

APPENDIX 1

Applications for concessions

Clause 3 of Schedule 6 FTAA outlines the information required in an application for a concession.

Table 1

Relevant section	Is the information present? Y/N	Application document reference (include section/page reference)	Is the information provided in sufficient detail? Y/N	Comments <i>[If the information is not considered sufficient add a short statement why] Delete the guidance in this column and if appropriate add comment</i>
Clause 3(1) Schedule 6 FTAA - For the purposes of section 43(3)(e), an application for a concession must include the following information:				
	<i>[Guidance note: For substantive applications for listed projects the information required in Clause 2 of Schedule 6 is required to be included but is covered by clause 3(1)(n)]</i>			
(a) a description of the proposed activity:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Sections 10.2, 10.3, pages 839-891; Table 10-1 pages 852-854. Also discussed broadly in Chapter A.3 – Existing Environment, Chapter A.4 – Project Description	Y	Information appears present and sufficient.
(b) a description, maps, and GPS co-	Y	A.10 Chapter 10 - Conservation Act and	Y	Information appears present and sufficient.

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ordinates identifying the places where the proposed activity will be carried out (including the classification of those places, the ownership and management arrangements, and, if applicable, the name, of the places):		Reserves Act, Sections 10.3.1.1-10.3.1.5, pages 852-891; Tables 10-2 and 10-3 pages 876-882; Figures 10-1 to 10-21; Section 10.4.5 pages 896-900. Proposed concession documents A.10A – A.10H.		
(c) 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 would be significantly less:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Section 10.2.2, pages 841-842. Also discussed broadly throughout Chapter A.5 – Application Approach and Structure	Y	Information appears present and sufficient.

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(d) in the case of an application for an approval within paragraph (a) of the definition of concession or paragraph (a) of the definition of Reserves Act approval, information about the extent to which the project is consistent with—				
(i) the relevant conservation management strategy and conservation management plan:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Sections 10.2.3, 10.4.3 and 10.4.4, pages 842, 893-896. B.22 Heritage Assessment, Part 5, page 66	N	Heritage While the application refers to the Conservation Management Strategy (CMS), it does not include an assessment of heritage against the CMS. There is no reference to section 3.4 of the CMS detailing heritage in the text or footnotes, and no consistency assessment.
(ii) any conservation management strategies or conservation management plans that have been co-authored, authored, or approved by a Treaty settlement entity:	N/A	N/A	N/A	N/A
(e) in the case of an application for an approval within	N/A	A.10 Chapter 10 - Conservation Act and	N/A	Not applicable for concession applications.

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paragraph (b) of the definition of Reserves Act approval, information about the extent to which the project is consistent with any management plan approved under section 41 of the Reserves Act 1977:		Reserves Act, generally Sections 10.2-10.4.		
(f) information about the extent to which the project is in keeping with the purposes for which the land is held, status, ownership and administration:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Section 10.4.5, pages 896-900.	Y	Information appears present and sufficient.
(g) a description of—				
(i) the potential effects (positive and negative) of the	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Section 10.5, pages 901-907. Discussed throughout A.06 Chapter 06	N	Potential positive and negative effects are described by concession activity type.

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proposed activity:		- Assessment of Environmental Effects. Heritage B.22, G19 Page 8, B.22 Appendix Pages 11-12. Landscape B.20 RMM – Landscape Assessment		<u>Landscape</u> - There are no details of the methodology provided stating how the landscape visualisations themselves were created such as: - how the 3D terrain model was built; - what digital terrain model or LiDAR data were used; - how mining landforms were imported; - how vegetation was modelled; - how future rehabilitation growth was modelled; - what assumptions were used for "Closure +25" and "Closure +50" scenes; - accuracy tolerances; - photomontage procedures; - quality assurance procedures; - validation of the simulations against real-world observation. <u>Recreation Effects</u> <i>Fly Rock Concession</i> - Application is only for a small area south of Escarpment, and some small areas on Mt Frederick but no concession for the areas around Sullivan and Whareatea West and the Escarpment Extended (ESE) area. We know visitors recreate in these areas outside the proposed mine footprint and blasting effects on both these areas

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				is mentioned in the recreation consultant's report. The Recreation and Tourism Assessment (Rob Greenaway & Associates, May 2026) also notes the potential for blasting within 500 m of other running and mountain bike tracks on the Plateaux within of blasting. The Conservation Act approvals document states the concession is associated with fly rock deposition from mining and mining operations on the Denniston Plateau, but authorisation for these activities has not been sought. <i>Fence Concession</i> - 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 must be granted. <u>Heritage</u> - In documents A.06 and B.22 only the residual effects on heritage values <i>after</i> recommended mitigation are described, which is not in accordance with accepted practice. Standard practice is to describe and assess the heritage sites and their values and <i>then</i> assess the effects of the proposed activity on those values. - Details of the loss of public educational opportunities from what is a largely intact cultural landscape is not adequately identified and assessed or mitigated for.

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				There is insufficient 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.
(ii) any actions that the applicant proposes to take to avoid, remedy, mitigate, offset, or compensate for any adverse effects of the proposed activity:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Sections 10.5.1-10.5.6, pages 902-907; A.07 Chapter 07 - Management and Monitoring of Effects, pages 544-609. Fauna B04 Residual Effects Management Heritage B.22 Part 1 Table 8, B.22 Part 2 Table 7, Part 3 Table 8, Part 4 Table 3, Part 5 Table 6, A.06 6.19.1 and E.03 HER10	N	Fauna - Compensation is only applied to adverse effects that are moderate or higher. There is no detail about how effects that are less than moderate but more than minor are to be addressed. - Legacy ecological management has had limited success. Details of the distinction between legacy management and new compensation are unclear, e.g. almost half of the proposed 25,000 ha residual effects package is already subject to pest control under legacy consents. - Table 14 p115; Several NPSIB principles are not met, including when biodiversity compensation is not appropriate. However, compensation is still proposed. - A.07 Chapter 07 - Management and Monitoring of Effects document lacks the detail required to be confident that the monitoring and management will be effective.

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		Landscape B.20 RMM - Landscape App A Assessment Report - Part 01 of 34 (2) Sections: 5.1 (page 36), 5.2 (page 38), 5.4 (page 43), 5.5 (pp 44-45), 5.6 (pages 49-50), 7.4.2 (pp.147-148), Section 7.4.3 (p.157)		Landscape - Overall, the Application lacks the detail and required assessment of landscape values to allow for proper analysis and advice. <i>‘Recreated’ rock pavement</i> - The landscape (RMM) report states that areas of rock field / rock pavement will be recreated, but it provides only a conceptual description of the outcome and does not explain the actual rehabilitation methodology or demonstrate how the distinctive physical and perceptual characteristics of natural sandstone erosion pavement will be recreated. <i>Created tarns</i> - The RMM report explains that streams will be reinstated and that rehabilitation will include wetlands and <u>tarns</u>. It describes the specifics for rehabilitation works such as stream reinstatement and vegetation placement but does not provide basic details of tarn construction. Unlike streams (which receive some discussion regarding channel form and habitat structure), the RMM report does not explain: - how tarn basins will be engineered; - dimensions or target depths; - water balance calculations; - how water levels will be maintained;

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				○ whether liners, clay layers, or specific substrates are required; ○ how created tarns will replicate the geomorphology of natural plateau tarns; ○ success criteria for determining whether a tarn has been successfully created. <i>Altered natural vegetation patterns</i> • While the RMM report says that more forest will replace pākihi, shrubland and rock pavement, it doesn't give a detailed ecological justification for why this is an appropriate target. • The RMM report doesn't provide a detailed discussion either 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 <u>character</u>. • For example, the RMM report does not explicitly examine: ○ whether existing open plateau character is dependent on maintaining large areas of pākihi and pavement; ○ whether increased forest cover reduces landscape legibility; ○ whether greater forest dominance diminishes the distinctive plateau character;

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				○ whether the resulting landscape becomes less representative of present-day Denniston or Stockton plateau ecosystems. • The RMM report says there will be effects from increased forest cover, including reduced pākihi and rock pavement, less vegetation diversity, and changes to the plateau's character. But it largely frames those effects as part of successful rehabilitation and does not critically evaluate whether replacing the existing mosaic with more forest could itself be a significant adverse landscape effect. <i>Timeframes for vegetation recovery</i> • The Executive Summary states that: <i>“In the long-term (50 years post mine closure), rehabilitated landforms are expected to read as integrated with the wider plateau...”</i> The RMM report similarly concludes that: effects reduce to “very low” or “no” after about 50 years. However, the RMM report does not provide: ○ empirical Stockton monitoring data extending to 50 years (may not be possible?); ○ landscape perception studies; ○ evidence demonstrating that rehabilitated plateaux become visually integrated after 50 years; or modelling of future vegetation structure after 50 years.

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				- The longer-term conclusions regarding landscape integration and restoration of natural character at 50 years are largely presented as professional expectations and are not supported by equivalent quantitative evidence or detailed analysis within the RMM report and as such can only be inferred rather than demonstrated through evidence. <i>Predator Proof Fences</i> - No detail is provided regarding the effect of the fenced enclosures in preventing the natural movement of biota across the wider area (a potentially significant adverse effect on natural character). - The RMM report does not discuss: - habitat fragmentation caused by the fences (effects of dividing the wider plateau into enclosed and unenclosed areas); - restrictions on movement of indigenous fauna between enclosed and unenclosed areas; - effects on species that naturally move across the wider plateau; - trade-offs between predator exclusion and landscape permeability. - the visual effect of a continuous 2 m high fence across an otherwise open plateau landscape;

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				○ the effect of fencing on wilderness, openness, or freedom of movement; ○ whether fencing alters experiential values such as wildness, remoteness or naturalness; ○ whether fencing affects the recreational experience beyond simply maintaining access. ○ effects on wetlands, pākihi, rock pavement or streams from fence construction; • The RMM report concludes that the fences have ‘Very low’ adverse <u>visual</u> effects “...<i>visual effects on landscape values arising from the pest exclusion areas are likely to be very low.</i>” However, little detailed analysis is provided. The RMM report mostly opines that the fences provide a positive contribution to long-term landscape and ecological values by protecting large intact reference ecosystems. <i>Upper Waimangaroa Haul Road</i> • The RMM report assumes that an 8.6 m running surface is sufficient for dual-lane haulage operations, but the RMM report does not provide vehicle dimensions or road design criteria that would allow the reader to independently verify whether two mine dump trucks can safely pass within that width.

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				• The RMM report describes the operational road width and the overall disturbance corridor, but it does not provide a clear assessment of the actual cleared and excavated corridor width created by vegetation removal and forming cut and fill batters along the length of the UWHR. ○ a typical overall earthworks corridor width; ○ widths at cut-and-fill sections; ○ batter gradients; ○ fill slope widths; ○ maximum formation widths; ○ total cleared width required in steep terrain; ○ engineered cross-sections showing actual excavation footprints. • The RMM report describes the UWHR as an 8.6 m wide dual-lane haul road and separately states that MFS haul roads may be up to 24 m wide. The RMM report does not provide details that identify: ○ how many kilometres of haul road are 24 m wide; ○ where the 24 m width occurs; ○ whether 24 m applies only near coal loading or pit areas; ○ whether 24 m is the trafficable width or total formation width; ○ whether the 24 m width includes batters, bunds, drains, or shoulders.

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				- A 24m wide haul road if formed through a highly natural / undisturbed area will have a different level of effects to an 8.6m wide road. Where the roads differ their respective effects need to be clarified. <i>Deep Stream Bridge</i> - At 50m long, this is a significant structure. The RMM report does not contain adequate detail to determine: - bridge design response to landscape character, - effects on the Deep Stream gorge, - effects of associated earthworks, or - residual effects on natural character at the crossing itself. - the bridge as a permanent structure within the landscape. <u>Recreation</u> <i>Flyrock Concession</i> - There are no enforceable blast effect limits. 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.

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				Heritage The proposed mitigation is not commensurate with the effects of the proposed activity on the heritage values: • Making an application for an Archaeological Authority is compliant with the provisions of the HNZPTA and can therefore not be mitigation for the effects considered under the Conservation Act. • Historic Heritage Enhancement Fund (HHEF): It is unclear from the application how the size of the fund 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. • Measures proposed to manage adverse impacts on heritage values actually address recreational values. Mitigation for adverse impacts on heritage values is not included. For example, many of the proposed additional initiatives for future historic enhancement work proposed to be funded by the HHEF cannot be considered Heritage Conservation as per Section 6(a) of the Conservation Act

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(iii) details of the type of concession for which the applicant is applying:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Table 10-1, pages 852-854; Section 10.3.	N	The applicant states it is applying for licences. However, no detail is provided regarding how it 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 most appropriate concession type.
(h) a statement of—				
(i) the proposed duration of the concession; and	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Section 10.2.6, pages 843-845; Table 10-1 pages 852-854. https://docnz-my.sharepoint.com/personal/olgraham_doc_govt_nz/Documents/Microsoft Copilot Chat Files/A.10 Chapter 10 - Conservation Act and Reserves Act (1).pdf	Y	Information appears present and sufficient *Note that several concessions are sought for a period of over 30 years, meaning that exceptional circumstances would be triggered for consideration under the Conservation Act 1987.
(ii) the reasons for the proposed duration:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Section 10.2.6, pages 843-845.	Y	Information appears present and sufficient.

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(i) relevant information relating to the applicant, including any information relevant to their ability to carry out the proposed activity (including whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence or has any current criminal charges pending before a court):	Y	A.01 Chapter 01 - Project Wide Overview, Section 1.3, pages 25-26	Partially	The Application does not contain information regarding convictions or charges.
(j) if the applicant applies for a lease, a licence granting an interest in land, or an easement, —				
(i) reasons for the request; and	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Sections 10.2.8 and 10.3, pages 845, 851-891.	Y	Information appears present and sufficient The application states that licences are sought and explains the operational reasons for each concession area and activity.

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				DOC's view of a licence as defined in the Conservation Act 1987 is that it can create an interest in the land particularly where a structure is involved. Some of the activities applied for are likely to exclude the public, DOCs view is that a concession by way of lease is required where an ability to manage public access and exclude the public is sought. Further detail regarding exclusion of the public will be required.
(ii) sufficient information to satisfy the panel that, in terms of clause 7, it is appropriate under section 81 to grant the lease, licence, or easement (as the case may be):	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Sections 10.2.12, 10.4.2, 10.4.3, 10.4.4, 10.5.6, pages 846-850, 892-907.	Y	Information appears present and sufficient, subject to comments above regarding implications of possible limitations on public access.
(k) full details of any consultation undertaken with relevant iwi and with reserve owners and managers:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Sections 10.2.9, 10.6.1, 10.6.2, pages 845, 908; references to Part F, Consultation Material,	Y	Information appears present and sufficient

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		including application documents F.00 – F.09		
(l) information about financial and legal liabilities and obligations associated with the land:	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Section 10.2.10, pages 845-846 and A.01 Chapter 1 – Project Wide Overview, Section 1.5.1, pages 33 – 35.	Y	The Project Overview states that "A trust is also being proposed that will enable funds to be gathered to ensure compensation obligations, such as the fenced areas, endure post mining cessation." The proposal does not include details that clarify: • Whether the trust is adequately funded to achieve the intended outcomes. • What happens if maintenance costs exceed forecasts. • Who carries liability if the trust becomes insolvent. • Whether the trust covers only the pest-exclusion fences or the wider REP. • How long compensation measures are expected to remain active. • Whether governance arrangements provide DOC with oversight or approval rights. • How the trust interacts with rehabilitation bonds and other financial assurance mechanisms. The land is subject to a complex regulatory framework which includes obligations extending beyond existing mining operations. These documents have not been provided. The most effective way to identify associated legal and financial obligations would be to provide copies of all existing authorities

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				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.
(m) in the case of an application for an approval referred to in paragraph (b) of the definition of Reserves Act approval where the reserve is owned or managed by a local authority, confirmation that the local authority has provided written agreement for the activity to be undertaken on the reserve:	N/A	A.10 Chapter 10 - Conservation Act and Reserves Act, Sections 10.2-10.3.	N/A	It appears that no applicable land parcels are included in the concession component of the application.

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(n) confirmation that the applicant 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— (i) the proposed lease would be for a term (including any renewals) that will, or is likely to, be more than 50 years; and (ii) the granting of the lease would	Y	A.10 Chapter 10 - Conservation Act and Reserves Act, Section 10.2.11, p. 846.	Y	Information appears present and sufficient. The application states that concessions sought are licences and it is understood by the applicant that granting them will not trigger a right of first refusal. The applicant's view on concession type is inconsistent with the Department's. Terms sought would trigger a RFR under BAU processing. Information addressing this has not been provided.

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trigger the right of first refusal or right of offer or return.				