

[REDACTED]

From: Megan Barr [REDACTED]
Sent: Tuesday, 22 September 2026 7:17 pm
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Buller Plateaux Continuation - Applicant response to RFI 2

Categories: Tracked To Dynamics 365

Kia ora [REDACTED],

Please accept my apologies for the delay in replying.

In the opinion of DOC's expert, it would have been possible for the applicant to provide an indication of the numbers of lizards 'likely' to be impacted by the project, and estimating the impacted population size is typically provided as part of an EclA. The data collected by the applicant is probably not sufficient to provide a reliable estimate of the population size because there are many areas within the footprint that didn't receive suitable survey effort. However, it would still be possible to provide a crude extrapolation of the population size for each species based on the encounter rates the applicant provided, and incorporating low detectability. DOC's experts provided this type of information in the initial pre-lodgement response, where they applied detection rates to estimate expected numbers of lizard to be salvaged.

The salvage estimates provided by the Applicant are considered likely to be gross underestimates as they haven't considered detection probability.

Ngā mihi | Kind regards,

Megan Barr
Fast-Track Consultant
[REDACTED]

From: [REDACTED]
Sent: Tuesday, 22 September 2026 3:13 pm
To: Megan Barr [REDACTED]
Cc: [REDACTED]
Subject: RE: Buller Plateaux Continuation - Applicant response to RFI 2

Hi Megan,

Thank you (and expert) for the prompt response. In relation to the estimates, is the information contained in G.04 not determined to be an estimate of numbers in this instance?

I've attached G.04 of the Application to assist (page 23).

Ngā mihi nui,

[REDACTED]

[REDACTED]

[REDACTED]



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From: Megan Barr [REDACTED]
Sent: Tuesday, 22 September 2026 2:39 pm
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Buller Plateaux Continuation - Applicant response to RFI 2

Hi [REDACTED],

With respect to lizards, DOC is not recommending that the EPA finds Schedule 7, clause 2(1)(f) complete.

An estimate of lizard numbers has not been provided, which means assessing the effect and benefits is not possible. Irrespective of the detection probability issues, it is possible in the opinion of DOC's lizard expert to generate an estimate of the number of animals affected within the impact area.

DOC's statement that best practice has not been demonstrated remains accurate. The guidance on best practice does not include a sentiment stating, "to the extent that is technically capable of implementation". DOC's *'Key principles for lizard salvage and transfer in New Zealand'* states "The approach adopted depends on the objectives of the salvage proposal and, in particular, how much it contributes to the attainment of **no-net-loss in lizard values**" (emphasis added).

Comments from DOC's lizard expert:

My issues lie with the insufficient baseline data to be able to determine the effects, the potential success of any salvage, and ultimately the benefits (if any) of the proposed compensation.

This is linked to best practice. The "Key principles for lizard salvage and transfer in New Zealand" document, does acknowledge that salvage attempts have limitations....*"Even using the best methodology, a high proportion of lizards will remain undetected"* following a salvage attempt. However, there are no explicit statements around practically feasible or to the extent that is technically capable of implementation. In my opinion, these statements are additions by the applicant to justify a lack of data and constraints that lead to low recovery lizard rates (e.g., the applicant outlines several "constraints" in Table 5 of the LMP) and have used an example in the guidelines (pg 10)—which is a completely inappropriate and non-relevant example given the circumstances of that particular salvage—as justification for low recovery rates of lizards. In my opinion, the constraints are not real constraints and indeed, dismiss best practice measures for adequate recovery of cryptic lizards.

The guidelines refer to maximising the number of lizards salvaged (pg 12) and do not suggest that providing an effort-capped approach is best practice.

The applicant refers to the example in the Key principles document of the only published study that has attempted to quantify the portion of lizards caught during monitoring. Showing it was highly

variable and usually low (< 50%; ranged from 0.002 ± 0.001 (SE) to 0.470 ± 0.069), even with reasonable monitoring efforts (Lettink et al. 2011). Yet the applicant is expecting to salvage <1% of the lizard population from the Project disturbance area. It is my opinion, that with appropriate best practice salvage methods applied, far greater than 1% would be recovered

The guidelines state that “The approach [salvage and relocation] adopted depends on the objectives of the salvage proposal and, in particular, how much it contributes to the attainment of no-net-loss in lizard values.” Salvaging less than 1% does not contribute much as all to the attainment of no-net-loss.

An estimate has not been provided, which means assessing the effect and benefits is not possible. Irrespective of the detection probability issues, it is possible in my opinion to generate an estimate of the number of animals affected within the impact area, which would assist with determining an appropriate best practice approach to maximising the number of lizards salvaged.

I have attached the “Conservation Translocation Guidelines for New Zealand Lizards” in case you want to look at the document.

[Key principles for lizard salvage and transfer in New Zealand](#)

Ngā mihi | Kind regards,

Megan Barr
Fast-Track Consultant

From: [REDACTED]
Sent: Tuesday, 22 September 2026 11:55 am
To: Megan Barr [REDACTED]
Cc: [REDACTED]
Subject: RE: Buller Plateaux Continuation - Applicant response to RFI 2

Hi Megan,

I have a clarifying question (this may not be the only one) regarding **Schedule 7, clause 2(1)(f)**. I note the applicant has stated:

“Accordingly, best practice as set out in the DOC guidance is best practice only to the extent that it is technically capable of implementation. Where site conditions, habitat type, or the nature of the works preclude its application, adopt an alternative methodology that delivers the best practicable ecological outcome in its place. A performance standard that can be neither achieved nor verified — and which the guidance it is said to derive from does not itself impose — is not capable of meaningful monitoring or enforcement and delivers no greater ecological certainty than one framed around salvage effort and compensation for the residual.”

Can you please confirm if DOC’s guidance of best practice includes a sentiment stating, ‘to the extent that is technically capable of implementation.’ OR does DOC’s statement below that best practice has not been demonstrated (including with reference to the Applicant’s descriptions of Principles 5 and 9) remain accurate?

Further, I note the second bullet under this section below that suggests the sufficiency of this section may be a matter that is better outlined in evidence rather than at this stage. Is the intention of that

statement meaning that DOC is recommending the EPA find this clause complete and pass the matter to a Panel to consider further?

Happy to discuss.

Ngā mihi nui,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

 The logo for 'Fast-track' features a vertical purple bar to the left of the word 'Fast' in a bold, black, serif font. The word 'track' is partially visible below 'Fast'.

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From: Megan Barr [REDACTED]
Sent: Monday, 21 September 2026 5:04 pm
To: [REDACTED] >
Cc: [REDACTED]
Subject: RE: Buller Plateaux Continuation - Applicant response to RFI 2

Kia ora [REDACTED],

Thank you for sharing the Applicant's response to the second RFI with DOC. We have reviewed the response and provide the following comments on the information submitted.

Requirements of s 29(1)(b) FTAA and s59(1) and (2) CMA.

- These require the specified information to be provided to DOC (and LINZ) "before lodging a substantive application". But most of the documents referred to by the applicant were not provided until after lodging the application.
- Draft application documents (the application and AEE etc) was not provided to DOC prior to lodgement. Some draft reports were provided, but not the complete application. Specific parts referred to by the applicant as containing relevant information to meet the requirements of s 59 CMA was not provided prior to lodgement, e.g. Ch 1 project wide overview, ch 6 Assessment of Environmental Effects and s 15.4 Crown Minerals Act approvals, were not received by DOC until after lodgement.
- These documents, and Ch 7 Management and Monitoring of Adverse Effects do not address or describe the compensation to be paid by the Applicant for access to the land for mining, as required under s 59(2)(d).
- The Application does not identify the net economic benefits of the activity in relation to the access arrangements, either individually for each access arrangement or collectively for all of them. Describing economic benefits for the entire project, and combining these benefits with other continuing access arrangements such as Cypress, does not meet the requirements of s 59(2)(f) CMA. This is also missing in relation to Sch 11, cl 3(d)(vi) FTAA.

Schedule 11, clause 3(e)(vii)

- Information about financial and legal liabilities and obligations associated with the land (Sch 11, cl 3(e)(vii)) does not appear to be provided in sufficient detail. DOC understands there are a substantial number of existing resource consents, access arrangements, concessions and wildlife approvals across the application site. These all create legal and financial obligations in respect of the land. The summary in the Applicant's response highlights at a general level aspects of these existing obligations, but the application does not include all the detail required for proper analysis and advice to a Panel regarding existing obligations, and their impact on this project. The applicant has not provided page references in its summary response, and we have been unable to verify that the information described is located, in sufficient detail, in the documents suggested. In the time available it has not been able to be located.

Schedule 11, clause 3(f)

- The Licence to Occupy was not issued by the relevant local authority, being the Buller District Council. Nor is it specific to this Fast Track proposal and does not provide agreement to the proposed activity as described in the application, for its intended duration. A past approval which is terminable at will, is not written approval for the purposes of Sch 11, cl 3(f).

Schedule 6, clause 3(1)(i)

- The Applicant's response says it is unclear what DOC's request relates to. DOC's request relates to all relevant information relating to the applicant, including confirmation regarding offences relevant to the carrying out of the proposed activity, offences under environmental or resource management legislation, offences relating to mining activities, or any conviction or charge of any nature involving any director, trustee, partner, employee or adviser associated with the application, including pending charges related to the above. This information does not appear to have been provided.

Existing pest control obligations (Schedule 11, clause 3(e)(vii))

- The extra information provided does not address in sufficient detail "***Details of these particular obligations are required to assess the extent to which the applicants' proposed effects management package is additional to, or is less than, its existing legal obligations***".

Chapter A.3 does not provide the necessary detail on the legacy pest control already required such that it becomes possible for the panel to compare and assess the need for and value of the pest control package proposed as the primary mitigation in the application.

Missing are details of the specific legacy pest control Bathurst is required to undertake already including:

- Predator and pest species to be controlled in which areas
- outcome for protected species to be achieved
- predator reduction targets to be met
- methods to be used
- years over which each level of pest control is required to be maintained
- progress made in achieving the targets
- cost of achieving the required outcomes of the legacy pest control programme

presented in a format which allows easy identification of any outcomes additional to those already required.

Snails (Schedule 7, clause 2(1)(g))

- With regard to ethics considerations, DOC acknowledges invertebrates are not listed as animals under the Animal Welfare Act. However, as the application requests Wildlife Act permission to undertake high intensity invasive manipulation activity and cause the death of significant numbers of a critically

endangered land snail species listed under the Wildlife Act, for a 60-year period, the missing information will be necessary for consideration of the wildlife permit.

Lizards

- **Schedule 7, clause 2(1)(a)** - the 60-year WAA term being applied for. The applicant has explained why a term of this length is sought, but I do not accept that "providing flexibility for adaptive management later in the life of the consents" is an appropriate basis for granting a WAA. The response identifies a range of activities that may be undertaken under the authority after mining is complete, some of them relatively invasive (e.g. radio-tracking of geckos) yet no methodology is provided for most of them. Granting a 60-year authority without a detailed understanding of the activities it would permit carries significant risk and, in my view, is not appropriate.
- **Schedule 7, clause 2(1)(f)** - compliance with best practice lizard management standards. I remain of the view that best practice has not been demonstrated. No attempt has been made to estimate the size of the affected lizard population, so the number of animals impacted by the proposal is simply unknown. Against that, the effort-based salvage approach is inadequate given the low detection probabilities of the lizard species present in the footprint. The caveat "where it is technically feasible to do so" provides no additional confidence that best practice will be met. If anything, it weakens the commitment. For the same reason, the proposed reliance on "compensation for the loss of lizards and lizard habitat that will remain notwithstanding that effort; and contingency actions identified under Principle 9" cannot be assessed. Without an estimate of the population present, there is no basis for determining how many animals will be left behind, and therefore no basis for quantifying what is being compensated for.
- While these points may be best outlined in evidence rather than under the completeness check, DOC considers there is insufficient information on lizards to be able to assess and understand the impacts and potential benefits of the project.

Invertebrates

- The Applicant's response regarding Helms' Stag beetle is sufficient for completeness.
- DOC is not confident that VDT will provide for the range of terrestrial invertebrates disturbed.
- With regard to the wētā '*Deinacrida broughi*' (or *Hemideina broughi* as discussed in the covering letter), Dr Bramley is correct about the history of the insect's name, but recently there has been some genetic and morphological work carried out on the insect and it's looking very likely that it will be re-classified as *Deinacrida*. This is important because all *Deinacrida* are fully protected under the Wildlife Act.

The wētā was found in the area proposed for mining and on Mt William by Danilo Hegg earlier this year (see attached report). The re-classification is 'In Review' with the journal 'Austral Entomology'. The authors are Hegg, D, Buckley, T. and Twort, V. 2026.

Complex Freshwater Fisheries

- **Comments to follow ASAP**

Heritage

- **Policy for Government Management of Cultural Heritage Places:**
 - The purpose of the policy is to 'guide the conservation of cultural heritage places in the context of delivery of government services. It sets out best practice heritage management standards that can be incorporated into an agency's property management processes'. Making decisions on Access Arrangements and Concessions falls within this context and is therefore directly relevant to the application and assessment of the project.

- The promoted outcomes of the policy are:
 - respect and acknowledge the importance of cultural heritage
 - foster a wider appreciation of and pride in the nation's heritage and identity
 - consistently use best practice when managing heritage places
 - ensure that cultural heritage is conserved and, where appropriate, used for the benefit of all New Zealanders.
- We do not agree that the Project has adopted an approach that is 'broadly consistent with the heritage management outcomes promoted by the Policy'. The proposal will result in the loss of highly significant cultural heritage sites and a nationally significant cultural landscape.
- **West Coast Tai Poutini Conservation Management Strategy 2010-2020 (CMS), Section 3.4:**
 - A.10 Chapter 10 Section 10.4.4 does not include an assessment of heritage or consistency assessment against section 3.4 of CMS. It does for sections 3.3, 3.6. and 3.7.
 - Section 3.4 of the CMS 'describes the Department's approach to conserving historical and cultural heritage of the West Coast Te Tai o Poutini'.
 - Section 3.4 of the CMS states that 'a central concern of historical and cultural heritage conservation is to preserve places, buildings, chattels, artifacts, archives and oral histories and recognise associations that represent the full spectrum of historical and cultural diversity'.
 - The applicant has provided an assessment of the historical and cultural heritage values present within the Project area, but we disagree with that assessment.
 - We also disagree with the applicant's view that a landscape-scale approach has been taken. In our opinion the application does not address adequately the cumulative loss of individual sites and the effects on this significant heritage landscape.
 - We disagree with the applicant's view that 'the project is consistent with Section 3.4 of the CMS and seeks to avoid effects on significant heritage resources' noting the proposal will affect highly significant sites such as the Coalbrookdale, Electric Loco Line, and Wharatea, Sullivan, Koranui, and Taipo mines. These effects cannot be mitigated by investigation, recording, monitoring and interpretation.
 - We also reiterate that it is unclear from the application how the size of the Historic Heritage Enhancement Fund (HHEF) has been determined (there is no evidence it correlates to the effects of the proposed activity on the cultural heritage values) but the size of proposed HHEF is not considered adequate. It is not considered commensurate to the effects of the proposed activity on the heritage values of the Buller Plateaux. It is not clear from the application 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.
- Finally, we dispute the assertion that 'these matters were not raised in consultation with DOC, Heritage NZ or LINZ on draft reports and assessments'. As part of the pre-lodgement consultation feedback dated February 2026, we noted the Policy for Government Management of Cultural Heritage Places was not considered and that the relevant provisions of the Conservation Act 1987 (which includes the CMS) should be considered.

Matters not addressed in RFI

- Does the Applicant intend to provide conditions for the Wildlife Act approval?
- The background reports that the application relies on for snails have not been provided as part of the application. The source reports commissioned by the Applicant and referenced in B.02 and/or B.03 are relied on for most of the Applicant's statements on snails but have not been made available despite requests. These are:

- Lloyd, B. D. (2023). *Monitoring Powelliphanta patrickensis on Stockton Plateau 2009–2021. Unpublished report BT Mining, Westport.*
- Lloyd, B. D. (2024). *Surveys for Powelliphanta patrickensis Snails in Areas Rehabilitated After Mining. Unpublished report Bathurst Resources Ltd, Westport, NZ.*
- Lloyd, B. D. (2024). *Powelliphanta patrickensis Snail Surveys on Buller Plateau: 2012 and 2024. Unpublished report BT Mining, Westport.*
- Lloyd, B. D. (2021). *Investigating the Effectiveness of Vegetation Direct Transfer as Mitigation for the Effects of Mining on Powelliphanta patrickensis. Unpublished report Bathurst Coal, Westport.*
- Lloyd, B. D. (2024). *Analyses of Vegetation Data from Recce Plot Surveys on Buller Plateaux 2008–2024. Unpublished report BT Mining, Westport.*
- Lloyd, B.D. 2023. *Taxonomy of Powelliphanta Snails on Buller Plateau. Unpublished report prepared by Lloyd’s Ecological Consulting for Bathurst Resources Limited. December 2023. Lloyd’s Ecological Consulting, Nelson. 15pp.*

Ngā mihi | Kind regards,

Megan Barr
Fast-Track Consultant

From: [REDACTED]
Sent: Monday, 21 September 2026 8:48 am
To: Megan Barr [REDACTED]
Cc: [REDACTED]
Subject: Buller Plateaux Continuation - Applicant response to RFI 2

Kia ora Megan,

We received the Applicants response to RFI 2 late Friday evening, this is attached.

We are currently working through this but in the interests of time would like to share it with you to discern if there are any additional comments DOC would like to make in response to the additional information provided.

Our timeframes are constrained, we are currently on day 13 of 15, with a decision due on Wednesday.

If the EPA were to seek further information this would need to be requested today. Therefore, if DOC identify any concerns with the attached information or would like to seek clarifications, I would need these ASAP.

Happy to take a call to discuss the information if that would be easier.

Ngā mihi nui,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]



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