

Response to Expert Panel Further Information Request dated 11 September 2026 – Completeness and Scope – Bathurst Plateaux Continuation Project

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<ul style="list-style-type: none">As the application is for a listed project, section 43(2)(c) requires that: “<i>it must contain the information that the applicant provided to the Minister when applying to have the project listed as a listed project and an explanation of how the substantive application is within the scope of the listed project</i>”. <p>We have been unable to identify where section 43(2)(c) is specifically addressed in the application. Could you please provide:</p> <p>1. all information that was provided to the Minister when applying to have the project listed as a listed project under the FTAA.</p>	<p>The application Bathurst provided to the Minister when applying to have the Project listed is available at the following link - Buller Plateaux Continuation Project Ministry for the Environment</p> <p>The substantive application is within the scope of Schedule 2 of the FTA, which is as follows:</p> <table><tr><th>Schedule 2 Authorised person</th><th>Schedule 2 Project name</th><th>Schedule 2 Project description</th><th>Schedule 2 Approximate geographical location</th><th>How the substantive application is within scope of the listed Project</th></tr><tr><td>Bathurst Coal Limited, Bathurst Resources Limited, BT Mining Limited, Buller Coal Limited</td><td>Buller Plateaux Continuation</td><td><p>Expand coal mining activities on the Buller Plateaux through the continuation of existing mining operations and expansion into new areas to enable the extraction of, approximately, an additional 20 million tonnes of coal over 25 years, and all activities associated with the existing and proposed mining activities, including—</p><ul style="list-style-type: none">construction and use of roads, rail, and related transportation infrastructure, including the Upper Waimangaroa haul roadwater managementtreatment of historic and future acid mine drainage, including construction of infrastructure required for that processbiodiversity and heritage enhancement, including pest and predator control activities and pest exclusion fenced areasmanagement of fly rockrehabilitation and closure of existing mining areas and proposed mining areas</td><td>The Stockton Plateau and Denniston Plateau (together being the Buller Plateaux) and at Ngakawau, together with associated areas for off-site monitoring locations, transport and laydown corridors, and biodiversity enhancement</td><td>The substantive application is within the scope of the listed Project. It is made by the listed authorised persons and seeks approvals for the same Buller Plateaux Continuation Project described in the listing: continuation of existing mining operations and expansion into new areas on the Buller Plateaux to enable extraction of approximately 20 million tonnes of coal, together with the associated transport infrastructure, water management, AMD treatment, biodiversity and heritage enhancement, fly-rock management, rehabilitation and closure activities. As described in Chapters A.1, A.2 and A.4, and reflected in the approvals summary table in Chapter A.1, the Project is an integrated mining, infrastructure, environmental management, rehabilitation and closure proposal across the listed geographical area, including the Stockton and Denniston Plateaux, Ngākawau, and associated monitoring, transport, laydown and biodiversity enhancement areas.</td></tr></table>	Schedule 2 Authorised person	Schedule 2 Project name	Schedule 2 Project description	Schedule 2 Approximate geographical location	How the substantive application is within scope of the listed Project	Bathurst Coal Limited, Bathurst Resources Limited, BT Mining Limited, Buller Coal Limited	Buller Plateaux Continuation	<p>Expand coal mining activities on the Buller Plateaux through the continuation of existing mining operations and expansion into new areas to enable the extraction of, approximately, an additional 20 million tonnes of coal over 25 years, and all activities associated with the existing and proposed mining activities, including—</p> <ul style="list-style-type: none">construction and use of roads, rail, and related transportation infrastructure, including the Upper Waimangaroa haul roadwater managementtreatment of historic and future acid mine drainage, including construction of infrastructure required for that processbiodiversity and heritage enhancement, including pest and predator control activities and pest exclusion fenced areasmanagement of fly rockrehabilitation and closure of existing mining areas and proposed mining areas	The Stockton Plateau and Denniston Plateau (together being the Buller Plateaux) and at Ngakawau, together with associated areas for off-site monitoring locations, transport and laydown corridors, and biodiversity enhancement	The substantive application is within the scope of the listed Project. 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<ul style="list-style-type: none">Information required under section 43(2) – being section 13(4)(u): <i>whether any activities that are involved in the project, or are substantially the same as those involved in the project, have been the subject of an application or a decision under a specified Act and,—</i>	<p>Bathurst applied for an Access Arrangement for Escarpment Mine (all within MP 51 279) for the Area West of Trent Stream in approximately 2010. The application was amended in 2013 following consultation with DOC, and the footprint was reduced. Bathurst has no record of a draft decision being issued prior to the access arrangement being granted in May 2013.</p>										

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<p>(i) if an application has been made, details of the application:</p> <p>(ii) if a decision has been made, the outcome of the decision and the reasons for it</p> <p>We note that in response to this section you noted N/A. Following consultation with the Department of Conservation (DOC), we received the following statement:</p> <p><i>“In approximately 2010 application was made to the Minister of Conservation for an Access Arrangement for an area including west of Trent Stream, which is now included in the ESE sub area of this project. DOC analysis of the high ecological values west of Trent Stream resulted in a draft recommendation to decline this part of the application, and the applicant subsequently varied its application to remove this area.”</i></p> <p>Could you please confirm whether you have anything further to add to the application in relation to this section of the Act.</p>	<p>MP 51 279 is discussed in detail across the various application documents. MP 51 219 was granted on 24 June 2010 and is a component of the ESE sub-area of the BPCP. Further information can be found at A.03 Chapter 03 paragraph 3.4.3.</p> <p>The existing access arrangement for MP 51 279 is AA 51 279. This access arrangement will not continue to be relied upon in its current form and will be superseded by a new BPCP access arrangement. See A.08B – Appendix 8.B page 27.</p> <p>Bathurst submitted an application for the renewal of various resource consents relating to the existing Escarpment Mine for the purposes of care and maintenance only in July 2025. The activities were previously authorised by resource consents (RC10193/1-16), as well as RC-2017-0112/01-03.</p> <p>In addition, Bathurst submitted a renewal application (Stockton sub-area) for Water Rights 890221–890240 (together RC89038), which expires in October 2026. RC89038 authorises the take, diversion, discharge, and damming of water across the Stockton Plateaux. RC89038 is described further in A.08 at 8.3.3.</p> <p>Both the application for the renewal of the Escarpment Mine consents and the Water Rights will be pursued until the EPA decides whether the substantive application is complete and in scope under Section 46 of the Act and will then be withdrawn.</p> <p>Bathurst has no further information to add in relation to section 13(4)(u) of the Act.</p>
<p><i>The following requests for information relate to specific matters regarding the application for Access Arrangements, Concessions, Wildlife Act Approval, and Complex Freshwater Fisheries. We have grouped them accordingly.</i></p> <p>Matters in relation to the application for Access Arrangements</p>	
<p>We note the requirements of section 29(1)(b) of the Fast-track Approvals Act:</p> <p><i>Before lodging a substantive application for a listed project, the authorised person for the project must—</i></p> <p>(b) if the substantive application seeks an approval described in section 42(4)(l) or</p> <p>(m) (access arrangement), comply with section 59(1) and (2) of the Crown Minerals Act 1991 (which applies as if a reference to an access arrangement under that Act were a reference to an access arrangement under this Act).</p> <p>We have reviewed the letters provided to LINZ and DOC in association with this section and included as document F.06. It is not clear based on the information that you have provided if section 59(2) of the Crown Minerals Act 1991 has been met prior to the lodgement of the application.</p> <p>Could you please confirm if all information specified in section 59(2) of the Crown Minerals Act 1991 was provided to LINZ and DOC prior to lodgement. Please note that we are also consulting with LINZ and DOC to confirm this matter.</p>	<p>Bathurst confirms that all information required by section 59(2) of the Crown Minerals Act 1991 was provided to both DOC and LINZ prior to lodgement of the substantive application.</p> <p>Bathurst's position is that compliance with section 59(2) was achieved through the entirety of the pre-lodgement engagement process rather than through a single document. As described in Chapter A.5 - Application Approach and Structure, engagement with DOC and LINZ commenced following listing of the Project in 2024 and continued through regular meetings, workshops, site visits, technical reviews and information sharing. Bathurst deliberately adopted a process of providing regulators with early access to Project information before formal lodgement. This included access to a secure data room containing draft technical reports, management plans, peer reviews and application documentation, together with opportunities to review and comment on draft material as it became available.</p> <p>The consultation record also demonstrates that engagement with DOC specifically addressed the proposed access arrangements, the affected Crown land, future authorisations, environmental effects, rehabilitation measures and residual effects package. Engagement with LINZ similarly addressed the legal status of affected land, proposed access arrangement areas, operational activities, rehabilitation obligations and management of Crown land affected by mining activities.</p> <p>Immediately prior to lodgement, Bathurst also provided DOC and LINZ with detailed letters dated 18 August 2026 expressly for the purpose of providing the information required under section 29(1)(b) of the Fast-track Approvals Act and section 59(2) of the Crown Minerals Act. Those letters confirmed that draft application documentation had already been provided throughout the application's</p>

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	<p>preparation and identified where each section 59(2) matter was addressed in the substantive application and supporting documentation.</p> <p>Accordingly, Bathurst considers that sections 59(1) and 59(2) of the Crown Minerals Act were complied with before lodgement because:</p> <ol style="list-style-type: none"> 1. Formal notice of the intention to seek access arrangements was provided to DOC and LINZ on 11 May 2026; 2. DOC and LINZ were engaged throughout the pre-lodgement phase through meetings, workshops, site visits, technical review processes and data room access; 3. Draft application documentation addressing the section 59(2) matters was progressively provided and discussed with those agencies prior to lodgement; and 4. Detailed written information specifically directed to each of the section 59(2) requirements was provided to both agencies on 18 August 2026 before the substantive application was lodged. <p>In summary, and with reference to the letters to LINZ and DOC on 18 August 2026, the following was specified:</p> <table> <tr> <th>Crown Minerals Act 1991 reference</th><th>Information provided in the letters dated 18 August 2026</th></tr> <tr> <td>Section 59(2)(a) - the land affected</td><td> <p>The land affected is as follows as specified in more detail in Section 15.4 of Chapter 15 – Crown Minerals Act Approvals – Access Arrangements of the Substantive Application:</p> <ul style="list-style-type: none"> o Plover Stream Conservation Area; o Ngākawau Ecological Area; o Stockton Conservation Area; o Millerton Conservation Area; o Stockton Scenic Reserve; o Ngākawau Local Purpose Reserve; o Mount Rochfort Conservation Area; and o Waimangaroa–Granity Conservation Area. </td></tr> <tr> <td>Section 59(2)(b) - the purpose for which the right of access is required</td><td> <p>The purposes for which the rights of access are required are for mining and mining operations as specified in the draft access arrangements and Section 15.4 of Chapter 15 – Crown Minerals Act Approvals – Access Arrangements of the Substantive Application.</p> </td></tr> <tr> <td>Section 59(2)(c) - the proposed programme of work including the type and duration of work to be carried out and the likely adverse effect on the land or the owner or occupier of the land</td><td> <p>The proposed programme of work and the likely adverse effects are specified in Chapter 1 – Project Wide Overview, Chapter 6 – Assessment of Environmental Effects and Section 15.4 of Chapter 15 – Crown Minerals Act Approvals – Access Arrangements of the Substantive Application. This includes the following:</p> <ul style="list-style-type: none"> o terrestrial and wetland ecology effects; o freshwater ecology effects; o water quality and hydrology effects; o landscape and visual effects; o historic heritage effects; </td></tr> </table>	Crown Minerals Act 1991 reference	Information provided in the letters dated 18 August 2026	Section 59(2)(a) - the land affected	<p>The land affected is as follows as specified in more detail in Section 15.4 of Chapter 15 – Crown Minerals Act Approvals – Access Arrangements of the Substantive Application:</p> <ul style="list-style-type: none"> o Plover Stream Conservation Area; o Ngākawau Ecological Area; o Stockton Conservation Area; o Millerton Conservation Area; o Stockton Scenic Reserve; o Ngākawau Local Purpose Reserve; o Mount Rochfort Conservation Area; and o Waimangaroa–Granity Conservation Area. 	Section 59(2)(b) - the purpose for which the right of access is required	<p>The purposes for which the rights of access are required are for mining and mining operations as specified in the draft access arrangements and Section 15.4 of Chapter 15 – Crown Minerals Act Approvals – Access Arrangements of the Substantive Application.</p>	Section 59(2)(c) - the proposed programme of work including the type and duration of work to be carried out and the likely adverse effect on the land or the owner or occupier of the land	<p>The proposed programme of work and the likely adverse effects are specified in Chapter 1 – Project Wide Overview, Chapter 6 – Assessment of Environmental Effects and Section 15.4 of Chapter 15 – Crown Minerals Act Approvals – Access Arrangements of the Substantive Application. This includes the following:</p> <ul style="list-style-type: none"> o terrestrial and wetland ecology effects; o freshwater ecology effects; o water quality and hydrology effects; o landscape and visual effects; o historic heritage effects;
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		<ul style="list-style-type: none">○ recreation and access effects;○ amenity and operational effects; and○ closure and long-term obligations.
	Section 59(2)(d) - the compensation and safeguards against any likely adverse effects proposed	<p>The compensation and safeguards against any likely adverse effects are specified in Chapter 7 – Management and Monitoring of Actual and Potential Environmental Effects of the Substantive Application. This detail has also been provided in draft application documentation through the data room. Where adverse effects cannot be avoided, Bathurst proposes remediation, mitigation, rehabilitation and measures to address residual effects. Key measures include:</p> <ul style="list-style-type: none">> clean-water diversions;> staged earthworks;> erosion and sediment controls;> selective handling and encapsulation of acid-forming materials;> engineered landforms;> active and passive water treatment;> progressive rehabilitation;> vegetation direct transfer;> indigenous planting;> fauna salvage and relocation;> biosecurity controls;> pest and weed management;> archaeological recording;> managed public access; and> controls for noise, vibration, traffic, lighting, dust, waste and hazardous substances.
	Section 59(2)(e) - the type of permit held or applied for by the person giving the notice	<p>The types of permits held and applied for are specified in Chapter 14 – Crown Minerals Act Approvals – Mining Permits and Chapter 15 – Crown Minerals Act Approvals – Access Arrangements.</p>
	Section 59(2)(f) - if the notice relates to access to Crown land or land in the common marine and coastal area, the direct net economic and other benefits of the proposed activity in relation to which the access arrangement is sought	<p>The direct net economic and other benefits of the activities are specified in the Economic Impact Assessment prepared by AIGIS Group and peer review by Market Economics Limited and Section 6.3 of Chapter 6 – Assessment of Environmental Effects of the Substantive Application.</p>
The following sections relate to specific clauses of the access arrangement applications:		

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<ul style="list-style-type: none">Schedule 11, clause 3(d)(iv): <i>any policy statement, management strategy, or management plan of the Crown that applies in relation to the land.</i> <p>In our consultation with the DOC, the Policy for Government Management of Cultural Heritage Places was identified as potentially relevant to the application.</p> <p>Could you address or confirm if this Policy is relevant to the application. Further, DOC stated section 3.4 of the CMS may apply to the application. Could you confirm if section 3.4 of the CMS is relevant to the application.</p>	<p>Bathurst has considered the relevance of the Policy for Government Management of Cultural Heritage Places in the context of this application. Bathurst's view is that the Policy is not directly applicable to the assessment of the Project.</p> <p>The Policy is directed at Crown agencies in their ownership, stewardship and management of cultural heritage assets and provides guidance to government agencies regarding the identification, protection and management of heritage resources under Crown control. It does not establish statutory assessment criteria for private applicants seeking approvals under the Fast-track Approvals Act 2024, the Heritage New Zealand Pouhere Taonga Act 2014, the Conservation Act 1987 or the Resource Management Act 1991. Accordingly, Bathurst does not consider that it is a policy that applies to the Project in the manner contemplated by Schedule 11, clause 3(d)(iv).</p> <p>Notwithstanding that position, the Project has adopted an approach that is broadly consistent with the heritage management outcomes promoted by the Policy. Heritage values have been identified, assessed and, where practicable, avoided through Project design and refinement. Where effects cannot be avoided, the Project includes a comprehensive heritage management framework comprising detailed archaeological and historic heritage investigations, a Project-wide Historic Heritage Management Plan, an Archaeological Management Plan, archaeological authority applications, archaeological monitoring and recording, heritage interpretation initiatives, a Historic Heritage Enhancement Fund, and ongoing engagement with Heritage New Zealand Pouhere Taonga, DOC, mana whenua and heritage stakeholders.</p> <p>Bathurst agrees, however, that Section 3.4 of the West Coast Tai Poutini Conservation Management Strategy 2010-2020 (CMS) is relevant to the application. Section 3.4 addresses the understanding, assessment, protection and active management of historical and cultural heritage values both within and beyond public conservation land.</p> <p>The CMS has already been expressly considered throughout the substantive application. Chapter A.10 identifies the CMS as a relevant conservation management strategy and includes a dedicated assessment of its objectives and policies. Chapter A.9 also considers the CMS as a relevant statutory and planning document and specifically addresses the management of heritage values, the historic mining landscape of the Buller Plateaux, rehabilitation outcomes, geodiversity and landscape management. The heritage-specific assessments contained within Chapters A.6 and A.12 further address the historical and cultural heritage matters contemplated by Section 3.4. Part 5 of B.22 Clough Heritage Assessment (page 363 onwards) also discusses the Statutory and Policy Framework relevant to the application. This section acknowledges that Section 3.4, and in particular 3.4.2.1, is relevant. It also discusses the Policy for Government Management of Cultural Heritage Places, noting that this policy sets direction for Government agencies, including DOC, to identify, protect, and manage heritage sites in their care. This policy will be relevant for DOC to consider for some of the heritage sites and values within the Project footprint.</p> <p>The Project has also undertaken a comprehensive assessment of the historical and cultural heritage values present within the Project area, including the Denniston Historic Area, Mine Creek Settlement and Infrastructure Site, Iron Bridge Mine, Koranui Mine and the wider Buller Plateaux mining landscape. The application adopts a landscape-scale approach to heritage management rather than focusing solely on individual archaeological sites.</p> <p>Consistent with Section 3.4 of the CMS, the Project seeks to avoid effects on significant heritage resources where practicable through mine planning and alignment refinements. Where avoidance is not possible, the application provides for archaeological investigation, recording, monitoring, interpretation, active management and long-term enhancement of heritage values. These measures are supported through the proposed Historic Heritage Management Plan, Archaeological Management Plan, archaeological authority applications, heritage monitoring requirements, accidental discovery procedures, the establishment of a Heritage Stakeholder Group, and the Historic Heritage Enhancement Fund.</p>

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	<p>Accordingly, Bathurst confirms that Section 3.4 of the CMS is relevant to the application and considers that the matters addressed by Section 3.4 have already been comprehensively assessed through Chapters A.6, A.9, A.10 and A.12 of the application and in B.22.</p> <p><i>Note: These matters were not raised in consultation with DOC, Heritage NZ or LINZ on draft reports and assessments.</i></p>
<p>• Schedule 11, clause 3(d)(vi): <i>in the case of an application under section 42(4)(l), a statement of the direct net economic and other benefits of the proposed activities in relation to which the access arrangement is sought.</i></p> <p>We have been unable to find a direct statement of the direct net economic and other benefits of the proposed activities in relation to which the access arrangements are sought. Can you please provide a reference to where in the application we could find this or provide a statement to this effect.</p>	<p>The statement of the direct net economic and other benefits of the proposed activities in relation to which the access arrangements are sought is provided in the application package as a whole, rather than repeated in full in Chapter A.15.</p> <p>That approach reflects both the nature of the Fast-track Approvals Act process and the structure of this application. The Buller Plateaux Continuation Project is an integrated Project comprising interrelated mining areas, infrastructure, environmental management activities, rehabilitation and closure activities, residual effects measures, and approvals under several statutory regimes. For that reason, the application is deliberately structured so that common Project-wide information is presented once, upfront, and later approval-specific chapters address the particular statutory requirements for each approval stream.</p> <p>Chapter A.5 explains this approach expressly. It states that the application should be read as one integrated package, and that although the documents are divided into parts, chapters, technical reports, peer reviews, maps, proposed conditions, management plans and supporting records, they are intended to operate together. Chapter A.5 also states that Chapters A.1 to A.7 form the foundation of the application and apply to all approvals sought under the FTAA. Those chapters are the core Project-wide assessment and should be read together with the approval-specific chapters, including Chapter A.15.</p> <p>Accordingly, Chapter A.15 is not intended to be read in isolation or as the sole source of information relevant to Schedule 11, clause 3(d)(vi). Table 15-1 in Chapter A.15 identifies where the relevant information is provided. In response to the requirement for a description of the proposal, including the direct net economic and other benefits of the proposed activities in relation to which the access arrangement is sought, Table 15-1 states that the Project description, application areas, proposed activities, direct net economic and other benefits, and the interests in obtaining access to the relevant minerals are addressed in Chapter A.15 together with Chapter A.1 – Project Wide Overview, Chapter A.4 – Project Description, and Chapter A.14 – Crown Minerals Act Approvals – Mining Permits.</p> <p>The access arrangements are required because of the nature of the landholding across the Project area. The BPCP involves mining and mining-operation activities on Crown land administered by DOC and LINZ. Where Crown land is within the relevant mining permit areas, access arrangements under the Crown Minerals Act 1991 are the mechanism required to enable lawful access to that land for mining and mining operations. Chapter A.15 explains that the access arrangements are intended to ensure that all Crown land required for mining, mining operations, supporting infrastructure, environmental management, monitoring, rehabilitation, closure, and associated conservation and biodiversity works within the relevant permit areas is covered by an appropriate CMA access arrangement.</p> <p>That is particularly important for the LINZ-administered land. The LINZ-administered land within the Project area forms part of the Crown landholding framework for mining-related activities. As identified in Chapter A.15, existing LINZ Access Arrangements already apply to parts of the Upper Waimangaroa Haul Road / Mount Frederick South area, and new or aligned Access Arrangements are sought where required so that the relevant Crown land can be managed consistently as part of the broader Project. The Access Arrangements are therefore necessarily broad-ranging: they are not confined to a narrow physical entry right, but authorise the suite of mining, mining operations, infrastructure, environmental management, monitoring, rehabilitation, closure and related activities needed to deliver the Project.</p>

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	<p>For that reason, it would not be appropriate to “slice and dice” the economic assessment by attempting to isolate a separate economic benefit for each individual Access Arrangement area, or for Chapter A.15 alone. The direct net economic and other benefits arise from the Project as an integrated whole, including the coordinated operation of Stockton, MFS, ESE, the UWHR and associated processing, logistics, rail loadout, water management, rehabilitation and residual effects components. The access arrangements are one necessary approval mechanism that enables that wider integrated Project to occur.</p> <p>The economic assessment is therefore directly relevant to Chapter A.15. Chapter A.1 summarises the regional and national benefits of the BPCP, including maintaining approximately 390 direct jobs in the Buller District and a further 50 jobs outside the district, approximately \$40 million annually in wages, construction employment, community contributions, taxes and royalties, export earnings, support for strategic markets, the viability of the Midland Rail line, and the ongoing management of legacy AMD at Stockton on behalf of the Crown. Chapter A.1 also notes that the AIGIS Group Economic Impact Assessment in Part B assessed and quantified the economic benefits of the BPCP.</p> <p>Chapter A.1 further summarises the quantified benefits from that Economic Impact Assessment, including an estimated economic impact over the life of the Project of \$661 million to \$957 million compared with a current base-case scenario of \$73–75 million, anticipated corporate tax revenues of \$225–328 million, royalties of \$20–31 million, and ongoing operational employment of 317 direct full-time equivalent Bathurst employees and 71 contractor roles, representing 8.6% of filled jobs in the Buller District.</p> <p>Those benefits are not distinct from, or unrelated to, the Access Arrangements sought. The Access Arrangements are required to enable the activities that generate those benefits. The proper reference point for Schedule 11, clause 3(d)(vi) is therefore the Project-wide economic and benefits assessment, read with Chapter A.15 and the other cross-referenced chapters. The application deliberately avoids duplicating the same economic and benefits material in each approval-specific chapter; instead, it presents that material upfront and cross-refers to it where relevant to each approval stream. On that basis, the direct net economic and other benefits relevant to the Access Arrangements are addressed in the application, but they must be understood by reading the application as a whole rather than by considering Chapter A.15 in isolation.</p>
<ul style="list-style-type: none"> • Schedule 11, clause 3(e)(iv): <i>an assessment of the effects that proposed activities will have on the environment described in subparagraph (i), both while the activities are taking place and after their completion.</i> <p>DOC noted the absence of two reports in relation to clause 3(e)(iv) of Schedule 11. These reports were referenced in document B.01 (Upper Waimangaroa Haul Road Wildlife Mitigation – Literature Review (Ecological Solutions Limited 2026i) and Upper Waimangaroa Haul Road (UWHR) Options Assessment (Ecological Solutions Limited 2026j)).</p> <p>Can these reports be provided to assist with the assessment of clause 3(e)(iv) of Schedule 11.</p>	<p>Bathurst confirms that the documents referred to in this request are not missing from the application materials lodged with the EPA. Both the Upper Waimangaroa Haul Road Wildlife Mitigation – Literature Review and the Upper Waimangaroa Haul Road Options Assessment were included as appendices to Technical Report B.01 at the time of lodgement.</p> <p>The confusion arises because the appendix cover pages within Technical Report B.01 were incorrectly titled and do not correspond to the documents that follow. As a result, the documents may not be readily identifiable from the appendix cover pages alone. Bathurst acknowledges this formatting and compilation error and will provide a corrected version of Technical Report B.01 with amended appendix cover pages to accurately identify the relevant appendices.</p> <p>For clarity, the documents are, however, already contained within the lodged application at the following locations:</p> <ul style="list-style-type: none"> > Upper Waimangaroa Haul Road Wildlife Mitigation – Literature Review: page 695 of 811. > Upper Waimangaroa Haul Road Options Assessment: page 733 of 811.
<ul style="list-style-type: none"> • Schedule 11, clause 3(e)(vii): <i>information about financial and legal liabilities and obligations associated with the land</i> <p>No clear statement regarding financial liabilities has been found in the documentation. Could you please provide a reference as to where this information can be located or</p>	<p>Information about financial and legal liabilities and obligations associated with the land is provided across the application package, including in Chapter A.1 – Project Wide Overview, Chapter A.3 – Existing Environment, Chapter A.7 – Management and Monitoring of Actual and Potential Environmental Effects, Chapter A.14 – Crown Minerals Act Approvals – Mining Permits,</p>

RFI	Response
<p>provide information about financial liabilities and obligations associated with the land to satisfy clause 3(e)(vii) of Schedule 11 of the FTAA.</p> <p>DOC has also raised issues with the sufficiency of the information provided under this clause; these can be found below:</p> <p><i>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, or is less than, its existing legal obligations.</i></p> <p><i>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."</i></p> <p><i>The proposal does not provide adequate detail regarding:</i></p> <ul style="list-style-type: none"> <i>o Whether the trust is adequately funded to achieve the intended outcomes.</i> <i>o What the financial model is.</i> <i>o Who carries liability if the trust becomes insolvent.</i> <i>o How long compensation measures are expected to remain active.</i> <i>o Whether governance arrangements provide DOC with oversight or approval rights.</i> <i>o How the trust interacts with rehabilitation bonds and other financial assurance mechanisms.</i> 	<p>Chapter A.15 – Crown Minerals Act Approvals – Access Arrangements, Part E – Proposed Conditions, and the technical reports and management plans in Parts B and G.</p> <p>The application has been prepared as an integrated package. The financial and legal obligations associated with the land are therefore not confined to Chapter A.15 alone. Chapter A.15 identifies where the relevant information is provided and explains that financial and legal liabilities and obligations associated with the land, including permit and access arrangement obligations, rehabilitation responsibilities, compliance requirements and other statutory obligations, are addressed in the Project-wide chapters and supporting material.</p> <p>For completeness, the key financial and legal obligations associated with the land are summarised below.</p> <p>First, the existing Stockton Mine and Cypress area are already subject to established bonding and rehabilitation arrangements. Those arrangements form part of the existing legal and financial environment for the Project. Chapter A.3 explains that rehabilitation obligations at Stockton arise from both current operations and historic mining undertaken by State Coal Mines and Solid Energy. It also explains that, after the sale of Stockton in 2017, BT Mining assumed responsibility for rehabilitation and closure works, including landform stabilisation, revegetation, and ongoing AMD management, while the Crown retained responsibility for certain legacy rehabilitation issues, particularly AMD generated before 1 January 2017.</p> <p>For non-AMD (land) rehabilitation at Stockton, the Crown established an escrow fund under a Deed of Indemnity to cover rehabilitation of land disturbed by State Coal Mines or Solid Energy. BT Mining undertakes that rehabilitation work on behalf of the Crown under an annual work plan approved by the relevant councils and is reimbursed from the escrow account. BT Mining also provides a bond to cover any shortfall between the Crown Indemnity funds available at the relevant time and the total assessed non-AMD (land) rehabilitation liability.</p> <p>This is also addressed in Chapter A.7, which explains that no additional bonding is proposed for non-AMD (land) rehabilitation liabilities within the Stockton Sub-Area. Instead, the existing bonding framework under the Deed Relating to Bonding dated 24 August 2017, as varied on 12 August 2025, will continue. That deed will be amended as necessary to reflect the replacement of the existing coal mining licences with new approvals, including the new mining permit and new regional and district consents. As a minimum, the amended deed will provide that BT Mining must not exercise any new land use consent granted for the Stockton Sub-Area until the required amendments have been completed.</p>
<p>To assist us in assessing if the application complies with s 46(2) of the Act, please provide any further information on the above matters identified by DOC.</p>	<p>For AMD rehabilitation at Stockton, Chapter A.7 explains that no additional AMD rehabilitation bonding is proposed for the Stockton Sub-Area. AMD liabilities will continue to be managed through the existing Deed of Commitment Relating to the Rehabilitation of Stockton Mine Acid Mine Drainage dated 31 December 2016, as varied and restated on 8 September 2025. Under that framework, the Crown assumed responsibility for AMD arising from coal mining activities undertaken by Solid Energy and State Coal Mines prior to 31 December 2016. BT Mining remains responsible for AMD generated from mining activities undertaken from 1 January 2017 onwards and provides a terminal bond in respect of those liabilities. While BT Mining remains responsible for the site, it must continue to manage and treat all mining-related AMD, with treatment costs attributable to the Crown's historical liability reimbursed by the Crown in accordance with the deed.</p> <p>Those arrangements are important because they demonstrate that existing liabilities at Stockton are already subject to a long-standing, layered financial assurance framework. That framework is not being replaced by the BPCP. It will continue to operate, with necessary amendments to reflect the transition from the expiring coal mining licences and related approvals to the new approvals sought through this application.</p>

RFI	Response
	<p>Second, for the MFS, ESE and UWHR Sub-Areas, new bonding arrangements are proposed. Chapter A.7 explains that bonds provide an important safeguard for regulators and the community by ensuring that sufficient funds are available to complete rehabilitation and closure obligations if Bathurst or any future approval holder is unable to do so. In that event, the bond provides financial assurance that the Project can be safely closed and disturbed land rehabilitated in accordance with the relevant approval requirements.</p> <p>Bathurst proposes a coordinated bonding framework for the BPCP. Four bonds are anticipated: one each for Stockton, UWHR, MFS and ESE. For MFS, ESE and UWHR, Bathurst proposes a single bond for each area in favour of the relevant regulators, including WCRC, BDC and the Crown through LINZ and/or DOC as applicable. Each bond would secure all relevant obligations arising under the applicable approvals, whether those obligations arise through resource consents, access arrangements, concessions or wild life authorities. This is intended to avoid multiple bonds being required for the same rehabilitation obligation and to avoid duplication or inconsistency between financial assurance requirements imposed under different approval pathways.</p> <p>This approach is consistent with the nature of the Project and the landholdings involved. The Crown, through DOC and LINZ, owns or administers land within the ESE, MFS and UWHR Sub-Areas, as well as land associated with the proposed pest exclusion areas. BDC and WCRC will administer relevant resource consents, while DOC and LINZ will have roles in access arrangements, concessions, and other approvals. The proposed bonding framework recognises those overlapping responsibilities by allowing the relevant regulators to benefit from, and where appropriate call upon, the same financial security for the same underlying rehabilitation or closure obligation.</p> <p>The purpose of each bond is to provide financial assurance that closure, rehabilitation and any associated post-closure management can be completed if Bathurst defaults on its statutory obligations. In the event of default or abandonment, the bond would provide regulators with access to funds to undertake the required closure and rehabilitation works through appropriately qualified contractors. Because rehabilitation liabilities change over time as disturbance expands and previously disturbed areas are rehabilitated, the bond quantum will be reviewed annually so that the level of security remains appropriate to the outstanding rehabilitation obligations.</p> <p>Third, the application also provides for long-term residual effects and compensation obligations. Chapter A.7 explains that Bathurst proposes a comprehensive Residual Effects Package addressing residual ecological effects that remain after the effects management hierarchy has been practicably applied. That package includes approximately 26,259 ha of pest and weed control and biodiversity management measures, including pest exclusion fenced areas, the Blackburn–Pākihi intensive ground-control area, weed management areas and a wider managed halo landscape. The pest exclusion areas are intended to be maintained long term, with obligations for actions within them maintained for 50 years from construction of the last area.</p> <p>The proposed trust is part of this long-term delivery framework. Chapter A.7 explains that Bathurst proposes to establish a trust to assume responsibility for certain long-term obligations associated with ecological rehabilitation, residual effects management, predator control, and the ongoing management of pest exclusion areas. The purpose of the trust is to provide a durable institutional and funding mechanism for long-term obligations that are intended to continue beyond active mining and, in some cases, beyond the ordinary period over which the approval holder would directly carry out operational activities.</p> <p>If established, the trust would be governed by a board of not fewer than five trustees. Unless otherwise agreed by the regulators, the trustees would include one representative from DOC, one representative from BDC, one representative from WCRC, and two representatives from Te Rūnanga o Ngāti Waewae. This provides DOC with a governance role and ongoing oversight through trustee participation, alongside the other regulators and mana whenua.</p>

RFI	Response
	<p>The trust would not automatically displace Bathurst’s obligations or the bonding framework. If Bathurst wishes the trust to assume responsibility for any long-term obligations associated with the Residual Effects Package, the trust must first be established with objectives that include meeting those obligations and that are generally consistent with the trust deed appended to the proposed conditions in Part E. Subject to agreement by the regulators, one or more obligations secured by a bond may then be transferred to the trust. Only once that transfer occurs would the corresponding bond obligation cease, and the relevant portion of the bond would either be cancelled or reduced accordingly. Responsibility for the transferred obligations would then rest with the trust.</p> <p>That structure is important. The trust is not proposed as an unsecured substitute for rehabilitation bonding. Rather, it is intended to operate alongside the bond framework and, where accepted by the regulators, become the long-term mechanism for delivering specific long-duration ecological or residual effects obligations. Until obligations are transferred to the trust with regulator agreement, Bathurst remains responsible for them and the relevant bond continues to secure them. If obligations are transferred, the transfer would occur only once the trust has been established for that purpose, and the regulators are satisfied that the trust is an appropriate vehicle for those obligations.</p> <p>In terms of funding and financial model, the application proposes that the trust will receive funding sufficient to enable it to perform the obligations transferred to it. Bathurst will report the value of the trust to regulators on transfer of obligations and every five years thereafter for the duration of mining operations. The amount and timing of any transfer, and the corresponding reduction or cancellation of bond obligations, would be controlled through the proposed conditions and regulator agreement. This ensures that the financial assurance package remains live and adaptive, rather than fixed at a single point in time without regard to the obligations actually outstanding.</p> <p>If the trust does not assume an obligation, or if regulators do not agree to the transfer of that obligation to the trust, Bathurst remains responsible for that obligation, and it remains secured through the applicable bond or approval condition. If an obligation is transferred to the trust, the trust becomes responsible for that obligation in accordance with the trust deed and the relevant approval framework. The proposed structure therefore ensures there is no gap between Bathurst’s obligations, the bond framework and the trust. Obligations either remain with Bathurst and are secured by the relevant financial assurance mechanism or are transferred to the trust with regulator agreement and supported by the trust’s funding and governance arrangements.</p> <p>The application also distinguishes the new obligations proposed as part of the BPCP from existing legal obligations. Chapter A.3 identifies existing ecological management obligations arising from existing consents, biodiversity agreements and legacy offset arrangements, including the SEA, WHEA, DPPA, DBEA, Oparara Kiwi Management, Heaphy obligations, existing weed management on the Stockton and Denniston Plateaux, and other pest management obligations. Chapter A.7 further records that Bathurst remains committed to implementing the remaining biodiversity components of the existing Escarpment Mine Compensation Package in accordance with the existing DOC access arrangement and that Bathurst will continue to make compensation payments to DOC in accordance with the agreed payment schedule, with DOC responsible for delivery of the DPPA, DBEA and HBEA initiatives.</p> <p>Where there is overlap between historical compensation measures and the BPCP Residual Effects Package, Chapter A.7 explains that Bathurst intends to work with DOC, WCRC and BDC to determine an appropriate approach. The objective is to recognise existing commitments, avoid unnecessary duplication of management actions, and ensure that available resources are directed toward achieving the greatest practicable biodiversity outcomes across the wider Buller Plateaux landscape. The BPCP therefore does not rely on pre-existing obligations as though they were new benefits. Rather, the application identifies those existing obligations and proposes an integrated approach so that existing and new obligations are coordinated, additive where appropriate, and not double counted.</p>

RFI	Response
	<p>In summary, the financial and legal liabilities and obligations associated with the land are addressed through a combination of:</p> <ul style="list-style-type: none"> > continuation of existing Stockton and Cypress bonding arrangements; > the Crown Indemnity and escrow arrangements for historical non-AMD (land) rehabilitation liabilities; > the Deed of Commitment for historical AMD liabilities and BT Mining’s post-2017 AMD responsibilities; > proposed new bonds for UWHR, MFS and ESE; > annual bond reviews to ensure the quantum remains aligned with outstanding rehabilitation and closure liabilities; > proposed conditions requiring implementation of rehabilitation, closure, water management, ecological management and residual effects obligations; > existing compensation and biodiversity obligations identified as part of the baseline environment; and > the proposed trust, which is intended to provide a long-term governance and funding mechanism for specified residual effects and ecological management obligations, without replacing bonding unless and until regulators agree that a particular obligation may be transferred to the trust. <p>On that basis, the application provides information about the relevant financial and legal liabilities and obligations associated with the land. The information is distributed across the Project-wide chapters, the access arrangement chapter, the proposed conditions, management plans, and supporting technical reports because the obligations arise under multiple statutory approvals and apply across an integrated mining, rehabilitation, closure, and residual effects package.</p> <p>Future Obligations</p> <p>The information provided about the relevant financial and legal liabilities and obligations associated with the land includes both existing and future information in order to best assist the EPA, however, Bathurst considers that Schedule 11, clause 3(e)(vii) relates only to <i>existing</i> financial and legal liabilities and obligations associated with the land, not future arrangements sought through the FTA Application. To read in a requirement to provide information on liabilities and obligations <i>provided the application would be granted</i>, would go beyond the ordinary meaning of the words in the clause. Specifically, the words associated with the land, indicate that this is to be interpreted as in its present and existing state. Extensive documentation has been provided in this regard.</p>
<ul style="list-style-type: none"> • Schedule 11, clause 3(f): <i>in the case of an application where the land in question is a reserve managed by a local authority, confirmation that the local authority has provided written agreement for the activity to be undertaken on the reserve.</i> <p>DOC has identified land that is controlled and managed by Buller District Council that is included in the application for an access arrangement. Their full commentary on this matter has been inserted below:</p> <p><i>“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</i></p>	<p>Bathurst confirms that the application for Access Arrangement A.15B6 overlaps with the Ngākawau-Hector Recreation Reserve. Historically, the Ngākawau-Hector Reserve Board managed the Reserve. Following the 1989 Local Government reforms, the Reserve Board was dissolved. Administration of the Reserve fell to Buller District Council and ownership to the Crown, with DOC as the administrative agency.</p> <p>Bathurst benefits from a Licence to Occupy for the relevant parts of the Ngākawau-Hector Recreation Reserve from the Ngākawau-Hector Recreation Reserve. This was granted on 6 May 2019 and has no expiry date. The Licence binds Buller District Council, as it did the Reserve Board and allows BT to enter upon and occupy the relevant land. This provides Buller District Council’s written agreement for the relevant activities on the reserve. A copy of that LTO is provided as Attachment 1.</p>

RFI	Response
<p>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).”</p> <p>Can you confirm if the application for access arrangements includes a reserve managed by a local authority, and, if so, provide the information required to satisfy clause 3(f) of Schedule 11.</p>	
Matters in relation to the application for Concessions	
<p>On review of A.10 Chapter 10 – Conservation Act and Reserves Act we have found conflicting information regarding the number of concessions that are being sought. For example, page 839 states 10 concessions are applied for; page 840 lists 8 concessions in the application; page 851 states 9 concessions are applied for; pages 852-854 detail 8 concessions that make up the application.</p> <p>Can you please confirm the total number of concessions sought as part of the application?</p>	<p>Table 10-1 should be treated as the definitive list of concessions sought for the BPCP. Accordingly, the application currently seeks eight concessions:</p> <ol style="list-style-type: none">1. Stockton Fly Rock2. Denniston Fly Rock3. Stockton Infrastructure4. Stockton Water Monitoring5. Denniston Water Monitoring6. Stockton (Whirlwind Rise) Fenced Area Concession7. Denniston (being both Denniston North and Coalbrookdale) Fenced Areas Concession8. REP Concession <p>References elsewhere in Chapter 10 to “up to ten” concessions or nine are from earlier iterations of the application as there was potential for some activities to be packaged differently for concession purposes, including whether certain fence, monitoring, infrastructure, or residual effects activities were applied for as separate concessions or combined into broader concession packages. As discussions with DOC progressed, the concession structure was refined and consolidated.</p> <p>For the purposes of the EPA and Panel process, Table 10-1 provides the clearest description of the concessions sought. However, it is noted that Bathurst is open to further ongoing consultation with DOC, or directions from the Panel which may mean further refinement of the concession structure (e.g. whether the fenced areas are one concession or grouped); the current application should be understood as seeking the eight concessions identified in Table 10-1.</p>
<ul style="list-style-type: none">• Schedule 6, clause 3(1)(i): <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).</i> <p>We have been unable to find a direct reference within the application that answers this clause. Can you please provide a record of if the applicant or any company director,</p>	<p>It is noted that Schedule 6 clause 3(1)(i) is framed at a high level and requires the provision of "relevant information" relating to the applicant, including information relevant to its ability to undertake the proposed activity. The clause does not establish a separate fitness or suitability assessment, does not specify any particular category of offence, does not identify a relevant timeframe for disclosure, and does not indicate that all convictions or charges, regardless of subject matter, are necessarily material to the assessment of a concession application.</p> <p>The application therefore approached the requirement on the basis that information relevant to the applicant's capability, experience and compliance record was the material consideration. In that regard, Chapter A.10 identifies Chapter A.1 as the</p>

RFI	Response
<p>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.</p>	<p>source of information regarding the applicant, while Chapter A.9 expressly discloses historic regulatory compliance matters involving entities within the Bathurst Group, including infringement notices, abatement notices and a conviction associated with mining activities.</p> <p>It is not clear from DOC's request whether it is seeking 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 irrespective of relevance. Given the breadth of the wording in clause 3(1)(i), Bathurst has interpreted the provision as being directed toward matters reasonably capable of informing the assessment of the applicant's ability to carry out the proposed activity and has disclosed information on that basis in the Chapters noted above.</p>
Matters in relation to the application for Wildlife Act Approval	
<ul style="list-style-type: none">Schedule 7, clause 2(1)(a): <i>Specify the purpose of the proposed activity.</i> <p>The application for a Wildlife Approval is sought for a 60-year term. We have been unable to find a description for the purpose of proposed activities past year 25. DOC has also identified this gap.</p> <p>Can you please specify the purpose of proposed activities from year 25 to year 60.</p>	<p>The purpose of the proposed Wildlife Act Approval activities from Year 25 to Year 60 is to ensure that authorisation remains in place for protected-wildlife interactions that may be required for the full life of the approvals, including any extended operational works, rehabilitation, residual effects management, biodiversity outcome monitoring, adaptive management, contingency responses and closure-related activities associated with the BPCP.</p> <p>While the current mine plan anticipates that mining-related earthworks will be completed within approximately 20–25 years, the 60-year term is sought because there remains a possibility that mining, associated earthworks, rehabilitation or closure activities may continue beyond Year 25 if the rate of mining or associated works is slower than anticipated at the current planning stage. In that circumstance, the Wildlife Act Approval would continue to authorise any necessary pre-clearance surveys, capture, handling, salvage, relocation, disturbance management, monitoring, or incidental effects on protected wildlife associated with those delayed activities. The Wildlife Act Approvals chapter states that the approval is sought to authorise survey, capture, handling, salvage, translocation and incidental killing of protected wildlife associated with construction, operation, rehabilitation and implementation of the residual effects package, and that the requested 60-year term is intended to cover construction, operational and rehabilitation works.</p> <p>In addition, the Biodiversity Outcome Monitoring Plan (attached in Part G to the application) establishes the monitoring framework for the Project across both ecological rehabilitation areas and Residual Effects Management areas. That monitoring is intended to verify whether biodiversity outcomes are achieved and to inform adaptive management or contingency measures where required. The BOMP provides for monitoring across the Project disturbance area and REM sites before and after the commencement of rehabilitation and REM actions, and states that monitoring will continue for the life of the approval and/or until stated biodiversity outcomes have been verified.</p> <p>Some monitoring and adaptive management activities undertaken between Year 25 and Year 60 may involve acts that require Wildlife Act authorisation. These may include, for example, mark–recapture monitoring, radio tracking, capture, handling, temporary holding, tagging, banding, sampling, relocation or other monitoring and research activities involving protected wildlife. The BOMP identifies monitoring methods for avifauna, lizards and <i>Powelliphanta</i> snails, including automated bird recorders, five-minute bird counts, kiwi call counts, lizard monitoring using artificial cover objects, manual searching and Critter Pics, and <i>P. patrickensis</i> capture-recapture monitoring inside and outside pest-exclusion fenced areas.</p> <p>The longer approval term also provides flexibility for adaptive management later in the life of the consents. For example, if monitoring indicates that stated biodiversity outcomes are unlikely to be achieved, additional management or contingency</p>

RFI	Response
	measures may be required. Similarly, if areas within the predator-exclusion fences approach carrying capacity for some protected species later in the approval period, further wildlife management, including potential translocation to other suitable areas, may be required subject to expert advice, DOC engagement, and the relevant management plan and approval conditions. The BOMP expressly provides for adaptive management and contingency measures if monitoring indicates that biodiversity outcomes are not on track or have not been achieved.
<ul style="list-style-type: none">Schedule 7, clause 2(1)(d): <i>List protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted.</i> <p>During consultation on section 46, DOC raised an issue with the information provided to satisfy this clause. This has been copied below:</p> <p><i>“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. Numbers affected are not identified.”</i></p> <p>We note that you have not applied for a wildlife approval to cover giant wētā and are not asking for clarification on that component of DOC’s commentary. Helm’s stag beetle has been listed in Schedule 4 of document A.11.A as a protected terrestrial invertebrate species that is to be covered by the wildlife approval sought.</p> <p>Could you please provide a statement as to the likely species and numbers of protected terrestrial invertebrates known or predicted to be in the area. Alternatively, please provide a statement of why numbers of protected wildlife present and/or numbers of likely impacted protected species cannot be provided.</p>	<p>Bathurst has asked its ecological advisor, Dr Bramley of EcoLogical Solutions, to respond to this query. That response is attached as Attachment 2.</p>
<ul style="list-style-type: none">Schedule 7, clause 2(1)(f): <i>A statement of how the methods proposed to be used to conduct the actions involving protected wildlife will ensure that best practice standards are met.</i> <p>Within document A.11 at page 934 you have stated: “Lizard management will be undertaken in accordance with ‘Key principles for lizard salvage and transfer in New Zealand’ (DOC, 2019).” However, within document G.04, page 16 you have stated:</p> <p><i>“No matter the level of effort applied and despite our understanding that DOC considers >80% of lizards salvaged to constitute best practice, this cannot feasibly be achieved for this Project. In contrast we expect only a small proportion of lizards (< 1%) will be feasibly salvaged from the Project disturbance area.”</i></p> <p>In document G.04 above, you advise that you will fall short of DOC’s best practice requirements. DOC has also raised concerns about this response. What do you rely on to satisfy the clause 2(1)(f) requirement of a statement of how the methods proposed to be used to conduct the actions will ensure that best practice standards are met for</p>	<p>Bathurst has sought further advice from its ecological advisor Dr Baber of Alliance Ecology on this request. This response follows.</p> <p>A caveat is required at Document A.11 (page 934) to confirm that lizard management will be undertaken in accordance with <i>Key principles for lizard salvage and transfer in New Zealand</i> (DOC Lizard Technical Advisory Group, 2019) <u>where it is technically feasible to do so</u>.</p> <p>This matter relates to the technical feasibility of demonstrably salvaging more than 80% of lizards from within the Project footprint, and to the consequent adequacy of the effects management package. It is not, in our view, an information gap relating to application completeness.</p> <p>At the outset it should be noted that the >80% figure does not appear in the DOC guidance. It reflects our understanding of an expectation that has been applied on some projects. That expectation is, in our view, inconsistent with the evidence set out in DOC’s own guidance document, which states at page 12 that:</p> <p>> <i>“Even using the best methodology, a high proportion of lizards will remain undetected, so compensation for any loss of lizards and/or their habitat will be required. The only published study that has attempted to quantify the portion of lizards caught during monitoring showed it was</i></p>

RFI	Response
<p>lizard species included in the wildlife approval sought?</p>	<p><i>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).</i></p> <p>> <i>The guidance therefore proceeds on the assumption that only a portion of the population will be captured, and responds to that assumption not by setting a capture-rate target but by requiring compensation for the undetected remainder and, under Principle 9, contingency actions where salvage and transfer fail or are only partly successful. The only quantitative standard the guidance does set is one of effort rather than outcome.</i></p> <p>Independently of that inconsistency, a commitment to salvage — and to demonstrate the salvage of — more than 80% of lizards present within the footprint could not be met for this Project, for two key reasons as already explained in document G.04.</p> <p>> <i>First, salvage cannot physically be undertaken across the whole footprint. Steep cliff faces present health and safety constraints that preclude salvage effort altogether, and in tall forest the majority of individuals occupy arboreal and canopy microhabitats that cannot practicably be searched. In those environments neither the capture of the large majority of individuals, nor verification of the proportion captured to a reasonable degree of confidence, is achievable. The DOC guidance itself contemplates this circumstance, recording at page 10 a case in which salvage was not the best option because "the site was dangerous and specialist abseiling and safety skills were required to access it, meaning that a herpetologist could not be used to salvage the lizards."</i></p> <p>> <i>Second, the number of lizards present is unknown. Confidence that more than 80% of lizards have been salvaged requires confidence in the number actually present. For cryptic species occupying structurally complex and, in many instances, inaccessible habitats and microhabitats, absolute abundance cannot be determined, and the relationship between survey capture rates and true density cannot be quantified to the accuracy such a standard would demand. This too is acknowledged in the guidance, which records at page 6 that "most lizard species are extremely difficult to survey in the field and can be overlooked, even by experienced herpetologists."</i></p> <p>This position is well understood within the herpetological profession. Dr Baber’s advised that no practising herpetologist in New Zealand would represent that more than 80% of lizards could be salvaged from the Denniston Plateau footprint, or that such a proportion could be verified, irrespective of the resourcing applied.</p> <p>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.</p> <p>It is therefore concluded that a >80% salvage standard cannot be demonstrably or technically achieved for this Project, as is the case for a number of other large infrastructure projects in New Zealand, and that it is not the standard the DOC guidance sets. Bathurst proposes instead that lizard management be assessed against the guidance on its own terms: salvage effort commitments consistent with Principle 5 across those areas where salvage is feasible; compensation for the loss of lizards and lizard habitat that will remain notwithstanding that effort; and contingency actions identified under Principle 9.</p>
<ul style="list-style-type: none">• Schedule 7, clause 2(1)(g): <i>A description of the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes.</i> <p>During consultation on section 46, DOC has raised an issue with the information provided to satisfy this clause. Namely:</p>	<p>Bathurst has asked its ecological advisor, Dr Bramley of EcoLogical Solutions, to respond to this query. That response is attached as Attachment 2.</p> <p>It is further noted that snails and other invertebrates are not considered or covered under the Animal Welfare Act and therefore not subject to Animal Ethics considerations or approval. Notwithstanding this, as set out above, care will be taken to ensure their general welfare and wellbeing and to optimise the likelihood of survival following handling and translocation.</p>

RFI	Response
<p><i>“Snails: The application describes methods for hand salvage, temporary holding, handling, transport and release, but does not provide enough information on animal ethics processes. Information is missing on ethics considerations for permanently marking a large proportion of the surviving population for capture-mark-recapture (CMR) monitoring. Information is also missing on ethics considerations for the large number of snails expected to be killed and not salvaged by hand or VDT.</i></p> <p><i>Other Invertebrates: 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).”</i></p> <p>To assist us in assessing if the application complies with s 46(2) of the Act, please provide any further information on the above matters identified by DOC. In particular we request a statement on how clause 2(1)(g) of Schedule 7 has been satisfied in relation to protected invertebrates.</p>	
<ul style="list-style-type: none">Schedule 7, clause 2(1)(k): <i>Where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife).</i> <p>We note that you include on page 46 of A.11 that “Any Helm’s Stag Beetles found during works will also be captured and relocated via VDT to appropriate translocation sites.” We have been unable to locate methods of relocation and/or any methods that will be used to avoid and minimise adverse effects identified under clause 2(1)(j) for Helm’s Stag Beetles.</p> <p>Could an application reference to this information or a statement on the methods used to avoid and minimise any effects identified for Helm’s Stag Beetles be provided.</p>	<p>Bathurst has asked its ecological advisor, Dr Bramley of EcoLogical Solutions, to respond to this query. That response is attached as Attachment 2.</p>
<ul style="list-style-type: none">Schedule 7, clause 2(1)(n): <i>Provision of proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts.</i> <p>We have reviewed documents A.11, F.01, and B.36 in relation to the requirements of clause 2(1)(n). We have been unable to locate a provision of proof of consultation specific to wildlife impacts with hapū or iwi. Could you confirm what, if any, wildlife specific material was provided as part of consultation with iwi.</p>	<p>Bathurst has consulted with Te Rūnanga o Ngāti Waewae throughout the development of the BPCP and in relation to all approvals sought under the Fast-track Approvals Act 2024, including the Wildlife Act approval. Evidence of that consultation is contained in the letter from Te Rūnanga o Ngāti Waewae dated 30 June 2026, attached as Attachment 3.</p> <p>Attachment 2 confirms that Te Rūnanga o Ngāti Waewae has completed a Cultural Impact Assessment for the Project, that consultation with Bathurst has occurred and continues, and that Ngāti Waewae expects to remain actively engaged in the assessment of the Project as mana whenua. Bathurst relies on that consultation record, together with the consultation materials and records provided elsewhere in the application, as evidence of compliance with Schedule 7, clause 2(1)(n).</p>
Matters in relation to the application for Complex Freshwater Fisheries Approval	
<ul style="list-style-type: none">Schedule 9, clause 3(a): <i>in relation to the structure and any fish facility:</i>	

RFI	Response
<p>(i) a description of the type of structure or fish facility:</p> <p>(ii) the dimensions of the structure or fish facility:</p> <p>(iii) the design of the structure or fish facility:</p> <p>(iv) the placement of the structure or fish facility:</p> <p>(v) the water flows:</p> <p>(vi) the operating regime.</p> <p>We have not found a reference to clauses 3(a)(i) to 3(a)(iv) associated with the dispensation sought in relation to culverts associated with the pest-exclusion fences or the dispensation sought for all water diversions. Can you please provide a reference to where we can locate this information or provide the information to satisfy clause 3(a).</p> <p>Regarding clause 3(a)(iv), we received the following statement from DOC during consultation:</p> <p><i>“A.13 states that “no approvals or dispensations under the Freshwater Fisheries Regulations 1983 are sought for the Stockton or Cypress sub-areas” (p 998). DOC understands from the maps in A.13B, however, that approval is sought to construct culverts impeding fish passage at all intersections between pest exclusion fenced areas and waterways, including those in Stockton and Cypress areas.”</i></p> <p>Could you please clarify if the location specified for approvals sought in A.13 is accurate or if there are to be approvals and dispensations sought in other sub-areas.</p> <p>We have also provided in attachment to this letter DOC’s consultation regarding section 46. Appendix 4 relates solely to the complex freshwater fisheries approvals. To assist us in assessing if the application complies with s 46(2) of the Act, please provide any further information on the matters identified by DOC within this appendix.</p>	<p>The following response seeks to address the queries relating to the Freshwater Fisheries Approvals:</p> <p>Bathurst considers that the information already provided in the application is sufficient to satisfy the statutory completeness threshold relating to these approvals. Schedule 9, clause 3 requires enough information to enable the EPA, DOC and the Panel to understand the nature of the proposed structures, the freshwater values present, how fish passage will be provided for or impeded, and the likely effects of the activities. It does not require final construction design for every culvert, fence crossing or diversion at lodgement, particularly where final design must respond to site-specific ecological, hydraulic, pest-exclusion and constructability constraints.</p> <p>The application has therefore adopted an effects-focused and proportionate approach. It identifies the activities for which approval or dispensation is sought, the relevant culvert and diversion contexts, kōura as the only freshwater fisheries receptor in the plateaux headwaters, and the basis on which passage will be provided where practicable or impeded where passage is not practicable or is unlikely to provide ecological benefit.</p> <p>Pest Exclusion Fenced Areas – Culverts</p> <p>In relation to culverts associated with pest-exclusion fenced areas, the application identifies the type of structure, its purpose, and its placement at a level sufficient for completeness. Section 13.3.2 of Chapter A.13 identifies the four proposed pest-exclusion fenced areas (Mt Augustus, Whirlwind Rise, Denniston North and Coalbrookdale) and Figures 13-8 to 13-12 show the proposed fence alignments and the streams and waterways where culverts may be required. This information enables the EPA, DOC and the Panel to understand the nature and location of the proposed activities and the freshwater environments potentially affected.</p> <p>Final dimensions and detailed design information have not been fixed because the culverts must perform two functions simultaneously: maintaining the integrity of the pest-exclusion fence and, where practicable, providing for kōura passage. Detailed design and pre-construction investigations will inform the final configuration of individual culverts, including consideration of hydrology, flood behaviour, kōura presence or likely habitat, constructability requirements, and pest-exclusion performance.</p> <p>Bathurst considers that Schedule 9, clause 3(a) does not require final surveyed locations or detailed engineering design for each individual fence-crossing culvert at the time of lodgement. Rather, it requires sufficient information to understand the type, purpose and location of the relevant structures. The plans contained in Chapter A.13 identify the fence alignments and associated waterway crossings where culverts may be required and therefore provide an appropriate level of placement information for completeness purposes. Any refinement of the position, dimensions or design of individual culverts through detailed design would not alter the nature of the dispensation sought, nor the freshwater values and effects that are the subject of the application.</p> <p>Stockton and Cypress</p> <p>As noted in the completeness consultation feedback provided by DOC¹, specifically in relation to the Stockton and Cypress sub-areas of the BPCP, Chapter A.13 of the application states that²:</p>

¹ EPA Fast-track applications, letter to BT Mining Ltd dated 11 September 2026, Appendix 4.

² BPCP FTAA application, Chapter A.13, p998

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<p><i>proposed by the applicant do not require adherence to the management plans or guidelines.”</i></p> <p>Could you please provide a reference within the application to or an explanation as to how the passage of fish will be provided for or impended with each dispensation sought.</p>	<p><i>“...no approvals or dispensations under the Freshwater Fisheries Regulations 1983 are sought for the Stockton or Cypress sub-areas”</i></p> <p>It is clarified that this statement was intended to relate to the fact that there are no new culverts or permanent diversion structures within natural waterways proposed as part of the BPCP associated with mining and mining activities in these two sub-areas. It was not intended to exclude the dispensations sought for culverts associated with pest-exclusion fenced areas where those fence alignments intersect waterways, including where such intersections occur within or near Stockton or Cypress-related areas. For the avoidance of doubt, dispensation is sought for all culverts associated with pest-exclusion fenced areas that affect natural watercourses, irrespective of the sub-area in which the relevant fence crossing is located.</p> <p>The fundamental function of a pest-exclusion fence is to prevent pests from entering the enclosed area. The culvert/fence interface therefore presents a genuine design constraint because openings or internal features that may assist kōura passage can also compromise the integrity of the pest-exclusion fence, increase maintenance requirements, or create pathways for pest ingress.</p> <p>For this reason, and as explained in Chapter A.13, the application conservatively seeks dispensation for culverts associated with pest-exclusion fences on the basis that fish passage may be impeded where it cannot practicably be achieved without undermining the primary pest-exclusion function of the fence. However, the application should not be interpreted as assuming that kōura passage will not be provided, nor as seeking approval to disregard kōura passage considerations.</p> <p>Conditions re Fish (koura) Passage</p> <p>To the contrary, the proposed conditions require the Approval Holder to actively consider kōura and kōura passage throughout the design, construction and operational phases of the Project. Proposed Condition KOU1 requires kōura to be removed and relocated, where practicable, from stream reaches that will be removed as part of construction, mining or mining operations. Proposed Condition KOU2 further requires the Approval Holder, wherever practicable, to provide for kōura passage in new culverts installed within the sub-areas and in culverts associated with pest-exclusion fences. In addition, Proposed Condition KOU3 requires a series of specified culverts associated with the UWHR and MFS access road to be designed and constructed consistently with the New Zealand Fish Passage Guidelines.</p> <p>The consideration of kōura passage is also embedded within the pest-exclusion fence design process itself. Proposed Condition RES8 requires detailed design and construction methodology plans to be prepared prior to construction of each pest-exclusion fenced area. Those plans must specifically identify all stream crossings and explain how those crossings will be designed and managed to provide for fish passage, including kōura passage where practicable and compatible with the exclusion of pests, or alternatively explain why fish passage is not required or cannot practicably be provided. The condition therefore requires a specific assessment of fish-passage requirements at each stream crossing rather than allowing passage considerations to be disregarded.</p> <p>Similarly, Proposed Condition RES9 requires suitably qualified and experienced practitioners with proven expertise in pest-exclusion fence design and ecological management to design and construct the pest-exclusion fences. The condition further requires technical review of the detailed design, oversight of construction, and certification that the completed fence can achieve the required pest-exclusion outcomes. These requirements provide an additional mechanism for ensuring that fish-passage and ecological considerations are appropriately integrated into the detailed design process.</p>

RFI	Response
	<p>Accordingly, the proposed conditions establish a clear expectation that kōura passage will be provided where practicable and appropriate. The dispensations are sought on a precautionary basis to address circumstances where site-specific design constraints, pest-exclusion requirements, hydraulic conditions or ecological considerations may ultimately demonstrate that complete passage provision is not practicable or would compromise the intended function of the structure.</p> <p>The proposed conditions also recognise remaining knowledge gaps regarding kōura movement behaviour and passage requirements within the Project area. Proposed Condition KOU4 requires detailed information to be collected for every culvert installed as part of the Project, including information relevant to fish-passage performance, remediation measures and the likelihood of fish-passage impediment. This ensures that fish-passage outcomes are considered and documented on a structure-by-structure basis rather than being assumed.</p> <p>In addition, Proposed Condition KOU5 requires the Approval Holder to fund PhD-level research into kōura ecology, movement and passage through a New Zealand tertiary institution. The research must evaluate kōura movement behaviour and investigate potential remediation measures for successful kōura passage. The condition specifically aims to improve the evidence base on kōura passage and identify practical solutions that can be implemented where compatible with engineering, operational, and pest-exclusion requirements.</p> <p>Collectively, Conditions KOU1 to KOU5 and RES8 to RES9 demonstrate that the Project adopts an adaptive and effects-focused approach to kōura management. While dispensations are sought conservatively to provide flexibility where passage may not ultimately prove practicable, the conditions require the Approval Holder to investigate, assess, provide for, monitor and continually improve kōura passage wherever reasonably achievable, rather than presuming that passage will not be provided. This is particularly relevant for pest-exclusion fence crossings, where the final design must balance fish-passage outcomes with the primary objective of maintaining the integrity and effectiveness of the pest-exclusion fence.</p> <p>Water Diversions</p> <p>There are two significant permanent diversion structures proposed to be constructed as part of the BPCP; these are shown on the map attached as Attachment 4 to this response and discussed in Chapter A.4 – Project Description of the application:</p> <ul style="list-style-type: none">> The Trent Stream clean-water diversion within the ESE Sub-Area.> The Billo Stream clean-water diversion within the MFS Sub-Area. <p>Attachment 5 to this response includes a cross-section showing the indicative design of these permanent diversions.</p> <p>Fish passage will be impeded within these diversion structures, with connection to the original downstream waterway severed to allow for the proposed mining activity to proceed and replaced by new flow paths to receiving streams (V37 stream for ESE, Billo and Deep Creek Streams for MFS). While the Buller Plateaux waterways are known to support kōura, the diversion channels are engineered clean-water drains rather than natural stream channels and have not been designed to provide aquatic habitat or facilitate fish passage. As discussed in the application (Chapter A.4 and A.13 in particular, as well as in the rules assessment in Chapter A.8), there are also smaller and/or temporary diversions associated with the Project where fish passage will also not be provided for.</p>

RFI	Response
	<p>The main diversion drains are expected to experience a combination of shallow and, at times, intermittent flows, together with periods of elevated flow velocity during the high-rainfall events characteristic of the West Coast. These hydraulic conditions lack the sinuosity inherent in natural streams, do not represent the moderate-to-low-flow environments typically used by kōura, and are unlikely to facilitate upstream movement through the diversion systems.</p> <p>In addition, the diversion channels have not been designed with the habitat characteristics typically associated with kōura occupancy or movement. In particular, they do not provide the natural substrate, instream refugia, habitat complexity, wetted margins, or bed continuity that would support kōura passage. Of particular relevance, the diversion drain design does not incorporate substrate provision within the channel bed, meaning kōura have limited opportunity to obtain the traction, shelter, and hydraulic conditions generally associated with successful movement through watercourses.</p> <p>Accordingly, Bathurst considers that fish passage through diversion structures is unlikely to be practicable or provide a meaningful ecological benefit. For that reason, Bathurst seeks dispensation for all diversion structures proposed as part of the BPCP.</p>

- > **Attachment 1** – A copy of the Licence to Occupy referred to within the Response table;
- > **Attachment 2** - A letter also addressing some of the specific questions from EcoLogical Solutions;
- > **Attachment 3** – A letter from Te Rūnanga o Ngāti Waewae dated 30 June 2026, confirming consultation obligations inherent in the FTAA with iwi have been complied with;
- > **Attachment 4** – Maps of the two main permanent diversions proposed as part of the Project (as per Chapter A.4 – Project Description of the Application);
- > **Attachment 5** – Indicative cross sections of the main permanent diversion structures.