



7 May 2025

Tēnā koe

Thank you for your request to the Department of Conservation (the Department), received on 4 April 2025.

With respect to Buller Coal Limited's access arrangement for open cast mining, dating from 2013 and related to Escarpment Mine (located on the Denniston Plateau), you asked for:

"a copy of any application to extend the access arrangement, DOC assessments and advice to the decision-maker, the decision, and the terms of the extended access arrangement".

We have considered your request under the Official Information Act 1982 (OIA).

Documentation

Mining Permit (MP) 51279 (Escarpment Mine) is located on the southern edge of the Denniston Plateau, approximately 13 kilometres (km) northwest of Westport and four km to the south of Denniston. The land is Crown Land administered by the Department, namely the Mount Rochfort Conservation Area. The MP itself covers 199.2 hectares (ha), while the Access Arrangement (AA) 37873-AA granted on 21 May 2013 to Buller Coal Limited (BCL) relates to 106 ha of that area.

The AA within Mining Permit (MP) 51279 granted to BCL by the then Minister of Conservation authorised open cast coal mining at the Escarpment Mine. The existing AA contains a set of standard and special conditions put in place as safeguards against any potential adverse effects of carrying out the proposed programme of work.

Six variations, in May 2014, October 2015, June 2016, June 2018, June 2022 and June 2023 respectively, of the AA have been agreed to by the Minister since then.

The first two variations were primarily to change management plan naming conventions, update water quality compliance and monitoring conditions, and make administrative amendments for clarity and consistency.

The third, fourth and sixth variations adjusted the compensation schedule to better reflect the progress of mine disturbance and accommodate the extended mine lie, due to slower than expected extraction rates. The total amount of compensation to be paid has not been amended.

Of relevance to your request, the fifth variation extended the duration of the AA. The term of the AA is now for a period from the date of execution of the AA until 23 June 2032 or for the term of Mining Permit 51279, whichever is the lesser. This fifth variation also acknowledges that within

the term the permit holder will undertake mining, mining operations and progressive rehabilitation.

On-site activities

Construction activities commenced in July 2014 after the issuance of the first authority to enter and operate with limited operations undertaken before the mine was placed into care and maintenance in 2016.

Ongoing works on the site between May 2016 and June 2022 have been limited to water management, weed control, infrastructure maintenance, removal of previously mined coal, water and biodiversity monitoring.

The Department undertakes annual inspections of the site to ensure compliance with the conditions and the approved Annual Work Plan in place. To date, no non-compliance has been noted.

Department's response

I have decided to release the relevant parts of the AA's fifth variation documents listed in the attached Schedule of Documents, subject to information being withheld under one or more of the following sections of the OIA, as applicable:

- personal information, under section 9(2)(a) – to protect the privacy of natural persons, including deceased people, and
- commercially sensitive information, under section 9(2)(b)(ii) – to protect the commercial position of the person who supplied the information, or who is the subject of the information.

In making my decision, I have considered the public interest considerations in section 9(1) of the OIA and determined there are no public interests that outweigh the grounds for withholding.

You are entitled to seek an investigation and review of my decision by writing to an Ombudsman as provided by section 28(3) of the OIA.

Please note that this letter (with your personal details removed) and attached documents may be published on the Department's website.

Nāku noa, nā



Anita Murrell
Principal Advisor, Regulatory Authorisations
Department of Conservation | *Te Papa Atawhai*

Schedule of Documents

Item	Date	Document description	Decision
1	21 June 2022	37873-AA-V5 Fifth Variation contract to Access Arrangement 37873-AA for Mining Permit 51279 dated 21 May 2013 (and its four subsequent variations)	Released in part, s 9(2)(a)
2	21 June 2022	37873-AA-V5 Access Arrangement Variation Report for Fifth Variation to Access Arrangement 37873-AA for Mining Permit 51279 dated 21 May 2013 (and its four subsequent variations)	Released in full
3	22 December 2021	Application Form Access Arrangement Fifth Variation	Released in part, s 9(2)(a)
4	December 2021	Escarpment Coal Mine AA 51-279 Application for a variation of conditions Fifth Variation	Released in part, ss 9(2)(a), and 9(2)(b)(ii)