

11. WILDLIFE ACT AUTHORITY APPLICATION

11.1 OVERVIEW

To enable the construction, operation and rehabilitation of the BPCP, an approval is also required under the Wildlife Act 1953 (“**Wildlife Act**”). This singular Wildlife Act Authority for the BPCP is sought jointly by BT Mining Limited and Bathurst Resources Limited.

In this substantive application, “wildlife approval” has the meaning given in clause 1 of Schedule 7 of the FTAA (that is, a lawful authority for an act or omission that would otherwise be an offence under specified provisions of the Wildlife Act 1953).

Section 43(3)(h) of the FTAA provides that a substantive application must, for a wildlife approval, include the information specified in clause 2 of Schedule 7 of the FTAA. This section of the substantive application, therefore, provides the information required to support the Wildlife Act approvals sought by Bathurst to authorise activities associated with the BPCP.

This chapter addresses the information requirements in clause 2 of Schedule 7, as set out below.

Requirement	Where addressed
Specify the purpose of the proposed activity	This is included in Section 11.4 of this chapter.
Identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land)	This is included in Section 11.3 of this chapter.
Include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953	This is included in Section 11.15 of this chapter.
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	Details on protected wildlife species known or predicted to be present within the BPCP Project Area are included in Sections 11.2 and 11.7 of this chapter.
Outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System)	Impacts on threatened, data deficient and at-risk wildlife species are included in Section 11.7 of this chapter.

Requirement	Where addressed
State how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met	Details proposed methods are included in Section 11.8 of this chapter.
Describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes	Details proposed methods are included in Section 11.8 of this chapter.
State the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available)	Details on locations for the proposed activities are included in Section 11.9 of this chapter. The full suite of BPCP Project Maps and Figures (including the proposed Wildlife Act Authority footprint) are provided in Part D of the substantive application.
State whether authorisation is sought to temporarily hold or relocate wildlife	Authorisation is not being sought to temporarily hold or relocate any other wildlife, unless they are incidentally encountered during the construction and/or operation and could be potentially harmed, and relocation is deemed to be feasible for the species in question Further detail is included in Section 11.10.
List all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site	Detail on actual and potential effects of the activity on protected wildlife is included in Section 11.11.
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)	Methods to avoid, minimise, offset or compensate actual and potential adverse effects are outlined in Section 11.12.

Requirement	Where addressed
State whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953	As stated in Section 11.13, no person involved with this application has been convicted of an offence under the Wildlife Act 1953.
State whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court	As stated in Section 11.13, no person involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court.
Provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts	Details on consultation in relation to wildlife is included in Section 11.14. Further detail on consultation in relation to the BPCP is included throughout the substantive application and is outlined in Chapter A.5 – Application Approach and Structure .
Provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal	The technical reports management plans accompanying the application (provided in Parts B and G) have been peer reviewed by appropriate experts, and their comments have been incorporated. Peer reviews are included in Part C .

11.2 WILDLIFE CONTEXT

The existing ecological values underlying the wider BPCP, including the known wildlife species relevant to the wildlife approvals sought in this application, are described in the technical reports and management plans listed in **Table 11-1** below. A summary of this existing environment is provided in **Chapter A.3 – Existing Environment**, and at a high level below, including in relation to the existing Wildlife Authorities held across the Plateaux. These reports are included in **Parts B and G** of these application documents and are summarised in the following sections.

Table 11-1: Documents relating to approvals required under the Wildlife Act

Document Title	Author
Reports	
Terrestrial Ecological Impact Assessment, including the following Appendices:	EcoLogical Solutions
> Appendix A: Contextual Report	
> Appendix B: Vegetation Mapping Report	
> Appendix C: ESE Setting	
> Appendix D: MFS Setting	
> Appendix E: Stockton Setting	
> Appendix F: UWHR Setting	
> Appendix G: Technical Evaluation to Accompany and Application for a Wildlife Act Authorisation for Cypress Consent Area + New Project Areas	
> Appendix H: Assessment of Rehabilitation Outcomes	
> Appendix I: UWHR Wildlife Mitigation Literature Review	
> Appendix J: UWHR Options Assessment	
> Appendix K: Conservation Map Zonation	
An Assessment of the Likely Impacts of the BPCP on <i>P. patrickensis</i> Snails and Proposed Effects Management	Lloyd's Ecological Consulting
Future trajectories of snail populations with and without the BPCP; and General <i>P. patrickensis</i> Snail Recovery Plan for the Project Area	Lloyd's Ecological Consulting
Preliminary Baseline Mammalian Pest-Monitoring Report	Alliance Ecology
Residual Effects Management Report	Alliance Ecology
Pest Exclusion Fencing Feasibility Report	John McClennan
Impact of Predator-proof Fences on Kiwi Habitat	John McClennan

Document Title	Author
Management Plans¹¹⁷	
Weed Management Plan	Bathurst
Rehabilitation Management Plan	Bathurst
Avifauna Management Plan	Bathurst
<i>Powelliphanta</i> Snail Management Plan	Bathurst
Biodiversity Outcome Monitoring Plan	Bathurst
Pest Control and Elimination Plan	Bathurst
Lizard Management Plan	Bathurst
Biosecurity Management Plan	Bathurst
Aquatic Ecology Management Plan	Bathurst

11.2.1 Existing Ecological Obligations and Wildlife Authorities

This section describes the existing ecological management setting in which the proposed Wildlife Act Authority is sought, including the legacy consent obligations that the BPCP will supersede or replace from a protected-species management perspective.

Existing ecological obligations under the Cypress Mine and existing Escarpment Mine consents have established a network of biodiversity management across the Buller Plateaux, including:

- > The Snail Enhancement Area (“**SEA**”) (~1,900 ha), established to protect *Powelliphanta* land snails through predator control;
- > The Wider Habitat Enhancement Area (“**WHEA**”) (~8,200 ha), which provides broader landscape-scale biodiversity management, primarily focused on possum suppression;
- > The Denniston Permanent Protection Area (“**DPPA**”) (~730 ha);

¹¹⁷ Note: Where management Plans have been provided by Bathurst, they are informed by the relevant technical experts.

- > The Denniston Biodiversity Enhancement Area (“**DBEA**”) (~4,500 ha), which alongside the DPPA is managed for a combination of weed control, pest management, and ecological monitoring; and
- > Predator control in the Oparara area (~1,000 ha) to enhance the survival rate of great spotted kiwi.

Together, these areas represent a substantial proportion of actively managed habitat within the Ngākawau Ecological District, which has demonstrated positive biodiversity outcomes under similar pest-control regimes. In practice, these obligations have largely been implemented through intermittent aerial 1080 operations (typically on a three- to five-year cycle), focused primarily on possum control with more limited and irregular management of other predators. While this approach has achieved periodic pest reductions, experience is showing that it has not maintained predators at consistently low levels, and predation pressure continues to constrain the recovery of vulnerable indigenous fauna.

The existing Wildlife Act Authorities held by BT Mining Ltd for the Buller Plateaux are listed in **Table 11-2** below. The existing Authorities apply to roroa, *Powelliphanta patrickensis* snails, western weka, forest gecko, Westland speckled skink and West Coast green gecko, and are supported by approved or required management plans for snails, kiwi, lizards, rats and weka, together with associated pest-control and reporting obligations.

Table 11-2: Existing Wildlife Act Authorities

Authorisation Number	Authorisation Holder and Location	Authorised Activity (Clause 2)
97411-FAU	BT Mining Limited	a) Activity –
	a) Public Conservation Land: Conservation Area – Waimangaroa – Granity (for survey and monitoring work only)	i. Catch alive and liberate on site species specified in Schedule 4 for the purpose of wildlife survey.
	b) Other land: As specified in map in Schedule 6.	ii. Catch alive and liberate species specified in Schedule 4 for the purpose of salvage/relocation.
		iii. Incidentally kill species specified in Schedule 5 that could not be salvaged.
		iv. Mark Great spotted kiwi/roroa (<i>Apteryx haastii</i>) using transmitters for the purpose of tracking.

Authorisation Number	Authorisation Holder and Location	Authorised Activity (Clause 2)
		v. Mark Great spotted kiwi/rooa (<i>Apteryx haastii</i>) via banding for the purpose of identification. vi. Take samples from Great spotted kiwi/rooa (<i>Apteryx haastii</i>) as detailed in Schedule 3. vii. Collect <i>Powelliphanta patrickensis</i> shells from predation monitoring plots for identification by the Department of Conservation (DOC) of the cause of mortality. b) Methods – as specified in Schedule 3. c) Quantity – as specified in Schedule 4.
108591-FAU	BT Mining Limited Stockton Cypress Mining Area on Stockton Coal Mining Licence CML 37-150. 	1. <u>The activities consented to are:</u> i. Catch alive and liberate on site species specified in Schedule 4 for the purpose of the wildlife survey. ii. Catch alive and liberate species specified in Schedule 4 for the purpose of salvage/relocation. iii. Incidentally kill species specified in Schedule 5 that could not be salvaged. iv. Mark great spotted kiwi/rooa (<i>Apteryx haastii</i>) using transmitters for the purpose of tracking. v. Mark great spotted kiwi/rooa (<i>Apteryx haastii</i>) via banding for the purpose of identification. vi. Take samples from Great spotted kiwi/rooa (<i>Apteryx haastii</i>) as detailed in Schedule 3. vii. Collect <i>Powelliphanta</i> snail shells from predation monitoring plots for identification by the Department of Conservation (DOC) of the cause of mortality. 2. <u>Quantity:</u> i. As required, provided that all reasonable steps are taken in accordance with this

Authorisation Number	Authorisation Holder and Location	Authorised Activity (Clause 2)
		Consent to avoid the incidental killing of wildlife.
		3. <u>Methodology:</u>
		i. Lizards:
		a. Systematic manual salvage by hand.
		ii. Snails:
		a. Systematic manual salvage by hand.
		b. Collect snail shells by hand.
		iii. Kiwi:
		a. Catch and handle kiwi with the assistance of conservation dogs, prior to disturbance and for the purpose of monitoring or health checks.
		b. Relocate kiwi when at risk of direct harm.
		c. Uplift eggs and chicks for Operation Nest Egg when at risk of direct harm
		d. Mark using transmitters and bands.
		e. Take pin feathers as samples for genetic testing.
		as more specifically described in Schedule 3 of this Consent.
97412-FAU	BT Mining Limited Rockies and Millerton Mining Blocks on Stockton Coal Mining Licence CML37-150. [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]	1. <u>The activities consented to are:</u>
		i. Catch alive and liberate on-site species specified in Schedule 4 for the purpose of wildlife survey.
		ii. Catch alive and release species specified in Schedule 4 for the purpose of salvage/relocation.
		iii. Incidentally kill species specified in Schedule 5 that could not be salvaged.
		iv. Mark great spotted kiwi/roa (<i>Apteryx haastii</i>) using transmitters for the purposes of tracking.

Authorisation Number	Authorisation Holder and Location	Authorised Activity (Clause 2)
		v. Mark great spotted kiwi/rorua (<i>Apteryx haastii</i>) via banding for the purpose of identification. vi. Take samples from great spotted kiwi/rorua (<i>Apteryx haastii</i>) as detailed in Schedule 3. vii. Collect <i>Powelliphanta</i> snail shells from predation monitoring plots for identification by the Department of Conservation (DOC) of the cause of mortality. 2. <u>Quantity:</u> i. As required, provided that all reasonable steps are taken in accordance with this Consent to avoid the incidental killing of wildlife. 3. <u>Methodology:</u> i. Lizards: a. Systematic manual salvage by hand. ii. Snails: a. Collect snail shells by hand. iii. Kiwi a. Catch and handle kiwi with the assistance of conservation dogs, prior to disturbance and for the purpose of monitoring health checks. b. Relocate kiwi when at risk of direct harm. c. Uplift eggs and chicks for Operation Nest Egg when at risk of direct harm. d. Mark using transmitters and bands. e. Take pin feathers as samples for genetic testing. as more specifically described in Schedule 3 of this Consent.

60 The proposed Wildlife Act Authority is intended to replace and consolidate the existing
Wildlife Act authorisations required for protected wildlife management within the Project
area and any associated relocation or management areas (including within the area
associated with the wider REP). The function of the proposed Wildlife Act Authority is to
authorise the specific acts involving protected wildlife that may be required in connection
with the Project and those associated management measures - including searching for,
65 capturing, handling, salvaging, relocating, monitoring, disturbing, or incidentally killing
protected species where those acts would otherwise be unlawful under the Wildlife Act
1953. The proposed Wildlife Act Authority sits alongside the other fast-track approvals being
sought, and together they address the broader ecological management, rehabilitation and
residual effects management responses.

70 **11.2.2 Proposed Wildlife Authority Sought for the BPCP**

Bathurst seeks a single Wildlife Act Authority under the FTAA to enable activities associated
with the BPCP and to enable consistent conditions for all activities relating to protected
wildlife across the Project area. As noted in Section 11.2.1 above, this new global WAA
sought for the BPCP will supersede the existing WAAs held across the Project area.

75 The Project involves the continuation and extension of mining operations across the Buller
Plateaux for approximately 25 years, including active mining and a closure phase, using
existing infrastructure and accessing additional mining areas.

Works within the Project area will involve vegetation clearance, habitat modification, and
associated activities that may result in the disturbance, capture, handling, relocation, and
80 incidental mortality of protected wildlife. This includes activities associated with the REP
proposed as part of the overarching BPCP.

Accordingly, the WAA is sought to authorise these activities where they affect protected
wildlife, including pre-clearance surveys, capture and handling, species translocation where
appropriate, deterrence measures, and incidental effects that cannot be avoided. The
85 proposed footprint of the WAA, alongside the overall proposed land use consent boundary
for the BPCP, is shown in **Figure 11-1** below.

Wildlife management will be undertaken in accordance with Avifauna, Lizard, and
Powelliphanta Snail Management Plans, as well as other relevant management plans, which
set out measures to avoid and minimise adverse effects on protected species.

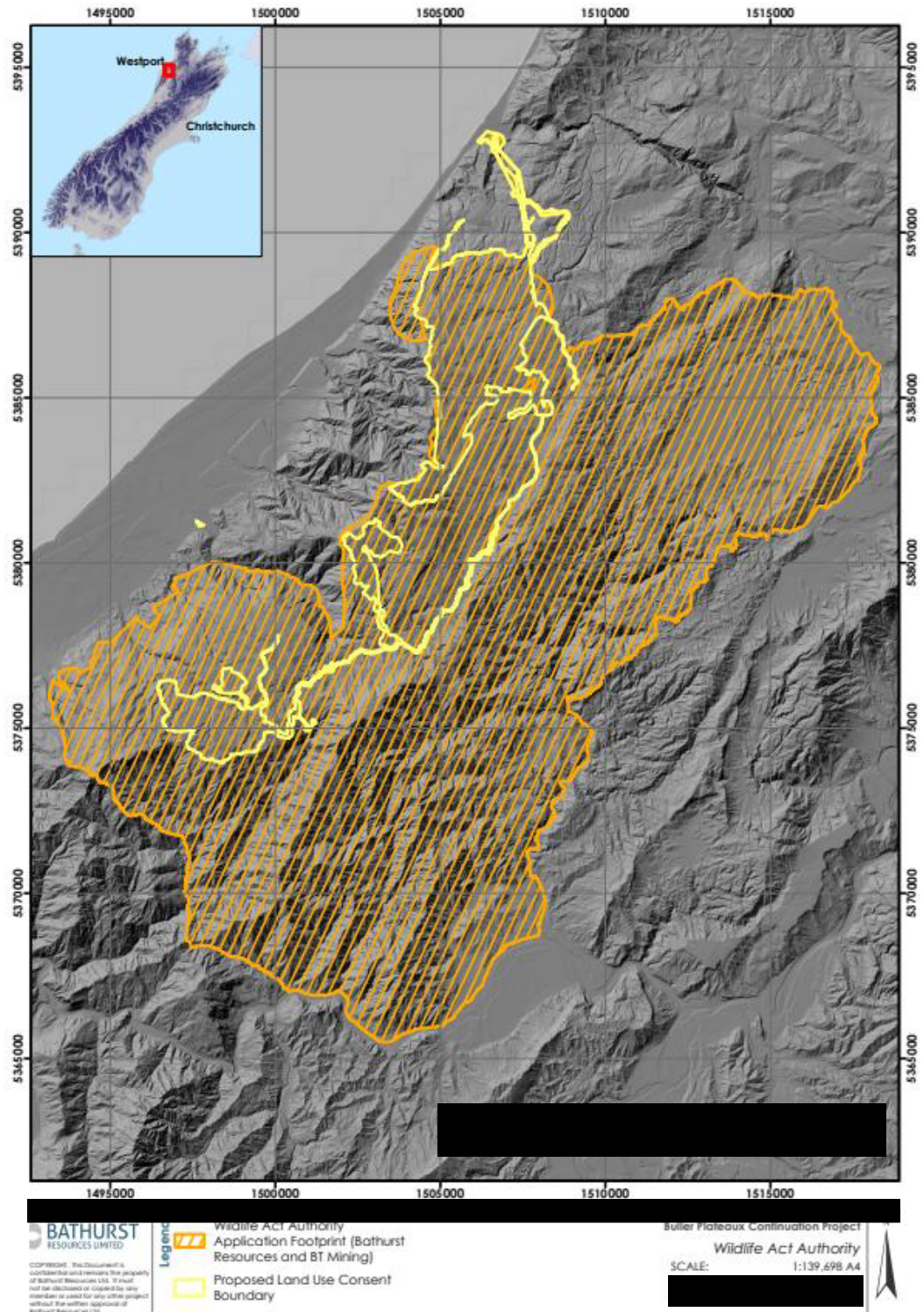


Figure 11-1: Wildlife Act Authority Application Footprint (Bathurst Resources Limited and BT Mining)

11.2.3 Avifauna

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The Terrestrial EclA (EcoLogical Solutions, 2026a) recorded 39 species of bird within the Buller Plateaux, 29 of which are indigenous bird species. These appear with high diversity and low to moderate abundance, with fewer than one record for most species during the five-minute bird-count component of the surveys.

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Avifauna species of conservation concern that are confirmed to be or possibly be within the Project sub-areas are detailed in **Table 11-3** below. Ten avifauna species of conservation status (excluding rorua) are confirmed or potentially present across the Project sub-areas.

[REDACTED]

[REDACTED] Further details on these avifauna detections are in the relevant Project sub-area baseline survey appendices to the EclA (2026a).

[REDACTED] Given that these species are already modified mine habitats and artificial waterbodies, they are unlikely to be

[REDACTED]

substantially affected by the proposed activities and are not expected to require species-specific management.

It is important to note that the presence of an avifauna species recorded within the Project Area does not necessarily indicate that it is resident there, as some avifauna may simply pass over or through the site, or occur only as infrequent or occasional visitors (e.g. kea).

Table 11-3: 'Threatened' and 'At Risk' Bird Species within the Project Area

Common Name	Scientific Name	Conservation Status
Great Spotted Kiwi / Rorua	<i>Apteryx haastii</i>	Threatened – Nationally Vulnerable
South Island Fernbird / Mātātā	<i>Poodytes p. punctatus</i>	At Risk – Declining
New Zealand Pipit / Pīhoihoi	<i>Anthus novaeseelandiae</i>	At Risk – Declining
South Island Robin / Kakarūwai	<i>Petroica australis</i>	At Risk – Declining
Yellow-crowned parakeet / Kakariki	<i>Cyanoramphus auriceps</i>	Threatened – Nationally Endangered
Kea	<i>Nestor notabilis</i>	Threatened – Nationally Endangered
New Zealand bush falcon	<i>Falco novaeseelandiae ferox</i>	Threatened – Recovering
Black shag	<i>Phalacrocorax carbo novaehollandiae</i>	At Risk – Relict
Little shag	<i>Phalacrocorax sulcirostris</i>	At Risk – Relict
Long-tailed cuckoo / Koekoeā	<i>Eudynamys taitensis</i>	Threatened – Nationally Vulnerable
Banded Dotterel	<i>Charadrius bicinctus bicinctus</i>	At Risk – Declining
Western weka	<i>Gallirallus australis australis</i>	Not Threatened

135	Not Threatened species of indigenous birds potentially found within the wider Project Area based off eBird records are: western weka, grey warbler/riroriro (<i>Gerygone igata</i>), New Zealand Bellbird (<i>Anthornis melanura</i>), Silvereye (<i>Zosterops lateralis</i>), Tomtit (<i>Petroica macrocephala</i>), Tui (<i>Prosthemadera novaeseelandiae</i>), New Zealand Fantail (<i>Rhipidura fuliginosa</i>), Swamp harrier (<i>Circus approximans</i>), Morepork/Ruru (<i>Ninox novaeseelandiae</i>), mallard x grey duck hybrid (<i>Anas platyrhynchos</i> x <i>superciliosa</i>), Masked Lapwing (<i>Vanellus miles</i>), pies stilt (<i>Himantopus leucocephalus</i>), Welcome Swallow (<i>Hirundo neoxena</i>), Kererū (<i>Hemiphaga novaeseelandiae</i>), pīpī (<i>Mohoua novaeseelandiae</i>), Southern black-backed gull/Karoro (<i>Larus dominicanus</i>), and Paradise shelduck/Pūtangitangi (<i>Tadoma variegata</i>).
140	There are also records listed on eBird of South Island Pied Oystercatcher (<i>Haematopus finschi</i>) (At Risk – Declining), Kākā (<i>Nestor meridionalis</i>) (At Risk – Recovering) and New Zealand Grey Duck/Pārerā (<i>Anas superciliosa</i>) (Threatened – Nationally Vulnerable) on the Buller Plateaux. However, these are only occasional visitors to the plateaux and are therefore unlikely to be affected by the proposed activities.
145	11.2.3.1 Avifauna Management Approach While a range of indigenous bird species are known or predicted to occur within the Project area, species-specific management measures are proposed only for a limited number of species where this is considered necessary and practicable. These are: > Great Spotted Kiwi / Rorua;
150	> South Island Robin / Kakarua; > South Island Fernbird / Mātātā; and > Western Weka (in relation to pest-exclusion fenced areas). For all other avifauna species, including mobile or wide-ranging species such as New Zealand pipit, New Zealand falcon, kea, shag species, banded dotterel and long-tailed cuckoo, management will rely on general avoidance and minimisation measures rather than species-specific intervention.
155	This approach reflects the differing ecological characteristics of these species, including their mobility, habitat use and ability to avoid disturbance, as well as the practicality and effectiveness of direct management interventions.
160	Notwithstanding the above, the Wildlife Act Authority is sought in respect of all protected avifauna species listed in Schedule 4 of the proposed Wildlife Act Authority, including kea, New Zealand bush falcon, yellow-crowned parakeet, long-tailed cuckoo, New Zealand pipit, black shag, little shag and banded dotterel. Authority is sought for these species because

165 they may be present within the Project area and may be subject to disturbance, habitat
modification, monitoring activities, incidental handling or incidental mortality despite the
implementation of avoidance and minimisation measures.

11.2.4 Lizards

170 The Buller Plateaux provide high-quality lizard habitats due to their spatial configuration and
relatively high habitat complexity over short distances, and three indigenous lizard species
have been confirmed within the Project area in a variety of low and open vegetation habitats
(as listed in **Table 11-4** below). These three lizard species are considered highly likely to be
present across all Project sub-areas, reflecting the availability of suitable forest and
shrubland habitats throughout the Buller Plateaux. Higher value lizard habitat is associated
with areas of greater structural and topographical complexity, including forested gullies,
175 sandstone pavement and pakihi margins.

A fourth species (northern grass skink / *Oligosoma polychroma*), which is not threatened, is
also known to exist in the immediate vicinity (within 1 km) in lower elevation habitats. This
skink is found throughout central Canterbury and the West Coast across a variety of open
habitats. This species has been recorded only in proximity to the Project Area during
180 numerous surveys of lizards and other biodiversity values on the Buller Plateaux. Still, its
presence in the Project Area cannot be ruled out.

Table 11-4: ‘Threatened’ and ‘At Risk’ Lizard Species within the Project Area

Common Name	Scientific Name	Conservation Status
Westland speckled skink	<i>Oligosoma aff. newmani</i> “Westland”	At Risk – Declining
West Coast green gecko	<i>Naultinus tuberculatus</i>	Threatened – Nationally Vulnerable
Forest gecko	<i>Mokopirirakau granulatus</i>	At Risk - Declining

Due to their cryptic behaviour and low detectability, lizard presence is likely underrepresented in survey data, and individuals may be present in areas where they have not been recovered. Therefore, given the high-value habitats, it should be assumed that similar lizard assemblages are present across all BPCP sub-areas.

190 **11.2.5 Terrestrial Invertebrates**

Schedule 7 of the Wildlife Act 1953 also identifies certain invertebrate species as protected. Of relevance to the Buller Plateaux, this includes the following species:

- > Land snails (all species of *Powelliphanta*); and
- > Helm’s stag beetles.

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210	[REDACTED]	

Helm’s stag beetle has also been recorded on the Buller Plateaux. Although no targeted surveys have been undertaken for these species within the BPCP sub-areas, they may be adversely affected by vegetation clearance if present.

Table 11-5: Terrestrial Invertebrate species present within the Project Area

Common Name	Scientific Name	Conservation Status
Large land snail	<i>Powelliphanta patrickensis</i>	Threatened - Nationally Critical
Mount Augustus snail	<i>Powelliphanta augusta</i>	Threatened – Nationally Critical
Helm’s Stag beetle	<i>Geodorcus helmsi</i>	No status

¹²⁰ In accordance with DOC’s *Powelliphanta augusta* Recovery Strategy (Gruner et al., 2021).

215 **11.3 WILDLIFE APPROVALS SOUGHT**

A single Wildlife Act approval is sought by Bathurst for:

- > All Project sub-areas (including, for the avoidance of doubt, the Cypress sub-area);
- > Pest exclusion fenced areas where they fall outside the Project sub-areas;
- > Any areas required for the research and collection of protected species on the Buller Plateaux; and
- > All areas proposed for pest control and weed management where those activities may impact protected species;

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to authorise the survey, capture, handling, salvage, translocation and incidental killing of protected wildlife (as defined by the Wildlife Act) associated with construction, operation, rehabilitation and implementation of the REP for the BPCP.

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The authority is sought for all protected wildlife species listed in Schedule 4 of the proposed Wildlife Act Authority (included in Appendix 11.A). It extends to biodiversity monitoring, research, and adaptive management activities undertaken in accordance with the relevant management plans.

230 **11.3.1 Avifauna**

Specific actions relating to protected avifauna will include:

- > Pre-clearance searches for Great Spotted Kiwi (roroa), including the use of certified conservation dogs and accredited handlers, and enabling the collection of any eggs and chicks for hatching/captive rearing;
 - > Surveying, capture, handling, radio-tagging and banding of roroa, including associated in-situ management to avoid harm during works;
 - > Deterrence of birds to encourage them to nest outside areas destined for vegetation clearance during the breeding season (in accordance with the AvMP);
 - > Handling, capture and translocation of South Island robin (kakaruai) and South Island fernbird (mātātā) (in accordance with the AvMP);
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- > Handling, capture and translocation of western weka from inside pest exclusion fences areas, including temporary holding, transport and release (in accordance with the AvMP);¹²¹
- > Incidental mortality of, or injury to, protected avifauna where they cannot be removed in advance of works;
- > Research activities associated with the management of all protected avifauna, including weka, which may involve capture, handling, temporary holding, attachment and removal of radio transmitters or bands, and collection of information to better understand the limitations of weka translocation success to date and reduce the level of uncertainty in scalable restoration;
- > Accidental discovery protocols (for Threatened species); and
- > Activities associated with Wildlife Approval reporting requirements.

11.3.2 Lizards

Specific actions related to protected lizards will include:

- > Pre-clearance searching, handling, capture and translocation (including as part of VDT) of any West Coast green gecko, forest gecko and Westland speckled skink (in accordance with the LMP);
- > Monitoring of relocation outcomes where practicable;
- > Incidental mortality of, or injury to, protected lizards where they cannot be removed in advance of works;
- > Research activities which may include the use of radio transmitters and the temporary holding of lizards;
- > Accidental discovery protocols (for Threatened species); and
- > Activities associated with Wildlife Approval reporting requirements.

11.3.3 Terrestrial Invertebrates

Specific actions related to protected terrestrial invertebrates will include:

¹²¹ Western weka within the pest exclusion fenced areas will be managed in accordance with the AvMP and the relevant approval conditions, including removal from fenced areas where required to achieve the ecological objectives of those areas.

- > Pre-clearance searching, capture and handling of the land snail *Powelliphanta* species for the purposes of snail recovery, translocation (as part of vegetation direct transfer (“VDT”)) and monitoring in accordance with the PSMP;
- 270 > Handling, capture and translocation of any Helms’s stag beetle incidentally encountered during the works;
- > Incidental mortality of, injury to, protected terrestrial invertebrates where they cannot be removed in advance of works;
- > Accidental discovery protocols (for Threatened species); and
- 275 > Activities associated with Wildlife Approval reporting requirements.

11.4 PURPOSE OF THE PROPOSED ACTIVITY – *clause 2(1)(a), Schedule 7*

In accordance with Schedule 7, clause 2(1)(a) of the FTAA, the wildlife approval sought by Bathurst is required as part of the ecological monitoring and management of actual and potential effects on avifauna, lizards and terrestrial invertebrates and to authorise associated monitoring, tagging, banding, marking, genetic sampling, temporary holding, relocation, habitat management and research activities undertaken in accordance with the relevant management plans provided in **Part G**, and as required by the proposed approvals conditions provided in **Appendix 11.A** and **Part E** of these application documents.

As discussed in Section 11.2.2 above, Bathurst proposes to continue mining operations on the Buller Plateaux through the BPCP over approximately the next two decades. The purpose of the Project is to secure the approvals necessary to access additional coal reserves on the Buller Plateaux as existing reserves at Stockton are exhausted, thereby enabling the continued production and export of hard coking coal for steelmaking.

11.4.1 Avifauna

In relation to avifauna, the wildlife approval Bathurst seeks is to authorise activities involving protected avifauna required to manage the Project’s effects. This includes the capture, handling and radio-tagging of roroa, the capture and relocation of weka, and the disturbance or deterrence of other protected bird species present within the Project area.

The approval also provides for any incidental injury or mortality of these species that may occur despite the implementation of all practicable avoidance and mitigation measures. Targeted management actions are proposed for selected species, including roroa, South Island fernbird (mātātā) and South Island robin (kakaruai). In contrast, other avifauna species will be managed through general avoidance and minimisation measures.

11.4.2 Lizards

300 In relation to lizards, the purpose of the wildlife approval is to authorise the capture, handling, salvage, and relocation of lizards during vegetation clearance, construction, operational activities, and rehabilitation works and to provide for any incidental injury or mortality that may occur despite the implementation of the proposed mitigation measures.

11.4.3 Terrestrial Invertebrates

305 In relation to terrestrial invertebrates, the purpose of the wildlife approval is to authorise the management of protected terrestrial invertebrates during vegetation clearance, construction, operations, and rehabilitation, including the salvage, relocation and monitoring of *Powelliphanta* snails (notably *P. patrickensis* and *P. augusta*), and the incidental handling/translocation of any Helm's stag beetle (*Geodorcus spp.*) encountered.

310 The approval also seeks to cover any incidental injury or mortality that may occur despite mitigation measures for these species, as well as monitoring measures for *P. patrickensis*, which includes:

- > Monitoring of snail population trends inside and outside the pest exclusion fences to ensure they are an effective method to increase snail abundance;

315 > Monitor cause of death for snails inside and outside the pest exclusion fences to identify methods to improve snail survival; and

- > Monitor the survival of salvaged snails to establish whether snail salvage is a successful conservation strategy and identify methods to improve the survival of salvaged snails.

11.4.4 Proposed Duration of Wildlife Act Authority

320 The requested term for the wildlife approval for avifauna, lizards and terrestrial invertebrates is a maximum of **60 years**. This ensures that the term of the wildlife approval adequately covers all construction, operational and rehabilitation works, and aligns with the term for concessions associated with the PEAs (refer to **Chapter A.10 – Conservation Act and Reserves Act**).

325 11.5 PROPOSED ACTIONS TO BE CARRIED OUT

The following sections address clause 2(1)(b) of Schedule 7 of the FTAA. These relate to the actions the applicant wishes to carry out involving protected wildlife and where they will occur.

330 Specific species management measures, as outlined in site- and species-specific management plans (AvMP, LMP, and PSMP), have been designed to reduce the direct effects of mining on protected wildlife and will be implemented as mining proceeds. In addition to

reducing the direct effects of mining on protected wildlife, the removal of western weka (*Gallirallus australis australis*) from the pest exclusion fenced areas, as outlined in the AvMP, is designed to protect *Powelliphanta* snails against indirect effects attributable to weka predation within the enclosures.

Specific actions are outlined in the sub-sections below.

11.5.1 Avifauna

The actions proposed involving protected avifauna may be carried out anywhere within the BPCP (including within the pest exclusion fenced areas and the wider pest/weed management areas) and will include:

- > Pre-clearance surveying, capture, handling, application of radio transmitters and banding of roroa (Great Spotted Kiwi, *Apteryx haastii*) for monitoring and territory mapping in accordance with the AvMP;
- > Disturbance of avifauna to encourage nesting outside areas destined for vegetation clearance during the breeding season, in accordance with the AvMP;
- > Capture, handling, temporary holding, marking, banding, tagging, monitoring, research, sampling and translocation of avifauna, where required in accordance with the AvMP and associated Wildlife Act Authority conditions¹²²;
- > Other management actions on avifauna encountered during the construction and operation of the BPCP, in accordance with the AvMP;
- > Handling, capture and translocation of western weka from inside the areas designated for pest exclusion fences in accordance with the AvMP; and
- > Incidental mortality or disturbance of protected wildlife during the works, where the protected wildlife remains.

The full suite of actions relating to avifauna, alongside their locations, are outlined in the AvMP provided in **Part G** of this substantive application.

¹²² Capture and translocation will be limited to selected species where it has been identified as an appropriate and practicable response to anticipated effects (this includes South Island robin and South Island fernbird). Translocation is not proposed for other avifauna species, particularly those that are highly mobile, wide-ranging, or not expected to be significantly affected by the Project.

11.5.2 Lizards

The actions proposed involving protected lizards may be carried out anywhere across the BPCP (including within the pest exclusion fenced areas) and will involve:

- 360 > Pre-clearance searching, capture and handling of any West Coast green gecko (*Naultinus tuberculatus*), forest gecko (*Mokopiriakau granulatus*) and Westland speckled skink (*Oligosoma aff. Newmani* “Westland”) for recovery, translocation, re-location and monitoring in accordance with the LMP;
- 365 > Handling, capture and translocation of any West Coast green gecko (*Naultinus tuberculatus*), forest gecko (*Mokopiriakau granulatus*) and Westland speckled skink (*Oligosoma aff. Newmani* “Westland”) incidentally encountered during the works in accordance with the LMP;
- 370 > Monitoring and applied research, including the temporary holding of lizards, attachment of tracking devices where required, collection of genetic information and other approved research activities undertaken in accordance with the LMP¹²³; and
- > Incidental mortality or disturbance of protected wildlife during the works, where the protected wildlife remains.

The full suite of actions relating to lizards, alongside their locations, are outlined in the LMP provided in **Part G** of this substantive application.

375 11.5.3 Terrestrial Invertebrates

The actions proposed involving protected terrestrial invertebrates may be carried out anywhere across the BPCP (including within the pest exclusion fenced areas) and will involve:

- 380 > Pre-clearance searching, capture and handling of the land snail *Powelliphanta* species for snail recovery, translocation, re-location and monitoring in accordance with the PSMP, including the use of unique identification tags on individual snails greater than 20 mm diameter where required for monitoring and survival assessments;
- > Monitoring and applied research;¹²⁴

¹²³ The key research project for lizards is an investigation of the microhabitat use of lizards to enable the development of robust management techniques for future conservation (PhD study currently underway).

¹²⁴ As referenced in the PSMP, research will be undertaken to improve the quality of snail habitat created by planting and/or seeding into previously stockpiled soil spread on ELFs during mine construction.

- > Handling, capture and translocation of any Helms's stag beetle (*Geodorcus helmsi*) incidentally encountered during the works, primarily through VDT and associated habitat relocation methods; and
- > Incidental mortality or disturbance of protected wildlife during the works, where the protected wildlife remains.

The full suite of actions relating to terrestrial invertebrates, alongside their locations, are outlined in the PSMP provided in **Part G** of this substantive application.

11.6 PURPOSE OF THE WILDLIFE ACT 1953

With respect to Schedule 7, clause 2(1)(c) of the FTAA, the principal purpose of the Wildlife Act 1953 has been described by the Supreme Court as the protection of wild animals. The Wildlife Act 1953, including its application to the Project, is also discussed further in the legal submissions on behalf of Bathurst.

The proposed actions are intended to protect, as far as practicable, wildlife from mortality or physical injury associated with vegetation clearance and other mining activities. The EcIA assesses that the Project will involve approximately 698 ha¹²⁵ of vegetation and non-vegetated habitats being cleared within the sub-areas (exclusive of any additional clearance required for the pest exclusion fenced areas). This clearance which will result in loss of habitat, injury, or death to a range of wildlife if actions are not taken to avoid and minimise this.

Proposed methods to capture protected avifauna, lizards, and *Powelliphanta* snails are detailed in Section 11.8 of this chapter. The actual and potential effects of the activity are detailed in Section 11.11, and measures to manage the identified effects are detailed in Section 11.12.

Wildlife may also be affected by rehabilitation-related activities. Any such activity will be undertaken in accordance with the measures outlined in the AvMP, LMP, PSMP and RMP in order to minimise adverse effects. This will also enhance the survival of *Powelliphanta* snails within these fenced areas by reducing weka predation (Lloyd, 2026a).

With Bathurst's implementation of the proposed management measures, adverse effects on protected wildlife are expected to be avoided or reduced to the extent practicable but not eliminated. Capture, handling, and relocation are intended to reduce the risk of direct harm to individuals during Project activities; however, these measures may themselves result in

¹²⁵ As determined in accordance with the Ecological Assessments.

415 stress, temporary disturbance, social disruption, displacement, and increased competition
for resources, both among relocated individuals and within receiving areas. The extent of
these effects will vary depending on the species involved, the number of individuals
affected, and the suitability and carrying capacity of the relocation or management areas.

11.7 WILDLIFE SPECIES, IMPACTS AND PRACTICE STANDARDS

420 In accordance with clause 2(1)(d), (e) and (f) of Schedule 7 of the FTAA, the technical
evaluations for the wildlife approval by EcoLogical Solutions (2026a) and Lloyd's Ecological
Consulting (2026a and b) detail the protected wildlife species known or predicted to be in
the BPCP. Additionally, where possible, they show the numbers of wildlife present and
425 numbers likely to be impacted. They also outline the impacts on threatened, data-deficient,
and at-risk wildlife species (as defined in the New Zealand Threat Classification System),
and describe how best-practice standards will be met.

The management plans accompanying the application have been prepared in accordance
with available best-practice guidance. The plans also include a mechanism to update them
as required, for example, if new best-practice standards are developed or new information
430 on managed species becomes available.

Species-specific management, in accordance with site- and species-specific management
plans intended to reduce the effects of mining on wildlife, will be implemented.

The conclusions of these evaluations are summarised in the section below.

11.7.1 Avifauna

435 Great Spotted Kiwi (roroa) management will be undertaken in accordance with the '*Kiwi Best
Practice Manual*' (Robertson et al., 2020).

South Island robin (kakaruai) management will be undertaken in accordance with '*Best
practice techniques for the translocation of North Island robins (Petroica longipes), South
Island robins (P. australis australis) and Steward Island robins (P. a. Rakiura)*' (Collen et al.,
440 2014).

South Island fernbird (mātātā) management will be undertaken primarily through surveying
and monitoring. Bird deterrence during the fernbird breeding season (spring and summer)
may also be used to encourage nesting outside areas scheduled for vegetation clearance.
These measures are detailed in the AvMP.

445 No published best-practice standards exist for weka translocation. Accordingly, the
methods for any weka capture, handling, holding and relocation will be implemented in
accordance with the AvMP (Bathurst, 2026x). The AvMP has been informed by established

techniques and guidance used for comparable avifauna work, including fernbird transfers (Parker, 2002), robin translocations (Collen et al., 2014), and roroa handling and monitoring (Robertson et al., 2020). In the absence of species-specific guidance for weka, the AvMP will be applied as the project’s best-practice standard for weka management actions.

Furthermore, in addition to weka, AvMP will therefore be used as ‘best practice standards’ for actions carried out involving any other protected avifauna in the context of the BPCP.

11.7.2 Lizards

Lizard management will be undertaken in accordance with ‘*Key principles for lizard salvage and transfer in New Zealand*’ (DOC, 2019).

Lizards will be captured and handled only by trained personnel under the supervision of the Project Herpetologist or suitably trained ecologists, using sterilised equipment and proper hygiene practices between each capture.

The transportation of all lizards will also comply with the Animal Welfare (Transport within New Zealand) Code of Welfare.¹²⁶

11.7.3 Terrestrial Invertebrates

Powelliphanta species will be managed through planned pre-clearance searches, salvaging, handling and relocation/translocation. Actions are also proposed for other notable invertebrate species (e.g., stag beetle) through incident-based handling/capture, and translocation if encountered during works (i.e., not via targeted surveys).

Best practice standards do not currently exist for *Powelliphanta*. However, methods for carrying out actions on this species are informed by the PSMP, which draws on experience and expertise in snail management across the Buller Plateaux.

11.8 METHODS

This section summarises the methods proposed to safely, efficiently, and humanely capture, handle, temporarily hold, relocate, or incidentally kill the species specifically covered by this wildlife approval. It identifies the relevant animal ethics processes in accordance with Schedule 7, clause 2(1)(g). Methods for managing other species that may be encountered are also set out in the relevant technical reports and species management plans (including those provided in **Parts B and G**).

¹²⁶ Ministry for Primary Industries (2018). Code of Welfare: Transport within New Zealand. MPI, Regulation and Assurance Branch, Wellington 6140.

11.8.1 Avifauna

11.8.1.1 Great Spotted Kiwi (Roroa)

Capture and Radio Tagging

480 The capture, handling and radio tagging of roroa to monitor their habitat use, map territories, and determine which birds, if any, will need to be ‘shepherded’ on, will be undertaken following the Kiwi Best Practice Manual (DOC, 2020) as detailed in the AvMP. They will be marked with bands, tags, and transponders to minimise future handling. The process aims to minimise stress and ensure bird welfare throughout capture, handling, tagging, and
485 release. Cultural practices, such as karakia, are also integrated into the process to respect Māori values and bird welfare.

While health screening is only mandatory for translocations beyond local ecological districts, birds showing signs of illness will be recorded and tracked. This is done to support their welfare and monitor potential disease transmission. Birds will not be held for more
490 than 45 hours without feeding post-capture.

Capture and handling are restricted to accredited handlers and trained personnel. Strict hygiene protocols are enforced, including equipment sterilisation and single-use bird bags. Detailed data are recorded for each bird, including morphometric measurements and photographs.

495 *In situ* Management of Roroa

To achieve *in situ* management, it will be necessary to understand the extent and boundaries of territories. Before any vegetation clearance within the mining area, a SQEP will search the area to be stripped to determine whether it is likely to be roosting habitat, using radio telemetry or a certified Conservation Dog team. This search will take place at the
500 start of each day to detect any birds that have strayed into the area overnight. Any birds outside of the daily disturbance area will be left undisturbed. The most likely scenario is that birds will flee as disturbance increases (i.e. people or machinery approach them). Birds deemed at risk from immediate disturbance will be either carefully shepherded or captured and relocated to a safer location within the territory, as deemed most appropriate by an on-
505 site certified kiwi practitioner.

Breeding Season

If vegetation clearance cannot avoid the breeding season (August – December), nests must be located beforehand using radio tracking and trained kiwi dogs. Monitoring tagged males helps identify active nests and incubation timing.

Rorua within 20 m of mining activity will be identified and left to incubate in situ. Using radio transmitters, rorua can be safely monitored, and birds will only be uplifted if they are observed abandoning. Eggs will be taken only after at least 40 days of incubation to ensure viability. If younger eggs are present, work within 20 m will cease until they can be safely relocated.

515 Recovered eggs and chicks are transferred to approved incubation and chick-rearing facilities. Once grown, birds are released into managed predator-control areas or other locations specified by DOC, with site selection guided by relevant technical experts and in consultation with iwi.

11.8.1.2 South Island Fernbird (Mātātā)

A horizontal bar chart comparing the percentage of respondents who believe the U.S. should take action to address climate change, categorized by gender. The y-axis lists 'Male' and 'Female'. The x-axis represents the percentage, ranging from 0 to 100. For each gender, there are four bars representing different levels of agreement: 'Strongly agree', 'Somewhat agree', 'Somewhat disagree', and 'Strongly disagree'. The bars are color-coded: blue for 'Strongly agree', orange for 'Somewhat agree', green for 'Somewhat disagree', and red for 'Strongly disagree'.

Gender	Strongly agree	Somewhat agree	Somewhat disagree	Strongly disagree
Male	~85%	~10%	~3%	~2%
Female	~88%	~8%	~2%	~2%

Targeted sweep-netting through dense vegetation can supplement capture rates for foraging birds, while spotlighting capture at night can exploit their ground-level habits.

530 **11.8.1.3 South Island Robin (Kakaruwai)**

A horizontal bar chart with two main categories on the y-axis: 'Gender' and 'Education'. Each category has six bars representing different education levels: 'Less than high school', 'High school', 'Some college', 'Bachelor's', 'Master's', and 'PhD'. The x-axis represents the percentage of respondents, ranging from 0 to 100. The bars are black, and the chart includes a legend for the education levels.

Category	Education Level	Percentage (%)
Gender	Less than high school	~95
	High school	~95
	Some college	~98
	Bachelor's	~95
	Master's	~95
	PhD	~40
Education	Less than high school	100
	High school	100
	Some college	100
	Bachelor's	~95
	Master's	~90
	PhD	~95

545

11.8.1.4 Western Weka

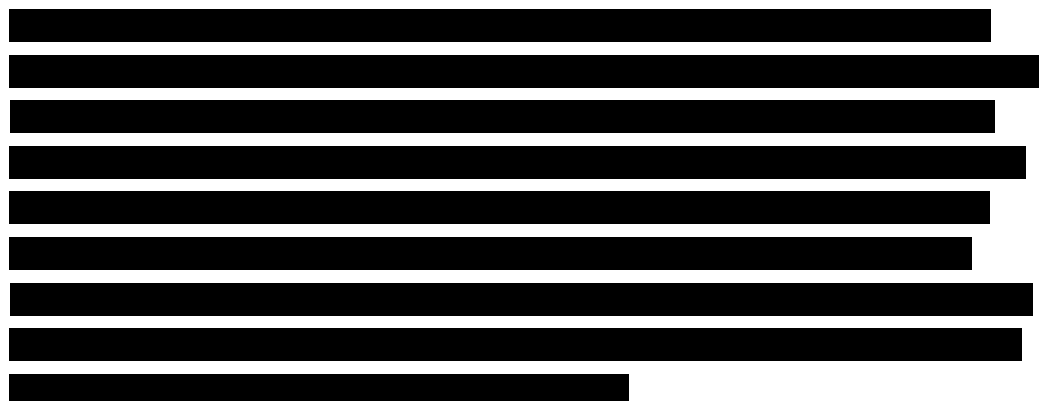
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There is no specific guidance for relocating weka; consequently, the translocation process will use the Kiwi Best Practice Manual (Robertson et al., 2020) and is detailed in the AvMP (Bathurst, 2026n). This process aims to minimise stress and ensure the welfare of the birds throughout capture, handling, transport and release. Birds chosen for relocation from the pest exclusion fence areas will be caught before the relocation of *Powelliphanta* species into any of the pest exclusion fence areas. Although pairs are proposed for relocation together to reduce disruption, they often fail to maintain their bonds after release.

555

Health screening is mandatory only for translocations beyond local ecological districts, since local movements mimic natural dispersal patterns. However, birds showing signs of illness will not be moved, both for their welfare and to avoid disease transmission. Birds will be marked with bands and tags to minimise future handling and will not be held more than 45 hours without feeding post-capture. Cultural practices, such as karakia, are also integrated into the process to respect Māori values and bird welfare.

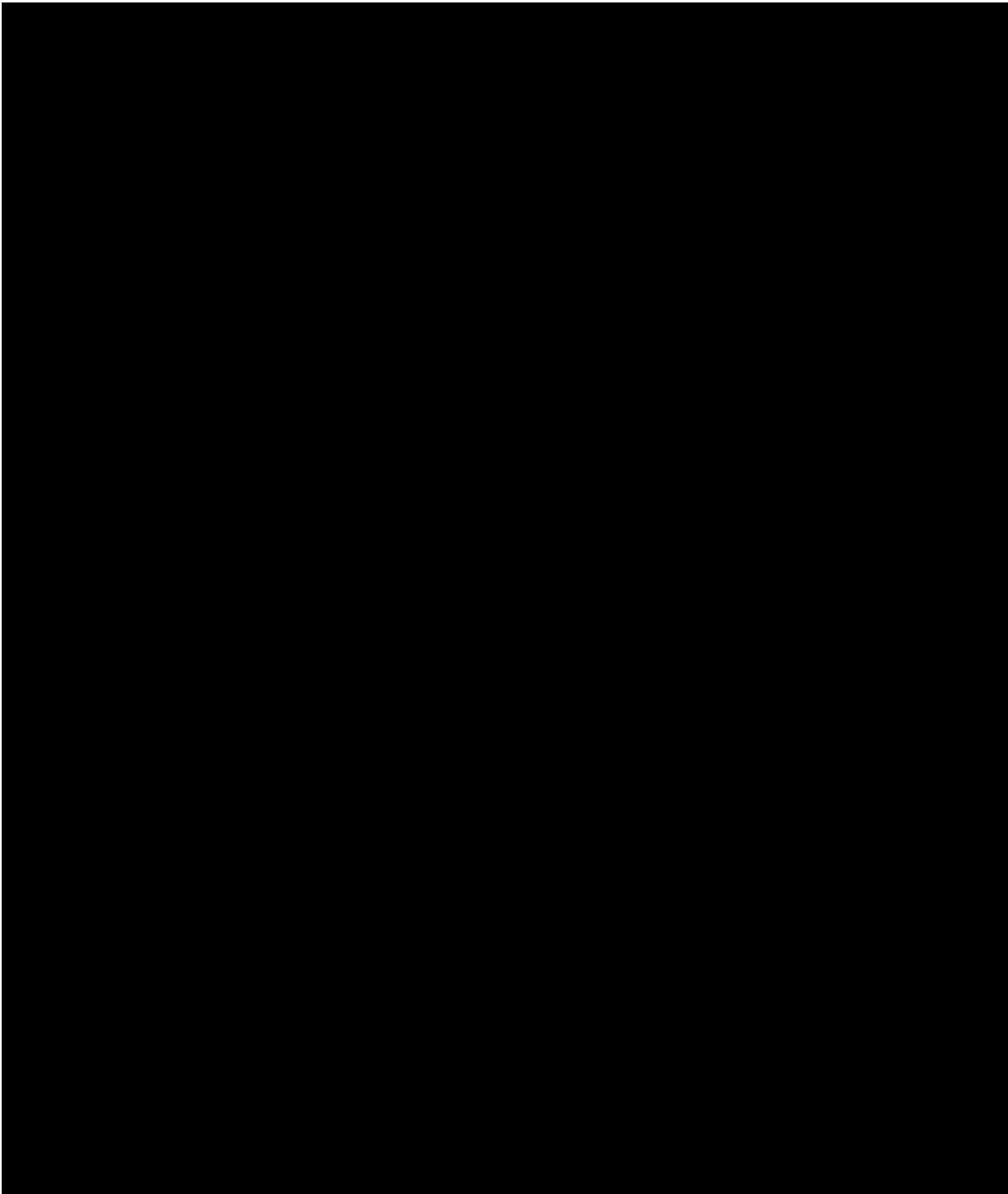
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570

Potential weka release locations are shown in **Figure 11-2** below, and will be within habitats undergoing pest control that are not at carrying capacity for weka, and that are not strongholds for *Powelliphanta* snails. Transport is typically by vehicle, with birds kept cool and secure to avoid stress or injury. Vehicles must be well-ventilated, and enclosed car boots will not be used for transport. Driving should balance safety and efficiency, with gentle handling on rough roads. Finally, birds are released into prepared shelters, preferably near dusk. Known pairs can be released near each other, although pair bonds often dissolve. Post-release, handlers should avoid disturbing the birds to support a smooth transition.

575



11.8.1.5 Other Protected Avifauna

580 Management measures for any other protected avifauna species (including yellow crowned kakariki or long-tailed cuckoo) within the BPCP will follow the methods set out in the AvMP. It is unlikely that New Zealand pipit, falcon, kea, black shag, little shag and banded dotterel will be substantially affected by the Project.

11.8.2 Lizards

585 The lizard translocation process is detailed in the LMP (Bathurst, 2026p), which follows the
key principles for lizard salvage and transfer in New Zealand (DOC, 2019). Lizards will be
captured and handled only by trained personnel under the supervision of the Project
Herpetologist, using sterilised equipment and proper hygiene practices between each
capture. Key data, including species, sex, age class, measurements, reproductive status,
590 and photographs, will be recorded. For transport, lizards will be placed in ventilated
containers lined with natural materials from the capture site and kept at ambient
temperature for no more than 4 hours. At relocation sites (within the pest-exclusion fenced
areas), they will be released into a suitable habitat at least 20 metres apart (unless found
together), and release details, including species, time, GPS location, and habitat type, will
595 be documented.

11.8.2.1 Handling

Lizard handling will be kept to a minimum to reduce stress caused to the animals. Only an
experienced herpetologist, appropriately trained field ecologists, or trained mine-site
personnel will handle lizards.

600 Captured lizards will be temporarily kept (held) in sterilised containers with ample air flow,
foliage or similar cover, and moisture. Lizards will be kept in these containers for up to 24
hours before release at the appropriate relocation site(s).

11.8.2.2 Data Collection

605 Each lizard salvaged will be assigned a number, and the following information will be
recorded:

- > Date and time of capture and weather conditions;
- > Lizard salvage personnel;
- > Capture methodology, including ground ACOs, manual searching (human detected),
manual searching (lizard dog detected), or manual searching (drone detected);
- 610 > Capture location (GPS coordinates) and ground ACO identifier;
- > Habitat type (using habitat classifications from the Terrestrial EclA;
- > Microhabitat type (all microhabitat types within 1 m² of detection), i.e. prostrate
vegetative ground cover, bare rock, leaf litter, loose rock/boulder, shrubland, or forest;
- > Sex (reproductive status for females), age class, Snout to Vent Length and tail status
615 (regenerating vs. original tail), and overall health condition; and

- > High resolution images of each lizard's dorsal, lateral and ventral surfaces and the side of its head will be taken to assist with later identification of individual lizards.

Information will be recorded onto customised field data sheets and subsequently entered into an Excel spreadsheet for descriptive and statistical analyses.

620 If unusual lizards are captured that cannot be readily identified to species level in the field, these animals (or high-resolution photos of them) will be provided to DOC for identification. Any animals requiring species confirmation that cannot be done via photos will be held in containers as explained above and provided to DOC, Westport Office, as soon as possible after capture (generally within 24 hours, but up to 72 hours if found outside DOC office
625 hours). Information on the capture location, habitat type, and the date the animal was found will be provided to DOC along with the animal. Once DOC has identified the animal, the Project herpetologist or trained field ecologist/s will collect and release it as part of the relocation programme.

630 If circumstances require the holding of lizards for periods longer than 24 hours for relocation, or 72 hours for provision to DOC for identification (e.g. where research and release would be improved by a longer period), then this holding will be proposed to DOC for its consideration and approval, with explanations around temporary husbandry.

635 Where the collection of genetic material to support understanding of the taxonomy of lizards within the Buller Plateaux is considered desirable, it will be the responsibility of the Project herpetologist, who will work under the guidance of DOC, as generally described in DOC's Standard Operating Procedure for bird blood / feather and reptile tissue sampling. Any animals that are incidentally killed, or any tails that are dropped and recovered in the course of mining and lizard work, will be retained, where possible, and provided to DOC as part of this genetic work.

640 11.8.2.3 Relocation

The transportation of all lizards will comply with the Animal Welfare (Transport within New Zealand) Code of Welfare.¹²⁷ Capture, handling and relocation of lizards will be undertaken in accordance with the following methodologies and due to the scale of the Project, they will be overseen by a suitably qualified and experienced herpetologist, who will train Bathurst
645 staff:

¹²⁷ Ministry for Primary Industries (2018). Code of Welfare: Transport within New Zealand. MPI, Regulation and Assurance Branch, Wellington 6140.

- > All field equipment that indigenous lizards may come into contact with (e.g. plastic enclosures, collection bags, scales, etc.) will be sterilised;
- > Hand sterilisation will be undertaken;
- > Salvaged lizards will be placed in either cloth bags (only during salvage), or in suitable ventilated plastic containers (during transportation). Care will be taken to keep the bags and containers at a constant ambient temperature. Vegetation/leaf litter and a wetted sponge will be added to plastic containers to shelter and protect lizards during transportation;
- > Where practical, lizards will be placed into ventilated two-litre plastic containers for no longer than 24 hours for transportation and relocation to the relocation site; and
- > Lizards will be released into appropriate habitat within the relocation sites, suitable for the species being relocated. Lizards will be released at least 20 m apart, unless found together.

Upon release, the following information will be recorded for each lizard:

- > Date and time of release and weather conditions;
- > Release location (GPS coordinates) and habitat type; and
- > Release photograph(s).

11.8.3 Terrestrial Invertebrates

11.8.3.1 *P. Patricensis*

Search Method

Destination areas will preferentially be located within completed pest exclusion fenced areas to maximise survival. Where pest exclusion fenced areas have not yet been completed and cleared of pests, destination areas will be located within the footprint of planned pest exclusion fenced areas, including temporary weka-free exclosures established for the protection of salvaged snails. To minimise unnatural genetic mixing, release sites will be located as close as possible to the source location. No destination area will be mined or disturbed in the future. Destination sites will be selected and managed in accordance with the PSMP, including consideration of pest-exclusion fenced areas, weka-free exclosures, and longer-term relocation strategies. The location of the destination areas and numbers of *Powelliphanta* to be transferred to each destination area will be agreed in advance with DOC based on the following information, as available:

- > Habitat quality at proposed destination areas;

> Abundance and genetic composition of the snail population already at proposed destination areas; and

680

> Genetic composition of the snail populations at the various source areas.

This information will be available before any *Powelliphanta* species are collected. Searching and monitoring techniques will follow those generally suggested in Walker (1997). Still, they will preferentially target the most likely snail habitats within search areas and occur under favourable searching conditions, even if those occur up to three months before vegetation clearance is to occur.

685

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Relocation

715 All live snails and eggs found shall be released as soon as practicable following capture,
always on the same day as they were captured (within 24 hours). Where a suitable pest
exclusion fenced area has been completed and cleared of pests, snails and eggs shall be
released into comparable habitat within the nearest fenced area. Where a pest exclusion
fenced area is not yet available, snails and eggs shall be released within designated release
720 areas in the footprint of the planned pest exclusion fenced area on the relevant plateau, with
approximately half of the salvaged snails placed within temporary weka-free exclosures and
the remainder released into suitable habitat within the planned fenced area footprint. The
location of the destination sites and the number of *Powelliphanta* snails to be transferred to
each destination site shall be agreed in advance with DOC based on the following
information, as available:

- 725
- > Availability of appropriate snail habitat;
 - > Abundance and genetic composition of the snail population already at proposed
destination sites; and
 - > Genetic composition of the snail populations at the various source areas.

730 Snails shall be released individually (i.e. not in clumps) and in an upright position (i.e. apex
skyward).

Searching, handling, temporary holding, individual tagging and relocation methods for
Powelliphanta will generally follow those outlined in the previous Wildlife Act Authority for
Cypress Mine (WC-25900-FAU) and the current PSMP (Bathurst, 2026p) for all Project sub-
areas.

735 11.8.3.2 *P. Augusta*

Search Method

745

[REDACTED]

[REDACTED]

[REDACTED]

755

Handling Method

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All *Powelliphanta* will be handled carefully by experienced snail staff with hands free from contaminants (e.g. fuel). Handling shall be kept to an absolute minimum. Two-litre containers with perforated lids that allow airflow but do not let the animal escape will be used to transport *Powelliphanta*. The containers shall be clean and contain damp litter 60mm deep (collected from where the snail was located) or wet paper. A maximum of five *Powelliphanta* shall be placed in an upright position (i.e. apex skyward) in each container. The container shall be kept cool at all times. If *Powelliphanta* eggs are found during search efforts, they shall be collected to minimise damage (e.g., using a sterilised teaspoon) and placed in a container as described above. Store only one clutch of eggs in any container.

765

All live *Powelliphanta* and eggs found will be released as soon as practical following capture, and always on the same day as they were captured, at areas of comparable habitat within the predator fenced exclusion area.

Powelliphanta shall be released individually (i.e. not in clumps) and in an upright position (i.e. apex skyward).

770

11.8.3.3 Helm's Stag Beetle

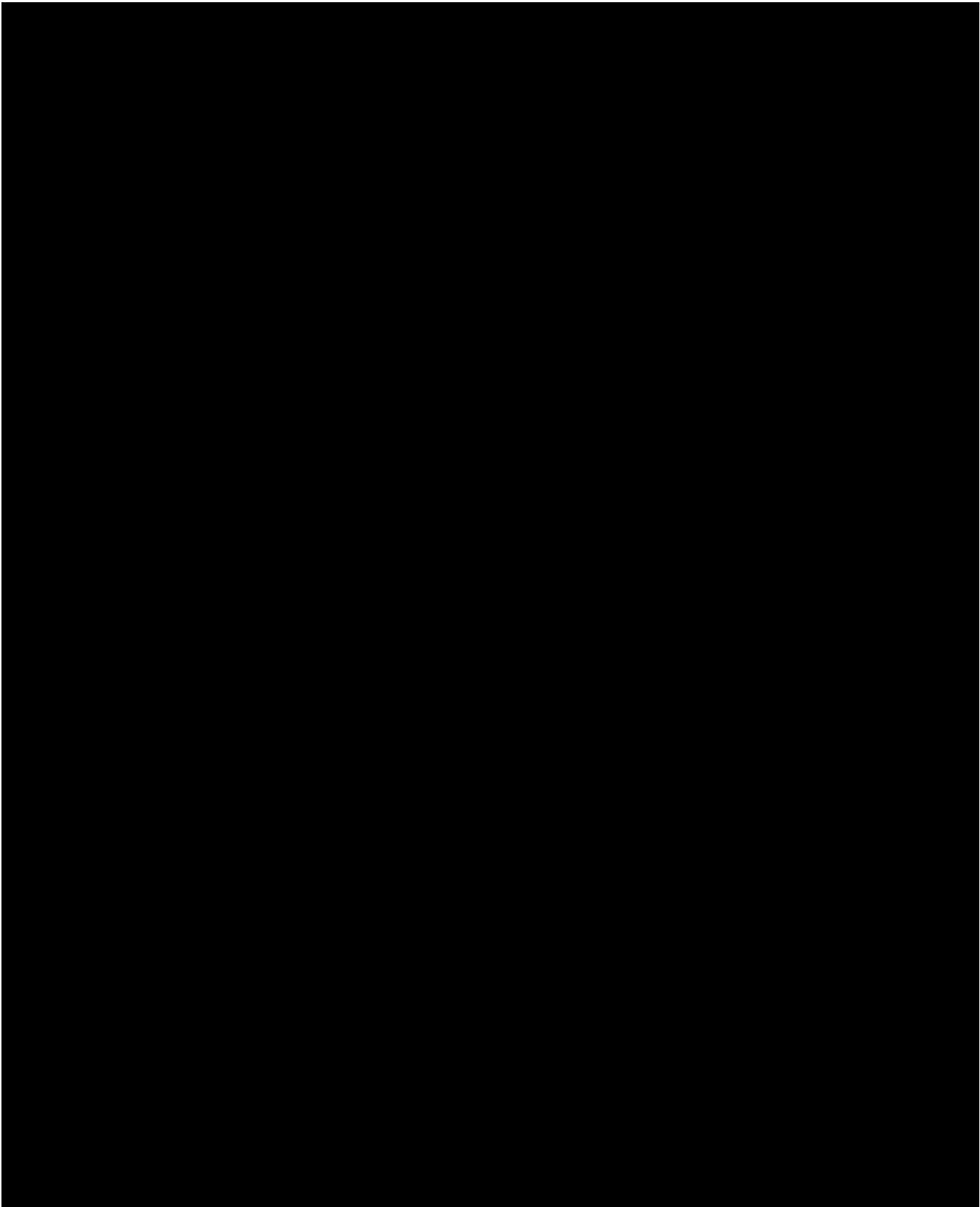
Any Helm's stag beetles will be captured and relocated via VDT only to the appropriate translocation sites.

11.9 LOCATION OF ACTIVITIES

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The locations in which the activities will be carried out, as per Schedule 7, clause 2(1)(h), are aligned with the proposed sub-areas of the BPCP and throughout the wider area associated with the REP (including the pest exclusion areas), as mapped in **Figure 11-3** below and further explained in **Chapter A.4 – Project Description** of this substantive application.

Details for each species specifically identified as being primarily affected (protected avifauna, lizards, and terrestrial invertebrates) are summarised below.



780

11.9.1 Avifauna

785 Proposed activities involving avifauna will take place across the FTAA Project sub-areas (i.e. the operational footprints) as well as the compensation footprints (including the wider pest control area and inside the pest exclusion fenced areas).

11.9.2 Lizards

790 Proposed activities involving lizards will take place where this species may be found across the FTAA Project sub-areas (i.e. the operational footprints) as well as the compensation footprints (including the wider pest control area and inside the pest exclusion fences).

Salvaged lizards will be relocated to a suitable habitat within one of the pest exclusion fenced areas:

- >■ [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

800 Salvaged lizards will be preferentially released into the relocation site closest to the point of capture, provided this remains compatible with the carrying capacity of the pest exclusion fenced area. Lizards shall be relocated into suitable species-specific micro-habitats within the relocation site(s) that provide adequate complexity and cover.

805 Lizards that are salvaged during early vegetation clearance may need to be released into the weka-exclusion fenced areas prior to the construction of the pest-exclusion fences and/or the elimination of mammalian pests within. For lizards salvaged earlier in the programme, there is expected to be a delay between relocation into the pest exclusion fenced area and the eradication of mammalian pests within those areas.

810 As detailed in the Pest Control and Elimination Management Plan (“**PCEP**”), habitat types within each pest exclusion fenced areas are highly suitable for the three species that require salvaging, and there is high certainty that all lizard species will recover within the fenced areas.

11.9.3 Terrestrial Invertebrates

11.9.3.1 *P. Patrickensis*



825 The proposed relocation locations are situated within the current distribution of *P. patrickensis* and were selected following habitat assessment and population modelling undertaken for the Project (Lloyd’s Ecological Consulting, 2026b). The pest exclusion fenced areas have been specifically located to provide secure, long-term recipient habitat for salvaged snails within the species’ existing range and form a key component of the integrated snail recovery programme proposed for the Buller Plateaux.

830 Approximately 10% of snails present within the areas subject to disturbance are expected to be detected and salvaged during a single nocturnal search. This estimate is based on empirical detection rates recorded during long-term capture-recapture monitoring and was incorporated into the population modelling used to inform the location, extent and capacity of the proposed pest exclusion fenced areas (Lloyd’s Ecological Consulting, 2026b).

835 The existing and proposed snail areas alongside the proposed pest exclusion fences are shown in **Figure 11-4** below.

11.9.3.2 *P. Augusta*

Proposed activities involving *P. augusta* will only occur within the proposed predator exclusion fenced area, which will include all the remaining natural habitat of *P. augusta*.

11.9.3.3 Helm's Stag Beetle

845 Proposed activities involving Helm's stag beetle will take place where this species may be found across the FTAA Project sub-areas (i.e. the operational footprints) as well as the compensation footprints (including the wider pest control area and inside the pest exclusion fences).

11.10 TEMPORARY HOLDING OR RELOCATION OF WILDLIFE

850 In accordance with clause 2(1)(i) of Schedule 7 of the FTAA, authorisation is sought to temporarily hold and relocate wildlife.

As noted in Section 11.9, authorisation is sought to handle and tag roroa, and to capture and relocate protected avifauna (including weka), lizards and *Powelliphanta* snail species from

855 the BPCP sub-areas to appropriate relocation sites, which include the four completed pest exclusion fenced areas, temporary weka-free exclosures, and designated release areas within the footprints of proposed pest exclusion fenced areas (in accordance with the relevant management plans and approval conditions).

860 The maximum holding periods sought are reflected in the proposed Wildlife Act Authority conditions and include a maximum of 45 hours for roroa and western weka, 24 hours for lizards, and same-day release (within 24 hours) for *Powelliphanta* species.

Authorisation is not being sought to temporarily hold or relocate any other wildlife, unless they are incidentally encountered during the construction and/or operation and could be potentially harmed, and relocation is deemed to be feasible for the species in question.

865 This wildlife approval application is accompanied by a range of management plans, including:

- > *Powelliphanta* Snail Management Plan (Bathurst, 2026o);
- > Avifauna Management Plan (Bathurst, 2026n);
- > Lizard Management Plan (Bathurst, 2026p);
- > Pest Control and Elimination Plan (Bathurst, 2026af);
- 870 > Biodiversity Outcome Monitoring Plan (Bathurst, 2026t);
- > Rehabilitation Management Plan (Bathurst, 2026m);

11.11 ACTUAL AND POTENTIAL EFFECTS ON WILDLIFE

875 Clause 2(1)(j) of Schedule 7 of the FTAA requires an applicant to list all actual and potential wildlife effects (adverse or positive) of the proposed activity. This includes effects on the target species, other indigenous species, and the site's ecosystems.

Potential adverse effects of mining activities on protected species are outlined below.

11.11.1 Avifauna

The actual and potential adverse effects of the mining activities on avifauna are:

- > Loss of habitat;
- 880 > Risk of injury or mortality during vegetation clearance and stripping;
- > Risk of injury or mortality due to vehicle collision during mine vehicle movements; and
- > Disturbance through artificial noise and lights.

These adverse effects will be effectively reduced through the implementation of the measures outlined in the AvMP, Pest Control and Elimination Plan (“**PCEP**”) and Residual Effects Management Plan (“**REMP**”).

11.11.2 Lizards

Actual and potential adverse effects on lizards related to mining construction may include:

- > Vegetation and habitat loss through habitat clearance and earthworks;
- > The creation of habitat edge effects, altering the composition and health of adjacent vegetation (i.e. habitat degradation), which may affect habitat suitability for flora and fauna;
- > Direct mortality or injury to lizards, which may be harmed during habitat clearance or earthworks activities;
- > Habitat fragmentation and isolation due to the loss and reduction of available habitat types and by reducing the ability for lizards to disperse across the landscape for food, shelter, and breeding purposes, i.e. severing or partially severing access to habitats that would otherwise be suitable; and
- > Disturbance associated with construction-related noise and vibrations or dust.

Potential long-term ongoing adverse effects on lizards during mining operations may include:

- > Ongoing habitat degradation associated with habitat loss, edge effects and fragmentation, which permanently affect movement of some species, with possible effects on meta-population dynamics and increased vulnerability to local extinction;
- > Ongoing disturbance effects, particularly on habitat margins/edges, through noise, dust, artificial lighting and blasting; and
- > Mortality or injury associated with mining operations.

11.11.3 Terrestrial Invertebrates

The actual and potential adverse effects of the mining activities on *Powelliphanta* snails and other notable invertebrate species (including Helm’s Stag Beetle) are:

- > Habitat loss due to vegetation stripping;
- > Mortality during habitat stripping;
- > Further habitat loss due to conversion of previously continuous areas of snail habitat into isolated fragments of snail habitat (particularly by the UWHR); and

- > Disturbance associated with noise, dust, lighting, and vibration from mining activities.

915 Specific effects on *P. augusta* also include potential for mortality due to construction of the predator exclusion fenced area but this is being mitigated by aligning the fence on already disturbed areas. However, the overall effects of the predator exclusion fenced area is expected to be positive for *P. augusta* due to the decrease in predation by rats and weka.

11.12 METHODS TO AVOID, MINIMISE, OFFSET OR COMPENSATE EFFECTS

920 Clause 2(1)(k) of Schedule 7 of the FTAA states that, where adverse effects are identified, an application for a wildlife approval should state the methods that will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects. This includes steps taken before the Project commences, such as surveying, salvaging, and relocating protected wildlife.

925 These matters are addressed below for the species specifically covered by this wildlife approval (protected avifauna, lizards, and terrestrial invertebrates). The methods for managing other species that may be encountered during the construction and operation of the BPCP are addressed in more detail in the supporting technical reports and the relevant management plans in **Parts B and G**, and are not duplicated here.

930 11.12.1 Management of Effects on Avifauna

Effects on avifauna will be managed in accordance with the AvMP, applying the effects management hierarchy of avoidance, minimisation, remediation (rehabilitation) and residual effects management.

935 Avoidance measures will be implemented where practicable. Where complete avoidance of impacts on higher value avifauna habitats is often constrained by the fixed location of mineral resources, measures will include the use of ecological setbacks and, where feasible, scheduling vegetation clearance outside of the peak breeding season (generally August to December).

940 Where avoidance is not practicable, a range of minimisation measures will be applied. These include pre-clearance detection surveys to identify active nests, breeding territories, and high-use areas, enabling works to be adapted where necessary. Bird deterrence measures may also be implemented prior to and during clearance to discourage nesting, recognising that effectiveness varies by species and conditions and will be used as a supplementary measure only. An adaptive, staged approach will be applied, with
945 management escalating where required from avoidance and minimisation through to species-specific intervention.

950 Targeted management will be undertaken for specific species. For rorua, management will include pre-clearance surveys, radio-tagging and monitoring to identify territories and inform management responses, including where necessary the ‘shepherding’ of birds away from active mining areas. In general, rorua will be left in situ where practicable, with individuals expected to adjust their territories in response to habitat changes. For South Island robin and South Island fernbird, this may include capture and relocation to suitable habitat within the pest exclusion areas and other suitable release locations identified in accordance with the AvMP, where individuals are present within clearance areas and effects cannot otherwise be avoided.

955 Remediation measures for avifauna species will include progressive rehabilitation of disturbed areas, including the provision of suitable habitat features such as shelter and roosting opportunities for species such as rorua.

960 For weka, the expected outcomes following translocation remain uncertain. With the exception of translocations to offshore islands, most (>90%) of previous weka (primarily North Island weka (*G. a. greyi*) translocations have generally been unsuccessful (Miskelly & Powlesland 2013) likely due to a combination of predation by exotic mammals and widespread dispersal by released birds, although few releases have monitored birds after release to establish the cause of failure (Bramley 1994; Bramley and Veltman 1998, Watts et al. 2017; Carpenter et al. 2020). Monitoring of translocated weka will be critical for interpreting the outcomes of translocation attempts.

970 The uncertainty associated with weka relocation outcomes will be addressed through the REMP and the implementation of large-scale mammalian predator control, with an expected net-positive outcome for avian populations (Alliance Ecology, 2026a and 2026b). In addition to these residual effects management outcomes, it is proposed to establish a research project as part of the operational translocation and monitoring of weka. The research aim will be to better understand the limitations of weka translocation success to date and to reduce uncertainty in scalable restoration. This research would contribute to conservation management of other sub-species of weka where the populations are smaller and range restricted, making them more vulnerable to sudden irreversible declines (particularly North Island weka and buff weka (*Gallirallus australis hectori*, which are both considered to be ‘At Risk – Relict’, indicating the populations were formerly more widespread and abundant). Establishing a suitable research approach prior to the commencement of the capture and relocation programme will be a priority.

980 Other avifauna species could also potentially be affected by vegetation clearance and associated activities within the Project area. However, for a number of mobile or transient species (e.g. New Zealand pipit, New Zealand falcon, kea, shag species and banded

dotterel), effects are expected to be limited due to their mobility, use of a wide range of habitats, and ability to avoid disturbance. Accordingly, these species are not expected to be substantially affected at the population level and do not require species-specific management measures.

The management of residual effects is discussed in Section 11.12.4 below.

11.12.2 Management of Effects on Lizards

Effects on lizards will be managed in accordance with the LMP, applying the effects management hierarchy of avoidance, minimisation, remediation (rehabilitation), and residual effects management.

Avoidance measures will be implemented where practicable, including through mine planning, detailed design and construction methodology to minimise value on higher value lizard habitats (as detailed in the EclA). This includes the placement of infrastructure and stockpiles to avoid sensitive areas where feasible, delineation of disturbance footprints to prevent inadvertent clearance, and directional felling of vegetation to reduce damage to adjacent habitats. Project boundaries will also be delineated by a Surveyor to avoid or minimise the possibility of inadvertent clearance of habitat outside the disturbance area.

Where avoidance is not practicable, minimisation measures will be applied prior to and during vegetation clearance. These include timing clearance activities to avoid the cooler months (generally May to September) where practicable, when lizards are less active and are therefore difficult to detect and capture, and undertaking VDT to retain habitat structure and reduce habitat loss. VDT is expected to provide suitable habitat for some species (notably forest gecko and Westland speckled skink), although outcomes for West Coast green gecko remain uncertain.

Targeted management will include pre-clearance searching, salvage and relocation of lizards from within disturbance areas. These measures will be undertaken for all three lizard species present. However, it is acknowledged that lizard salvage is subject to significant constraints, and habitat complexity. As a result, only a small proportion of individuals are likely to be captured and relocated, and uncertainty remains regarding post-relocation survival.

Accordingly, salvage and relocation are not relied upon to materially reduce the overall magnitude of effects on lizard populations, but instead form part of a broader package of management measures.

Remediation measures will include progressive rehabilitation of disturbed areas, including reinstatement of habitat complexity through vegetation re-establishment and the placement

of rocks, boulders and coarse woody debris to provide refugia (including for in the winter months).

1020 The management of residual effects is discussed in Section 11.12.4 below. Overall, effects management for lizards recognises the limitations of direct mitigation measures and places emphasis on habitat-based and landscape-scale approaches to support long-term population outcomes.

11.12.3 Management of Effects on Terrestrial Invertebrates

1025 In accordance with the PSMP, before an area of snail habitat is stripped, the area will be searched for snails and egg clusters (using the search methods described in Section 11.8.3). Any snails or egg clusters found will be relocated to the nearest existing pest exclusion fenced area on the same plateau where available. Where a suitable pest exclusion fenced area is not yet available, salvaged snails will be relocated to designated release areas within the footprint of a planned pest exclusion fenced area, including weka-free enclosures where
1030 required under the PSMP and relevant approval conditions.

The salvage and relocation programme has been developed using the best available information on *P. patrickensis* distribution, detectability and population trends. Long-term monitoring indicates that a single nocturnal search is likely to detect approximately 10% of the snails present within a disturbance area, and this assumption informed the population
1035 modelling undertaken for the Project (Lloyd's Ecological Consulting, 2026b). Furthermore, the modelling found that the proposed pest exclusion fenced areas represent the best practicable long-term outcome for maintaining viable *P. patrickensis* populations on the Buller Plateaux and are expected to reverse the current predator-driven decline in the species.

1040 Salvaged snails will be released at night within 24 hours of capture and at least 200 m away from capture-recapture plots for monitoring population changes. Snails with a diameter of > 20 mm will be tagged with unique identification tags to monitor their survival.

1045 Details of salvage searches will be recorded. The information will be analysed to evaluate capture rates and identify methods to improve search effectiveness. Capture-recapture methods will be used to monitor the survival of salvaged snails after release and to compare their survival with the survival of snails already resident at the release site and in nearby plots without salvaged snails.

[REDACTED]

- > A weed management area (approximately 9,431 ha both within and adjacent to the Project footprint); and
- > A wider landscape-scale pest suppression area across approximately 25,000 ha of the surrounding landscape.

These measures are designed to enhance habitat quality and reduce predation pressure at a landscape scale, supporting the recovery and long-term resilience of indigenous biodiversity.

For avifauna, the REP is expected to provide net positive ecological benefits by improving breeding success, survival, and habitat availability for a range of species, including roroa, South Island robin, South Island fernbird, as well as other species present such as kea, yellow-crowned parakeet, New Zealand falcon, long-tailed cuckoo and New Zealand pipit. While these measures do not directly reduce effects at the point of impact, they are expected to support population recovery at a wider scale.

For lizards, residual effects management focuses on the provision of secure, predator-controlled habitat within the pest exclusion fenced areas. These areas are expected to support long-term population recovery. However, it is acknowledged that there will be time lags between initial disturbance and the full establishment of pest-free conditions.

For terrestrial invertebrates (especially *Powelliphanta* species), the REP will provide significant benefits through the establishment of the pest exclusion fenced areas and associated predator control (including the removal of western Weka from within the fenced areas). These measures are expected to substantially reduce predation pressure and improve survival and recruitment, supporting population recovery within suitable habitats. While habitat loss will occur within the Project footprint, the provision of secure, predator-controlled environments is expected to deliver long-term net positive outcomes for *Powelliphanta* populations. Secondary benefits are also anticipated for Helm's stag beetle through habitat restoration and protection within the managed areas.

Overall, the REP is expected to support long-term recovery and resilience of indigenous biodiversity across the Project area. While these measures do not reduce adverse effects at the point of impact, they operate at a landscape scale to improve habitat quality and reduce predation pressure. Collectively, these measures are expected to deliver net positive ecological outcomes at a landscape scale.

11.13 WILDLIFE ACT OFFENCES

As per Schedule 7, clause 2(1)(l) and (m) of the FTAA, no person involved with the application has been convicted of an offence under the Wildlife Act 1953.

Nor is there any person involved with the application with any current criminal charges under the Wildlife Act 1953 pending before a court.

11.14 CONSULTATION AND ENGAGEMENT – clause 2(1)(n) Schedule 7

1120 Details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts in accordance with Schedule 7, clause 2(1)(n) of the FTAA are detailed below.

11.14.1 Te Rūnanga o Ngāti Waewae

1125 The BPCP Community and Stakeholder Engagement Report (Bathurst, 2026am) sets out the consultation undertaken with iwi and other stakeholders throughout the development of the Project. This engagement included consultation with Te Rūnanga o Ngāti Waewae (“**Ngāti Waewae**”), as mana whenua for the Project area, in relation to ecological effects, protected wildlife, biodiversity management, rehabilitation, residual effects management and the preparation of the FTAA substantive application.

1130 Ngāti Waewae prepared a Cultural Impact Assessment (“**CIA**”) to support the BPCP application. As recorded in the CIA, Ngāti Waewae has represented the interests of iwi with ancestral connections, mana whenua interests, or other cultural interests that may be affected by the Project within the Ngāi Tahu Kāwatiri takiwā. The consultation process included the provision and discussion of technical ecological assessments, species management plans, rehabilitation proposals, pest management programmes and biodiversity compensation measures, including the proposed REP.

1135 Through this process, Ngāti Waewae has provided input into proposed wildlife management measures relating to avifauna, lizards and *Powelliphanta* snails, including avoidance, mitigation, rehabilitation, biodiversity enhancement, pest management and long-term monitoring programmes. The CIA records an expectation that Ngāti Waewae will continue to be involved in decision-making relating to species management, wildlife relocation
1140 programmes, ecological monitoring and adaptive management throughout the life of the Project.

1145 The CIA concludes that Ngāti Waewae supports the BPCP, provided the proposed mitigation, rehabilitation and compensation measures are fully implemented and meaningful engagement with the rūnanga continues throughout the life of the Project. The CIA also seeks the long-term protection of mana whenua values through active partnership, environmental restoration, cultural monitoring and ongoing participation by Ngāti Waewae in Project implementation and governance.

1150 Bathurst considers this consultation to be directly relevant to the wildlife approval sought, as it has informed the development of the AvMP, LMP, PSMP, BOMP and other associated ecological management measures proposed for the Project.

11.14.2 Other Iwi Consultation

1155 Written notification of Bathurst's intention to lodge the BPCP application, together with invitations to engage in consultation, was provided to Ngāti Apa ki te Rā Tō, Ngāti Tama ki Te Waipounamu Trust, Te Ātiawa o Te Waka-a-Māui Trust, Te Pātaka a Ngāti Kōata, Te Rūnanga o Ngāti Kuia Trust, Te Rūnanga o Ngāti Rārua, Te Rūnanga o Toa Rangatira and Te Rūnanga o Ngāi Tahu. Te Rūnanga o Ngāi Tahu advised the Fast-track Advisory Group on 24 June 2024 that it supported Ngāti Waewae exercising its rangatiratanga and mana whenua responsibilities in relation to the BPCP area.

1160 The FTAA requires consultation with iwi authorities and groups representing hapū that are parties to Mana Whakahono ā Rohe arrangements. The West Coast Regional Council Mana Whakahono ā Rohe, signed in 2020, includes Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae and Te Rūnanga o Makaawhio. As consultation had already occurred directly with Ngāti Waewae and through wider engagement processes with Ngāi Tahu, Te Rūnanga o Makaawhio was identified as the remaining relevant iwi authority for specific consultation
1165 under that framework.

1170 Te Rūnanga o Makaawhio acknowledged that the Project area is located within the Ngāti Waewae takiwā and expressed support for the BPCP, recognising its role in supporting employment and contributing to the regional and national economy. Makaawhio also emphasised the importance of the Buller Plateaux as a significant environmental asset and the need for mining activities to be undertaken responsibly to ensure benefits for future generations.

1175 Overall, consultation undertaken with iwi has informed the development of the ecological management framework for the Project, including the proposed wildlife management, rehabilitation, monitoring and biodiversity enhancement measures relevant to this Wildlife Act Authority Approval application.

11.14.3 Department of Conservation Te Papa Awawhai

1180 Bathurst has a working relationship with DOC at the District and Regional office over existing Wildlife Act Authorities and new applications, as well as collaboration on working groups and delivery of the existing Escarpment Compensation Fund. Consultation with DOC has been ongoing and has included site visits, meetings, technical briefings, provision of draft ecological technical reports, and management plans (including proposed conditions).

Feedback has been collated and is intended to be incorporated, where appropriate, into revised management plans and conditions as the BPCP application process evolves.

1185 Bathurst is also mindful that feedback will be received from other stakeholders and any responses need to be considered in this light.

11.15 STATUTORY ASSESSMENT

In assessing an application for a wildlife approval (including conditions), the panel must take into account the matters set out in clause 5 of Schedule 7 of the FTAA, including:

1190 For clarity, this statutory assessment is framed by the Fast-track Approvals Act 2024 (including amendments in force as at the date of this application). The 2025 amendments primarily affect process and timing provisions and do not alter the information requirements for wildlife approvals set out in Schedule 7.

- > The purpose of the FTAA (which is “*to facilitate the delivery of infrastructure and development projects with significant regional and national benefits*”);
- 1195 > The purpose of the Wildlife Act and the effects of the Project on the protected wildlife to be covered by the approval; and
- > Information and requirements relating to the protected wildlife that is to be covered by the approval.

The greatest weight is to be given to the purpose of the FTAA (clause 5(a) of Schedule 7).

1200 Section 81(4) of the FTAA also states that, when taking into account the purpose of the FTAA, the panel must consider the extent of the project’s regional or national benefits. Where a substantive application is made, the approval process set out in the FTAA applies instead of the processes provided for under other legislation.

11.15.1 Purpose of the FTAA

1205 In accordance with clause 5(a) of Schedule 7 of the FTAA, the panel’s assessment of this application for a wildlife approval must take into account, and give the greatest weight to, the purpose of the FTAA.

1210 The BPCP demonstrably achieves the purpose of the FTAA by delivering significant benefits to the Buller District, West Coast Region and New Zealand more broadly. In this regard, the BPCP will provide significant economic benefits by:

- > Generating a significant contribution to the GDP both locally and nationally;
- > Generating substantial revenue for the New Zealand Government;

- > Supporting a wide range of jobs, bringing with them job security, sustained livelihoods, reduced local unemployment, increased business activity, and indirect employment opportunities; and
- > Delivering significant contributions to the national and regional economies.

The economic benefits of the BPCP are assessed in detail in the technical report undertaken by AIGIS Group (2026a), which is provided in **Part B** to this substantive application.

11.15.2 Purpose of the Wildlife Act and Effects of the Project on Protected Wildlife

Schedule 7, clause 5(b) of the FTAA requires the panel to take into account the purpose of the Wildlife Act 1953 and the effects of the project on the protected wildlife that is to be covered by the approval. As outlined in the sections above, the protective purpose of the Wildlife Act has been assessed in regard to the wildlife approvals sought.

11.15.2.1 Scope of the Wildlife Act

The Wildlife Act does not contain a standalone purpose section. The long title states:

An Act to consolidate and amend the law relating to the protection and control of wild animals and birds, the regulation of game shooting seasons, and the constitution and powers of acclimatisation societies.

The Court of Appeal and Supreme Court have confirmed that the Wildlife Act has a protective purpose.¹²⁹ What types of activity fall within the ‘protective purpose’ of the Act for the purposes of section 53 will be fact and circumstance dependent.¹³⁰ Recent legislative amendments have clarified that a section 53 authority may, in certain circumstances, be granted for the killing of wildlife that is incidental to carrying out an otherwise lawful activity. Those circumstances are those in which the overall effect of the authority would be consistent with the protection of wildlife populations and individual wildlife.

11.15.2.2 Consistency with the Wildlife Act 1953 and Effects on Protected Wildlife

The BPCP is consistent with the protective purpose of the Wildlife Act because, once the proposed mitigation, remediation and REP are fully implemented, including the establishment and long-term maintenance of large pest-exclusion fenced areas, protected wildlife populations within the Buller Plateaux and surrounding areas are expected to be maintained and, for some taxa, enhanced over time.

¹²⁹ *PauaMAC5 Inc v Director-General of Conservation* [2018] NZCA 348, [2019] 2 NZLR 1 at [42]–[43], [47], [52] and [58]; and *Shark Experience Ltd v PauaMAC5 Inc* [2019] NZSC 111, [2019] 1 NZLR 791 at [44] and [66].

¹³⁰ *PauaMAC5 Inc v Director-General of Conservation* [2018] NZCA 348, [2019] 2 NZLR 1 at [52]–[53].

1245 While the Project will result in habitat loss and modification and carries a residual risk of injury or mortality to individual animals, these effects will occur within a comprehensive framework of avoidance, minimisation, mitigation and compensatory measures, and where the overall outcome remains consistent with protecting wildlife populations as contemplated by section 53 of the Wildlife Act.

In particular, the proposed pest-exclusion fenced areas are designed to deliver measurable biodiversity gains by excluding key mammalian predators and enabling recovery actions (including weka removal from fenced areas to reduce predation pressure on *Powelliphanta*).

1250 As part of this approach, *Powelliphanta* outcomes will be monitored inside and outside the fences to confirm that the fenced areas are effective in increasing snail abundance and improving survival, and to guide adaptive improvements where required.

1255 These anticipated increases in snail populations and other bird species depend on the implementation of pest-exclusion fencing and associated pest management and are not expected to occur under the current (unfenced) baseline conditions, even if mining did not proceed.

1260 The Wildlife Authority being sought enables the proactive management of protected wildlife before, during and after disturbance. The approvals allow for salvage, handling, relocation, monitoring, and incidental mortality of protected wildlife. Importantly, these activities will be undertaken pursuant to the proposed species-specific management plans and are focused on reducing risk to animals, maintaining population viability, and delivering demonstrable biodiversity gains over time.

1265 In combination, the AvMP, LMP, PSMP, PCEP and BOMP (alongside other relevant and/or existing management plans) establish an integrated framework for ecological management across the life and extent of the BPCP. Measures included extensive pest-exclusion fencing, long-term mammalian pest control at a landscape scale, targeted species recovery actions (including rorua management and snail population enhancement), and long-term monitoring and adaptive management. Collectively, these measures are expected to support positive long-term outcomes for some species while addressing unavoidable residual effects associated with the Project.

1270

It is noted:

- > The resource consent and wildlife approval conditions that Bathurst is proposing, including the management plans already provided or required by those conditions,¹³¹

¹³¹ This includes existing requirements for Cypress.

1275 are designed to maintain the viability of key wildlife populations and to protect individual animals as is practicable. They require steps that Bathurst will take to avoid, minimise, and mitigate any adverse effects on individual wildlife; and¹³²

- > The conditions proposed are consistent with the protection of populations of the protected wildlife.¹³³

1280 The activities sought to be covered by the wildlife approvals are therefore consistent with the ‘protective purpose’ of the Wildlife Act. The proposed management plans and conditions will ensure the careful regulation of human interactions with species protected under the Wildlife Act.

11.15.3 Information and Requirements relating to the Protected Wildlife

1285 Schedule 7, clause 2 of the FTAA sets out the information required in an application for wildlife approval, and clause 5(c) requires the panel to take into account information and requirements relating to the protected wildlife that is to be covered by the approval. This includes, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement.

1290 The information requirements of clauses 2(1)(a)-(o) are methodically addressed from Sections 11.4 to 11.15 of this substantive application.

11.16 PROPOSED WILDLIFE APPROVAL CONDITIONS

1295 Schedule 7, clause 6(1) of the FTAA provides the panel with discretion to set any conditions that it considers necessary to manage the effects of the activity on protected wildlife, provided they are no more onerous than necessary to address the purpose for which they are set.¹³⁴ In setting conditions, Schedule 7, clause 6(2) of the FTAA states that the panel is required to:

- > Consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and
 - > When more than minor residual impacts on protected wildlife cannot be avoided, minimised, or remedied, ensure that they are offset or compensated for where possible and appropriate; and
- 1300

¹³² As would be required for a section 53 authority for incidental killing, per s 53B(4) of the Wildlife Act.

¹³³ Wildlife Act, ss 53B(3) and 53C.

¹³⁴ Sections 81(2)(d) and 83.

- > Take into account, as the case may be, the New Zealand Threat Classification System or any relevant international conservation agreement that may apply in respect of the protected wildlife that is to be covered by the approval.

1305 Proposed conditions for the approval are set out in **Appendix 11.A**, provided below, and in **Part E** of the substantive application documentation. These conditions include the standard terms of wildlife approvals, as well as conditions specific to the activities relevant to this application, such as the REP for biodiversity protection and enhancement across the Plateaux and the broader ecological district.

1310 **11.17 CONCLUSION**

Overall, it is considered that the proposed activities requiring approval under Schedule 7 can be carried out in accordance with the purpose of the FTAA and the Wildlife Act, and that the conditions are commensurate with the anticipated impacts on protected wildlife to be covered by the approval.

1315 All proposed activities relating to the handling or disturbance of protected species will be undertaken in accordance with the wildlife approval, with the management measures set out in the AvMP, LMP and PSMP, and other supporting documentation provided in **Part G**. These measures are also reflected in the proffered consent conditions in **Appendix 11.A** and **Part E**.