

25th March 2026

Fast-track Approvals Act wildlife approval report

Section 51(2)(c) wildlife approval report for –
FTAA-2507-1089 Bendigo-Ophir Gold Project

Table of Contents

1.0	Introduction	2
2.0	Purpose of the report	2
3.0	Overview of DOC's report	2
4.0	Sources	3
5.0	Context and background	3
6.0	Matters considered in relation to the criteria for a wildlife approval	4
7.0	Information relating to Lizards and Avifauna	5
8.0	Lizards – Detailed Assessment	6
9.0	Avifauna – Detailed Assessment.....	11
10.0	Alignment of the proposed activities with the purpose of the Wildlife Act	14
11.0	Consultation	16
12.0	Additional information.....	16
13.0	Treaty of Waitangi settlement considerations and obligations.....	18
14.0	Appendices	18

1.0 Introduction

- 1.1 Matakanui Gold Limited (the applicant/MGL) seeks approvals under the Fast-track Approvals Act 2024 (FTAA) to establish, operate, rehabilitate and ultimately close an open pit and underground gold mining operation known as the Bendigo-Ophir Gold Project (BOGP).
- 1.2 As part of the application MGL is seeking wildlife approvals for activities that would otherwise be an offence under the sections of the Wildlife Act 1953 specified in FTAA Schedule 7 clause 1.
- 1.3 On 8 December 2025, in accordance with section 51(2)(c) of the Act, the Panel Convener directed the EPA to obtain a report prepared by the Director-General of Conservation (D-G) in accordance with clause 3 of Schedule 7.
- 1.4 This report is one of a suite related to various conservation approvals sought by MGL, and for efficiency a covering report has been prepared that discusses matters common to the approvals sought. The DOC Covering Report should be read in conjunction with the individual approval reports.

2.0 Purpose of the report

- 2.1 This report has been prepared by the Department of Conservation (DOC) on behalf of the Director-General of Conservation. This report provides commentary on information provided by the applicant to support the Panel's assessment of the application for wildlife approval.
- 2.2 In accordance with clause 3 of Schedule 7, this report must address the following matters:
 - I. *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.*
 - II. *Information and requirements relating to the protected wildlife that is to be covered by the approval (including, as the case may be, in the New Zealand Threat Classification System or any relevant international conservation agreement).*
 - III. *Any conditions that should be imposed to manage the effects of the activity on protected wildlife.*
 - IV. *Any conditions that should be imposed to recognise or protect a relevant Treaty settlement and any obligations arising under the Marine and Coastal Area (Takutai Moana) Act 2011 or the Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.*

3.0 Overview of DOC's report

- 3.1 Overall DOC's assessment concludes that:
 - I. The proposals relating to avifauna are broadly consistent with the purpose of the Wildlife Act, subject to amendment of the Avifauna Management Plan (AMP) and conditions to ensure the appropriate management of actual and potential adverse effects on native birds.
 - II. The scale of impacts on lizards is very high, significant and unprecedented. The true extent of effects is unknown due to inaccuracies and the misrepresentation of data on lizard

species. This also has implications for the proposed effects management and its appropriateness and adequacy. DOC considers that the activities as currently proposed are not consistent with the purpose of the Wildlife Act.

- 3.2 As more broadly set out in the DOC Covering Report, DOC is concerned with the proposed structure of management plans. More specifically for wildlife approvals, this relates to the interconnectedness and interdependencies of several other management plans directly referenced in both the AMP and the Lizard Management Plan (LMP). The current structure means that if one of the plans referenced in both the AMP and LMP changes there are 'knock on' effects for both the AMP and LMP, which creates a complex, inconsistent and inefficient effects management framework. It is not currently proposed that DOC has a role to certify or even be consulted on any changes to related management plans. DOC has provided feedback to the applicant directly on this issue.
- 3.3 Notwithstanding the significance of the effects on lizards, DOC has identified opportunities that could address these issues so as to better align the wildlife approval sought with the purpose of the Wildlife Act.

4.0 Sources

- 4.1 This report is informed by information provided in the original application documents submitted to the EPA on the 31st of October 2025.
- 4.2 Updated application documents were also provided to the EPA on the 10th March 2026. In the time available it was not possible to obtain updated technical advice and integrate it into this report. However, DOC's experts will continue to review this information, and DOC will provide any further comments arising out of this review to the panel.
- 4.3 In addition, DOC has continued to engage with the applicant on wildlife approvals post lodgement. Whilst DOC has reflected on information and discussion during workshop settings as part of ongoing engagement, to provide further context as appropriate, DOC has primarily based its report on tangible information which has been lodged or provided directly to the EPA.

5.0 Context and background

5.1 Summary of wildlife approval sought

- 5.1.1 The application documents identify (as described by the applicant) that a wildlife approval is sought to:

- I. *Catch, salvage and relocate native lizard species listed in Schedule 4 prior to disturbance and vegetation clearance within the Direct disturbance Footprint (DDF) at the Bendigo-Ophir Gold Project Site;*
- II. *Hold wildlife for up to 12 hours for the purpose of relocation after salvage;*

- III. *To catch native lizards for the purposes of biodiversity monitoring at the BOGP site and surrounding restoration and rehabilitation areas;*
- IV. *Physically mark protected lizards listed in Schedule 4 using Toe clipping methodology*
- V. *To disturb, injure, or kill protected wildlife listed in Schedule 4 and Schedule 5 when unavoidable;*
- VI. *To undertake works affecting the habitat of wildlife listed in Schedule 4 and Schedule 5;*
- VII. *Any accidental / unintentional harm to wildlife that could arise from any of the activities undertaken in relation to the Bendigo-Ophir Gold Project.*

- 5.1.2 There are some inconsistencies between the application documents, and DOC has used the description provided by the applicant in D.11 to inform this report.
- 5.1.3 The species listed in the schedules 4 and 5 referenced above (as set out in application document D.11) include avifauna and lizard species.
- 5.1.4 The applicant included in their application a 'catch all' type proposal (described above in 'VII'), to permit accidental or unintentional harm to any protected wildlife that could arise from any of the activities to be undertaken in relation to the BOGP. In DOC's view this 'catch all' permission is not appropriate due to its vagueness and ambiguity – DOC cannot assess unspecified impacts to unspecified species, and the panel would have insufficient information to support the granting of such an approval. Additionally, an approval such as this could apply to activities within areas of public conservation land (PCL) where the applicant has stated they have chosen not to apply for wildlife approvals. DOC's view is that this element of the approval is incapable of being approved and fanciful, and therefore DOC has not provided any detailed commentary on this aspect.

6.0 Matters considered in relation to the criteria for a wildlife approval

6.1 Statutory context

- 6.1.1 Clause 1 of Schedule 7 defines "wildlife approval" as "a lawful authority for an act or omission that would otherwise be an offence under any of sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, and 70T(2) of the Wildlife Act 1953".
- 6.1.2 The incidental killing of wildlife, without lawful authority, is an offence under s 63 and s70G(1) of the Wildlife Act. Relevantly, s 63 of the Wildlife Act provides that no person may "hunt or kill" (applying the extended definitions of those terms) protected wildlife without lawful authority, and that doing so is a strict liability offence. The defence provided in s 68AB will apply to accidental killing (killing that is not foreseeable, nor intended) where a person has taken all reasonable steps to avoid the killing of wildlife.

- 6.1.3 Section 65(1)(f) and s 70P Wildlife Act provide that it is an offence to do anything for which an authority is required under the Wildlife Act or any regulations under that Act, without that authority.
- 6.1.4 Section 56 Wildlife Act establishes that no person may liberate; or capture or attempt to capture or have in their possession for the purpose of liberating, wildlife without the prior written authority of the D-G.
- 6.1.5 The activities of capturing and killing protected wildlife can be considered for approval under the FTAA. A wildlife approval granted under the Act is treated as if it were granted under the Wildlife Act (Schedule 7, clause 7(1)).

6.2 Purpose of the Wildlife Act

- 6.2.1 The relevant purpose of the Wildlife Act is to protect wildlife.

7.0 Information relating to Lizards and Avifauna

7.1 Activities

- 7.1.1 This report must address the actions which the application wishes to carry out as per Section 2 clause (b) Schedule 7. These activities are set out as per paragraph 5.2.

7.2 Locations

- 7.2.1 DOC sought clarification from the applicant on the areas where the activities for which wildlife approval is sought are proposed to be undertaken. The application documents¹ clearly state that no wildlife approvals are sought for activities on PCL other than the Ardgour Conservation Area where a concession proposed is within the DDF. In response to a further information request, the applicant confirmed that the wildlife approvals sought are required to facilitate the proposed Ardgour Rise concession activities. As far as DOC is aware application documents have not been updated to clearly reflect this. This report assumes wildlife approvals are sought for activities on Ardgour Conservation Area.
- 7.2.2 DOC notes that wildlife approvals for several of the proposed concession activities on PCL, and any future translocation of lizards (proposed as a mitigation) in relation to those activities, would also be required. The applicant has not identified that any wildlife approvals are sought for these activities on PCL as part of their Fast-track application (despite the need being identified to them during consultation). The applicant can apply for these through the 'business as usual' (BAU) wildlife approvals process, noting a different decision-making framework applies

¹ D.11 Wildlife Act Authority and Conditions and A.15 Section 8 Fast Track Approvals Act 2024 Requirements

8.0 Lizards – Detailed Assessment

8.1 Application

- 8.1.1 In short, the applicant is seeking approval to catch, salvage, relocate, mark/toe clip, disturb, incidentally kill and disturb the habitat of protected lizard species.
- 8.1.2 Site assessments and effects on lizards are detailed in several application documents. More specifically, documents B.15A – Lizards Values Assessment, G05A – Lizard Management Plan, B.08A Assessment of Ecological Effects and D.11 Wildlife Act Authority provide specific information to inform this report. However, due to the interrelationships between habitat assessments, management plans and effects assessments, information applicable to lizards is fragmented between documents.
- 8.1.3 The LMP provided primarily outlines the what the applicant considers to be the key effects on lizards, effects management strategies and the approach to the salvage and relocation of lizards.
- 8.1.4 As further detailed in the DOC Covering Report, the complex and interrelated nature of management plans connects the LMP to at least six other management plans.
- 8.1.5 The applicant states that they have followed the effects management hierarchy and considered avoidance as a mechanism to manage effects in the LMP however it is unclear in the application documents that avoidance of effects on lizards and high-quality lizard habitat was attempted.

8.2 Lizards identified

- 8.2.1 Clause 5(c) of Schedule 7 requires the panel to take into account information requirements relating to protected wildlife that is to be covered by the approval, including species' threat status.
- 8.2.2 Schedule 4 of application document D.11 sets out three lizard species identified on site, and their threat status. These are shown in Table 1.
- 8.2.3 The applicant acknowledges that the presence of other lizard species cannot be ruled out but considers the presence of additional species is unlikely.
- 8.2.4 DOC concurs that the three lizard species identified through surveys are the most likely to occur across the site, and the survey methods used were appropriate for detecting these species. However, an assessment of the methods used to identify lizard species by DOC has raised several concerns including:

- 1. Survey coverage is incomplete, with several parts of the project site not assessed for lizard values (including wetlands, riparian zones, pipeline and bore field, quarry and silt pond sites, spoil areas, and trenching alignments areas within the Bendigo Conservation Covenant, proposed release sites within the Ardgour Restoration Area, proposed pest exclusion fenced areas, and concession areas).*

This constitutes a critical information gap and significantly constrains the ability to assess the effects of the project on lizards.

- II. *A map of lizard detections, including grid references, is missing from the application, preventing a clear understanding of lizard distribution and surveyed versus un-surveyed areas.*
- III. *Potential habitat for rarer species (e.g. Lake's skink, jewelled gecko) was not adequately surveyed, particularly in heavily vegetated or inaccessible areas.*
- IV. *Species-specific habitat use is inaccurately characterised and underestimated. This is a particular concern for At Risk – Declining species (especially southern grass skink).*
- V. *Lake's skink are likely to occur in localised parts of the DDF, particularly rocky gullies that were not surveyed due to dense shrubland and limited access.*
- VI. *The application document set out proposed numbers of the species present these are provided in Table 1. However there several concerns have been identified with these estimations. These include:*
- VII. *As per para 8.25 the number of areas omitted from surveys and assessments*
- VIII. *Alternative and increased estimates of 500,000-750,000 lizards likely to be affected were shared with DOC during workshop discussions with the applicant's ecologists.*
- IX. *The misidentification of McCann's skink and the southern grass skink which means the number of individual species affected by the BOGP may be under- or over-estimated, and highlights the risk that a cryptic species may not have been identified at all.*
- X. *DOC's assessment has also identified that population estimates are inconsistent across reports and are likely underestimated particularly for southern grass skink (noting the rationale above).*
- XI. *The application does not consider the impacts on unrecorded lizard species which may be present particularly in areas which were not surveyed.*

8.2.5 DOC notes that there is potential for rarer species including Lake's skink, orange spotted gecko and jewelled gecko to be present. Lake's skink is the unrecorded species most likely to occur and presents the highest conservation concern.

8.2.6 DOC acknowledges that the applicant's ecologists are seeking to address the misidentification issue with a proposed 'fix' however the timeframes for providing and receiving this information are limited and it has not been provided to inform this report.

8.2.7 Overall, DOC has a low confidence in the species information provided by the applicant due to these inaccuracies and inconsistencies. The lack of a sound evidence base to inform the wildlife approval sought is a fundamental concern.

Table 1: Lizard species identified on site by applicant

Common Name	Scientific name	NZ Threat Classification	Anticipated numbers present
Kawarau gecko	<i>Woodworthia</i> "Cromwell"	At Risk-Declining	High 10,000s
Tussock skink ² (southern grass skink)	<i>Oligosoma</i> <i>chionochloescens</i>	At Risk-Declining	Low 1,000s
McCann's skink	<i>Oligosoma Maccanni</i>	Not Threatened	Low 100,000s

8.3 Effects

- 8.3.1 As above the significant issues identified in relation to poor data and inaccuracies fundamentally undermine the assessment of effects, these then roll on to the proposed effects management.
- 8.3.2 Overall the applicant's assessment of effects on lizards presents a number of significant issues for concern. Whilst the overall conclusion of net loss for the species may not change, these issues result in an underrepresentation of the scale and significance of actual and potential adverse effects. This has subsequently constrained consideration of the effectiveness of the effects management proposed and potentially limits further positive effects management which could be implemented to ensure alignment with the purpose of the Wildlife Act.
- 8.3.3 To provide a robust and through assessment of effects, issues with data need to be appropriately resolved.
- 8.3.4 At a high-level the effects of the proposed activities can still reasonably be determined, these include:
- I. A significant impact on approximately 500-750,000 lizards. This number is high and at an unprecedented scale.
 - II. A high mortality rate for lizards potentially at 400,000-650,000 lizards (given the target/minimum salvage rates proposed).
 - III. Significant residual effects with approximately 80% of effects left unaddressed.
 - IV. The key effects on individual lizard species are summarised in Table 2.
 - V. The permanent loss of approximately 700 ha of shared habitat for lizard species.
 - VI. The loss of habitat will have different impacts for the different species to which the wildlife approval applies.

² It is noted that the Tussock Skink is now recognised as the southern grass skink and is referred to as such hereafter

- VII. Kowarau gecko - the impact on habitat may be nationally significant given this will represent approx. 7% of the species' national habitat
- VIII. Southern grass skink - populations may experience locally significant medium- to long-term effects that could impact on its extinction proneness
- IX. McCann's skink - populations and their extinction proneness are unlikely to be significantly affected at either the national or local scale.
- X. Perpetuated effects should the proposal progress as is, given the LMP is based on inaccurate information and the salvage methods and relocation habitat intended to mitigate effects may result in negative outcomes.
- XI. Potential new/additional adverse effects from the overlaying of salvaged lizards on resident populations increasing competition, displacement or mortality for both relocated and resident lizards.
- XII. A potential future loss of any gains should the related predator control measures or fences (if lizards are to be relocated there) not be maintained to secure gains.

Table 2: Summary of key effects on lizard species

Species	Detail	Key Effects
Kowarau gecko	At Risk–Declining national threat status and 'Climate Impact' and 'Data Poor Trend' qualifiers A national population decline of 10–30 % over the next decade or three generations is predicted Climate change expected to intensify this trend.	If approximately 700 ha of shared habitat within the DDF is permanently removed, populations are likely to experience locally significant effects that may increase their extinction risk. At the national scale, the loss may also be significant, as the project footprint represents up to 7 % of the species' estimated habitat in New Zealand.
Southern grass skink	At Risk–Declining status due to its large national population spread over more than 100,000 ha A projected 10–30 % decline over the next decade or three generations. Climate projections for the Cromwell area indicate hotter, drier summers and warmer winters ¹⁴ which are likely to further reduce available habitat.	If approximately 700 ha of shared habitat within the DDF is permanently removed, southern grass skink populations may experience locally significant medium to long term effects that could impact on its extinction proneness National level impacts are unlikely, as the affected area represents at a worst-case only about 0.7 % of the species
McCann's skink	'Not Threatened' nationally and regionally due to its broad distribution and large, stable populations across rocky habitats in Otago,	More than 100,000 individuals may be lost within the DDF If approximately 700 ha of shared lizard habitat within the DDF is permanently removed, populations and their extinction proneness are unlikely to be significantly affected at either the national or local scale.

Lizard Management

- 8.3.5 As outlined elsewhere in this report the LMP is not a standalone instrument; it functions largely as a set of cross-references to other management plans rather than a

coherent, self-contained document that directs and coordinates lizard related actions. It also lacks clear objectives, measurable outcomes, and success criteria that are necessary for certification, monitoring, and enforcement.

- 8.3.6 As also outlined elsewhere in this report the proposed lizard management is flawed as both the identification of effects and their management are based on inaccurate data and the degree of inaccuracy is unknown.
- 8.3.7 Coverage of core actions is incomplete. The plan does not explicitly or adequately set out requirements for (i) salvage, (ii) rehabilitation of the DDF, or (iii) baseline and projected population outcomes within pest exclusion fences, including associated methods and performance triggers. The treatment of salvage risks is limited; issues such as species misidentification, uncertainty around release site suitability, and potential effects on resident populations are not addressed.
- 8.3.8 To mitigate effects on lizard species the applicant is proposing salvage activities. Although the LMP sets out targets for salvage recent workshops with the applicant indicated that the LMP needed work and that a salvage operation across multiple habitat types would be a large and complex undertaking.
- 8.3.9 The applicant's ecologists proposed at recent workshops to salvage lizards from higher value habitats within the DDF and release them into the Ardour Restoration Area.
- 8.3.10 It is unclear in the application documents to what degree the proposed offsetting and compensation is intended to address the residual effects on lizards.
- 8.3.11 The LMP relies on the assumption rehabilitation will successfully recreate suitable habitats for all three species within approximately 35 years, but no empirical pathway is provided to support this. DOC's view is that reliance is based on suitable habitat redevelopment but the risk and constraints to success are not acknowledged.

8.4 Release sites

- 8.4.1 Currently release sites appear to be one of many limitations to the proposed salvage effort.
- 8.4.2 There is a lack of suitable release habitat to successfully support salvage efforts, and there is a risk that areas will become overpopulated undermining the benefits of salvage and incurring further adverse effects.
- 8.4.3 Criteria for release site suitability and predator control are also underspecified.
- 8.4.4 It is DOC's view that better outcomes could be achieved for lizards if release sites were adequately prepared in advance to support salvage efforts, with appropriate pest control measures.
- 8.4.5 Relocating lizards in to fenced areas of an adequate size and strategically located would also support better outcomes than what is currently proposed.

8.5 Monitoring and reporting

- 8.5.1 The LMP does not require species-specific assessments, confirmation that resident populations will not be adversely affected, or mouse control; nor does it prioritise the establishment of a fenced sanctuary prior to salvage.

9.0 Avifauna – Detailed Assessment

- 9.1 Clause 5(c) of Schedule 7 requires the panel to take into account information requirements relating to protected wildlife that is to be covered by the approval including threat status. The avifauna species and their threat status to which wildlife approvals relate is set out in Schedules 5 of application document D.11.

9.2 Application

- 9.2.1 In short, the applicant is seeking approval to disturb, injure, incidentally kill and disturb the habitat of avifauna species.
- 9.2.2 Site assessments and effects on avifauna are detailed in several applications documents. More specifically documents B.14 – Avifauna Values Assessment, G04 – Avifauna Management Plan B.08A Assessment of Ecological Effects and D.11 Wildlife Act Authority provide information to inform this report. However, due to the interrelations between habitat assessments, management plans and effects assessments, information applicable to birds is fragmented between documents.
- 9.2.3 The AMP provided primarily outlines what the applicant considers to be the key effects on Avifauna and effects management strategies.
- 9.2.4 As further detailed in the DOC Covering Report, the complex and interrelated nature of management plans connects the AMP to at least six other management plans.

Avifauna Identified

- 9.2.5 At least 28 native bird species have been detected or are potentially present within the Direct Disturbance Footprint (DDF) and immediately surrounding landscape.
- 9.2.6 The Avifauna Values Assessment is based on a combination of desktop and field surveys; DOC has not identified any issue with the quality of this report but is of the view that further work could have been undertaken. This includes surveying densities of bird populations outside of the site to show the extent of the populations; the 600 ha of affected area is not atypical of similar surrounding habitat.
- 9.2.7 DOC has identified species of particular interest in Table 2 as below (the full species list and threat status is provided in D.11).

Table 3 Key avifauna species proposed activities relate to and threat status

Common name	Scientific name	NZ Threat Classification
Kārearea* New Zealand falcon – eastern form*	<i>Falco novaeseelandiae</i>	Threatened - Nationally Vulnerable
Pipit	<i>Anthus novaeseelandiae</i>	At Risk - Declining
Māpunga* Black shag*	<i>Phalacrocorax carbo</i>	At Risk - Relict

9.3 Effects

9.3.1 The applicant has summarised the effects on avifauna in the AMP to include:

- I. Habitat loss through clearance, soil stripping, earthworks and deposition of overburden, waste-rock or tailings;
- II. Creation of habitat edge effects and altering the composition and health of adjacent vegetation (i.e. habitat degradation) which may affect habitat suitability;
- III. Potential harm or injury to nesting birds, eggs or chicks;
- IV. Ongoing disturbance effects through noise, vibration (including blasting) dust and lighting;
- V. Potential risk of electrocution for kārearea/eastern falcon from transmission lines, and to kawau paka/little shag and māpunga/black shag where those lines are near wetlands;
- VI. Direct mortality through collision, particularly for falcon which may collide with high fences, windows, and power lines;
- VII. Ongoing effects on water quality in wetlands through sedimentation or contamination.

9.3.2 DOC considers the most significant risks to avifauna are likely posed by disturbance to nests, as the birds identified in the affected area are mobile and likely to fly out of harm's away.

9.3.3 Nests could be disturbed either directly by vegetation clearance or indirectly by other effects such as noise, it is also possible that the noise from the mining may deter the birds from nesting.

9.3.4 Individual birds will be disturbed but the effect is very unlikely to impact the viability of populations in the region. For example, falcons being the most threatened species would

amount to one or two pairs and the mine would only take in a small proportion of their extensive territories.

9.4 Avifauna Management

- 9.4.1 The AMP is not a standalone instrument; it functions largely as a set of cross-references to other management plans rather than a coherent, self-contained document that directs and coordinates avifauna related actions. It lacks clear objectives, measurable outcomes, and success criteria that are necessary for certification, monitoring, and enforcement.
- 9.4.2 The applicant states that effects on native avifauna have been avoided or minimised to the extent practicable through:
- I. General refinement of the DDF through detailed design and construction methodology where possible and as detailed in the Assessment of Environmental Effects (AEE) and AEcE reports;
 - II. Habitat impact protocols to minimise the potential for effects outside the disturbance footprint;
 - III. Bird surveys to confirm the locations of nesting native birds;
 - IV. Nest protection protocol during bird breeding season from August – March inclusive; and
 - V. Measures to insulate transmission lines, and to provide underground cabling where possible, as set out in the Aurora Standards (AE-NR01-S).
- 9.4.3 To address residual adverse effects on avifauna that cannot be avoided or minimised, measures to remedy, offset and compensate for effects are set out in the relevant management plans including the:
- I. Landscape and Ecological Rehabilitation Management Plan (LERMP)
 - II. Mammalian Pest Management Plan (MPMP)
 - III. Ardour Restoration Area Management Plan (ARAMP)
 - IV. Matakanui Sanctuary Management Plan (MSMP).
- 9.4.4 Overall DOC's view is that the AMP generally manages effects to reduce adverse impacts on local bird populations. This is achieved through activities such as surveys prior to works to confirm locations of nesting birds, and implementing exclusion setbacks until chicks have fledged.
- 9.4.5 Pest control will also likely contribute to more positive outcomes for avifauna but needs to be targeted; detail which could be further reflected in the AMP.
- 9.4.6 The management plan outlines reasonable ways to minimise avifauna fatalities but has very little detail of the actual implementation. For example, it does not identify who will undertake surveying for nests.

- 9.4.7 There is opportunity for the management plan to be refined to ensure that it takes all reasonable to minimise ecological effects on avifauna.
- 9.4.8 Whilst the AMP looks at reasonable ways to not kill birds, habitat will be lost and there will be effects on bird species, particularly in the shorter term until the site is rehabilitated.
- 9.4.9 DOC has been unable to identify how actual and potential residual effects on avifauna are proposed to be managed and would support offsetting or compensation to achieve this.

10.0 Alignment of the proposed activities with the purpose of the Wildlife Act

10.1 Lizards

- 10.1.1 In DOC's view the applicant's proposal is underpinned by inaccurate data and misinformation which doesn't align with best practice. The use of this information to inform a wildlife approval and to anticipate the effects on the wildlife approval is being sought for does not support the protection of wildlife.
- 10.1.2 Further, alongside misrepresenting effects, the data issues seep into the proposed effects management and raised concerns around the appropriateness of the effects management proposed. This is particularly significant for salvaged lizards whereby unsuitable survey methods and relocation habitats have been identified perpetuating the potential adverse effects, which does not support the protection of wildlife.
- 10.1.3 The broader lack of adequate surveying across the project site also heightens the risk that some effects have not been identified and therefore no appropriate management is proposed.
- 10.1.4 Due to the scale of the BOGP the salvage effort is estimated to be approximately 20% which leaves a significant 80% of effects unaddressed. In principle this is not consistent with the purpose of the Wildlife Act and it is DOC's view that there is substantial opportunity for the applicant to more appropriately avoid, mitigate, offset or compensate for the effects to contribute to less severe outcomes for lizard species.
- 10.1.5 DOC considers it critical that should this application proceed substantial revisions are made to conditions and the proposed LMP.
- 10.1.6 In summary, whilst the overall outcome of a net-loss will still occur, specific effects are not adequately understood and as a result the effects management strategy is not designed to ensure the protection of wildlife to a reasonable extent as these activities are undertaken.

10.2 Avifauna

- 10.2.1 Whilst the AMP and associated conditions (notwithstanding the more broadly raised management plan structure issue), could be improved to strengthen the proposed activities' alignment with the purpose of Wildlife Act, DOC has no significant concerns with the proposal in principle.

10.3 The role of species management plans

- 10.3.1 A species management plan typically provides a framework for ensuring lizard populations are appropriately managed and safeguarded during proposed activities that may adversely impact them. These plans typically bring together ecological knowledge and best practice methods, so that impacts on species can be avoided, minimised or remedied, or where necessary offset or compensated.

10.4 Conditions to manage effects on protected wildlife

- 10.4.1 The Panel can set conditions on a wildlife approval, under Schedule 7, clause 6 of the Act, and must:

- I. consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and*
- II. where 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*
- III. 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.*

- 10.4.2 Whilst DOC considers that conditions could be adapted to minimise adverse effects through avoid, remedy, offset or compensation measures, due to the significant concerns and uncertainty outlined below, DOC's advice on conditions is currently limited. Issues include:

- I. The structure of management plans proposed – particularly for wildlife approvals where they are interlinked/co-dependant on related management plans which it is not The structure of management plans proposed – particularly for wildlife approvals where they are interlinked/co-dependant poses challenges in presenting specific conditions.
- II. Critical gaps in data and information which does not support the formation of effective or robust conditions.

- 10.4.3 DOC will provide broader commentary on the structure of management plans in its section 53 comments.

- 10.4.4 DOC is also able to provide further information and commentary on appropriate conditions at the panel's request and will continue to engage with the applicant on the issues raised.

11.0 Consultation

- 11.1.1 A broader overview consultation in the DOC Covering Report.
- 11.1.2 More specific consultation in relation to wildlife approvals is noted below.

11.2 Pre-lodgement

- 11.2.1 Limited application information related to wildlife approvals was provided pre-lodgement which limited meaningful engagement and the opportunity to narrow issues.
- 11.2.2 Whilst some feedback was provided to the applicant on wildlife assessments, a proposed lizard workshop proposed for Sept/October 2025 was not facilitated by the applicant.

11.3 Post-lodgement

- 11.3.1 More recently DOC has discussed the proposed wildlife approvals with the applicant through a series of workshops in February and then later in March.
- 11.3.2 Unfortunately, the February workshops were organised at short notice and DOC's lizard expert was unable to attend; whilst DOC requested that the meeting was set for an alternative date the applicant did not facilitate this.
- 11.3.3 A lizard-specific workshop was held in March 2026 and whilst the discussion was useful in clarifying issues and identifying potential solutions, this is an ongoing process and unfortunately many issues remain unresolved prior to this report being due.
- 11.3.4 DOC will provide updated advice in relation to these issues as part of its section 53 comments as appropriate.

12.0 Additional information

12.1 International Conservation Agreements

- 12.1.1 Table 4 below outlines the international agreements that are relevant to the approval being sought.

Table 4: International conservation agreements

Common name	Signatory date
United Nations Convention on Biological Diversity	1992

The United National Convention on Biological Diversity (CBD)

- 12.2 The United Nations Convention on Biological Diversity (CBD) is an international agreement that promotes the development of global targets, national strategies and action plans by countries for the protection, restoration and sustainable use of biodiversity.
- 12.3 As a party to the CBD, New Zealand is required to have a national biodiversity strategy and action plan. Te Mana o te Taiao – Aotearoa New Zealand Biodiversity Strategy 2020 sets out New Zealand's contribution to reversing the loss of biodiversity worldwide.
- 12.4 Key objectives of the strategy that are relevant to this application include:
- *Biodiversity protection is at the heart of economic activity.*
 - *Natural resources are managed sustainably.*
 - *Management ensures that biological threats and pressures are reduced through management.*
 - *Ecosystems and species are protected, restored, resilient, and connected from mountain tops to ocean depths.*
- 12.5 The application for the BOGP seeks to access natural resources in a way that impacts biodiversity and ecosystems.

International Union for Conservation of Nature (IUCN)

- 12.6 The International Union for Conservation of Nature (IUCN) is a globally recognised conservation body and New Zealand's membership reflects its commitment to biodiversity and ecosystem protection. While the IUCN is not a treaty-level agreement, New Zealand's contributions to the IUCN's Contributions for Nature platform and its alignment with global biodiversity targets (e.g. the Kunming-Montreal Global Biodiversity Framework) reflect a strong public commitment to species recovery and habitat protection.
- 12.7 The IUCN Red List status of species named in the application is provided in (Appendix C)

Consistency with statutory planning documents and policy

- 12.8 An assessment of statutory planning documents and associated policies in relation to the wildlife approval sought for this Project is provided as Appendix B.
- 12.9 In summary, the outcomes of the statutory documents are to minimise adverse effects, maintaining natural heritage, protecting habitats of threatened animals and protecting corridors for wildlife.

12.10 As discussed in this report, it is not considered that the project's effects on lizards will be adequately managed and the project is not consistent with the requirements and purpose of the Wildlife Act regarding lizard species as the assessment of effects is incomplete and not accurate and there are substantial residual adverse effects remaining that are not addressed through offset and compensation. It is therefore considered that the project is not consistent with the Otago CMS and the CGP regarding lizards. It is considered that effects on avifauna will be adequately managed and consistent with the requirements and purpose of the Wildlife Act, and therefore consistent with the relevant statutory planning documents.

13.0 Treaty of Waitangi settlement considerations and obligations

- 13.1 DOC has provided general commentary on Treaty settlement obligations and principles as part of the DOC Approvals Covering Report
- 13.2 The primary matter for consideration by the panel as relevant to the wildlife approvals will be taonga species. Under the Ngāi Tahu Claims Settlement Act 1998 the Crown has acknowledged the special association of Ngāi Tahu with certain taonga species of birds, plants and animals.
- 13.3 Lizards are not included amongst the taonga species in the Ngāi Tahu Claims Settlement Act 1998, but the bird species covered by the proposed approval includes 18 taonga species, including several classified as nationally threatened or at-risk. Although the settlement provisions regarding taonga species do not place any procedural obligations on the applicant or consent authority in relation to the approvals being sought as part of this application, the redress illustrates the importance of these species to Ngāi Tahu. Accordingly, the panel may wish to take any impact of the application on taonga species into consideration.
- 13.4 At this stage, DOC has not identified any conditions that specifically relate to Treaty settlements that should be imposed in accordance with section 84 FTAA however, DOC is engaging with Iwi and will feedback any commentary provided by Iwi to DOC in relation to this issue.

14.0 Appendices

Appendix A: Wildlife Conditions

Appendix B: Detailed assessment Conservation Management Strategy

Appendix C: IUCN Red List status of species named in application.