of the wētā close to and within the proposed mine footprint indicate that it will be impacted by the Project.
- The application does not describe or assess the impacts on giant wētā.
- The application does not describe how terrestrial invertebrates (other than snails) will be managed except potential transfer by VDT. There is no mention of invertebrates (other than snails) in the Wildlife Act authorisation Technical Report (Feb 2026).
- No species-specific handling or relocation programme is described for species such as Helm's stag beetle.
- The application does not clearly identify the actual and potential effects of the proposal on protected non-snail invertebrates, including Helm's stag beetle and giant wētā.
- The application does not clearly describe what measures, if any, are proposed to avoid, minimise, remediate, offset or compensate adverse effects on non-snail protected invertebrates, including Helm's stag beetle.
- In addition, there are multiple areas where information is not provided in sufficient detail, as set out in Table 32 (Appendix 3).

¹ Records date from 2014 to 2023 and are listed in Hegg's report (Hegg, D. The West Coast bush wētā *Deinacrida broughi* on Denniston Plateau, Autumn 2026. Unpublished report by the Wētā Conservation Charitable Trust.

Complex freshwater fisheries approvals

- The applicant has applied for approvals and a dispensation relating to complex freshwater fisheries. These relate to culverts and clean water diversions.
- Details of compliance with information requirements are set out in Table 4 (Appendix 4).
- The following information is not present:
 - The project involves the loss and diversion of 17.1 km of existing stream, yet no CFFAA approval is sought for these diversions. The detailed designs are not provided for the reconstructed (diverted) stream channels.
 - Final structure specific designs are not provided for all culverts, particularly those associated with pest exclusion fences.
 - Final dimensions are not provided for the 47 culverts that will not provide for fish passage, the pest-exclusion fence culverts, or the clean-water diversions.
 - For clean water diversion drains, specific location information is not provided and there is insufficient information to identify the individual structures and assess how each structure would provide for or impede fish passage.
- In addition, there are multiple areas where information is not provided in sufficient detail, as set out in Table 4 (Appendix 4).

Notification

Section 29(1)(a) of the Act requires that, before lodging a substantive application for a **listed project**, the authorised person for the project must consult the persons and groups referred to in section 11 including relevant Treaty partners. Relevant administering agencies must be notified.

DOC is a relevant administering agency for this application. DOC provides the following comments in relation to the pre lodgement notification in relation to the Buller Plateaux Continuation Project by Bathurst Resources Limited.

On 11 May 2026, DOC received a letter from Bathurst Resources Limited formally advising that:

*Bathurst Coal Limited, Bathurst Resources Limited, BT Mining limited and Buller Coal Limited (together, **Bathurst**) intend to lodge a substantive application for the Buller Plateaux Continuation Project (**BPCP**) that is listed in Schedule 2 of that Act. We intend to lodge our application no sooner than 10 June 2026.*

Access arrangement for mining

Section 59 of the Crown Minerals Act applies to fast-track access arrangements.

Applicants seeking access arrangements are required to serve notice on all owners and occupiers of the land to be mined.

The applicant must serve a notice on the Minister of Conservation as the “owner” of the PCL in question. In this case, notice was served on 19 August 2026.

On 19 August 2026, DOC received a letter from Bathurst Resources Limited providing notice of its intention to obtain access arrangements over DOC administered land as required by Section 59(1) of the Crown Minerals Act 1991 (CMA). This letter has not been included in the application. The substantive application was lodged on 24 August 2026

The letter included information on the matters listed in Section 59(2) of the CMA in relation to the access arrangements sought as part of the BPCP ahead of lodgement of the substantive application.

DOC acknowledged receipt of the letter.

The letter did not contain the information listed in Section 59(2). Instead, it referred to the sections of the substantive application where the information is located.

Other observations

In addition to the compliance requirements, DOC makes the following observations:

- **Alternatives assessment.** The application is premised on the Applicant’s stated need for access to all sub-areas, and to operate these areas concurrently. The significant scale of the project’s environmental footprint, and ecological effects, are a direct consequence of the claimed need for access to all sub-areas concurrently. While information is provided to justify concurrent access to all sub areas, in particular MFS and ESE, very little detail is provided regarding the alternatives assessments undertaken by the applicant, and in particular the effect of removing either MFS or ESE from the project. A detailed assessment of the potential for a mining continuation project on the plateaux without one or other of these sub areas included, should be provided with the application.
- **Economic assessment.** The Economic Impact Assessment (AIGIS report B.34) assumes that without the project all mining and associated activity would cease in March 2027, but if the project is approved that mining will continue to 2042. The assessment does not consider:
 - an entirely realistic counterfactual where consents are obtained to allow completion of mining at the current Stockton operation, ongoing care and

maintenance activities and outstanding rehabilitation obligations – extending those activities would reduce the duration of benefits attributable to the project.

- As is currently occurring at Escarpment, there is a real risk that external factors (demand, geopolitics, technology etc) could lead to mining operations going on hold for extended time frames, or ceasing earlier than 2042. This would similarly reduce the duration of benefits attributable to the project.

The economics peer review by Greg Akehurst has not considered these matters, as it “assumed that all project information supplied by Aigis Group and Bathurst Resources Limited... is correct and reflects the intended Project design”.

- **RMA assessment.**

- AEE. Chapter A6 (Assessment of Environmental Effects) is described in the Executive summary as being part of the ‘foundation’ project-wide material that applies to all approvals. However, the document structure is based on the assessment of effects under the RMA as imported in Schedule 5 of the FTAA, so it is not clear that it does adequately cover effects which are to be considered under other approvals.
- Chapter 9 (RMA Statutory Assessment). Relevant statutory matters not considered:
 - RMA s7(g) ‘any finite characteristics of natural and physical resources’
 - RMA s7(i) ‘the effects of climate change’
 - RMA s107(1)(d) ‘any conspicuous change in the colour or visual clarity’ – section 9.5.8 outlines control measures but does not address whether the restriction would be breached.
 - RMA s107(1)(g) ‘any significant adverse effects on aquatic life’ - section 9.5.8 outlines control measures but does not address whether the restriction would be breached.
 - RMA s107 (2) and (2A) (exceptions to s107(1)) in terms of MFS, ESE and UWHR sub-areas - section 9.5.8 outlines control measures but does not address whether the requirements of those sections would be met.
 - RMA s108A and 109 (bonds).
 - NZCPS Policy 5 ‘Land or waters managed or held under other Acts’ – development at Stockton will have downstream effects on PCL within the Coastal Environment overlay under the TTPP.
 - NZCPS Policy 11 ‘Indigenous biological diversity (biodiversity)’ – development will have downstream effects on indigenous

biodiversity within the Coastal Environment overlay under the TTPP.

- NPSIB Policy 15 – specified highly mobile fauna. This may have been ignored on the basis that it is primarily a TA function, but identification and management of highly mobile fauna is still relevant to the proposal.
- NPSIB 3.10 – managing adverse effects on SNAs
- NPSIB 3.11 – exceptions to clause 3.10(2)
- NPSIB 3.16 – indigenous biodiversity outside SNAs
- WCRPS Policy 7.8 ‘Maintain indigenous biological diversity, ecosystems and habitats in the region by...’. Particularly relevant is clause a) “Recognising that it is more efficient to maintain rather than to restore indigenous biological diversity”.
- WCRPS Chapters 7A and 7B – Natural Character and Natural Features and Landscapes. Section 9.12.5 outlines management measures in general, but does not assess whether the objectives and policies would be met.
- WCRPS Chapter 8 - Land and Water. Section 9.12.6 outlines management measures in general, but does not assess whether the objectives and policies would be met.
- WCRPS Chapter 9 – Coastal Environment. Section 9.12.7 outlines management measures in general, but does not assess whether the objectives and policies would be met (particularly in terms of the impact of discharges on the coastal environment).
- TTPP Historic Heritage objective HH-O4 (“Protect historic heritage...”) and all policies. (Note – it is not clear whether the scheduled HH5 ‘Denniston Historic Area’ is impacted or not, the Statutory Assessment says it isn’t but the site is only described and not mapped).
- TTPP Policy ECO-P2 “Provide for activities within areas of significant indigenous biodiversity...”
- TTPP Policy ECO-P7 (activities to be avoided)
- TTPP Policy ECO-P8 (consideration matters for resource consents)
- TTPP Policy NFL-P3 (activities to be avoided)
- TTPP Policy NFL-P6 (consideration matters for resource consents)
- Note that the assessment of benefits in section 9.5.3 includes existing obligations as if they were additional benefits of the project (eg pest control, and possibly also existing conditions of Cypress and Escarpment consents).
- This Chapter also includes consideration of the West Coast Te Tai o Poutini CMS (section 9.16.5), in terms of effects on biodiversity,

geodiversity and landscapes. It also considers the CMS in terms of landscape in section 9.3.9. Although this document is RMA-specific, those assessments are also relevant to the conservation approvals.

