

## Before the Fast-track Panel

Under: The Fast-track Approvals Act 2024  
In the matter of: FTAA-2507-1089 – Bendigo Ophir Gold Project

**Statement of advice** Rogan Maurice Colbourne  
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25 March 2026



Department of  
Conservation  
*Te Papa Atawhai*

**Te Kāwanatanga  
o Aotearoa**  
New Zealand Government

## **Introduction**

1. My full name is Rogan Maurice Colbourne.
2. I am providing expert advice on behalf of the Department of Conservation (DOC) on the Bendigo-Ophir Gold Project (BOGP, Bendigo) Fast-track application.
3. My advice specifically relates to the application for Wildlife Act approval and may be used to inform DOC's Section 51 Reports and Section 53 comments.

## **Qualification and Experience**

4. I am employed by DOC as a technical advisor on avifauna. I have worked for a total of forty-five years with the Wildlife Service and DOC.
5. I have experience with endangered species particularly all species of kiwi, taiko, and kakapo but also giving advice on translocations of other species such as robins, rifleman, saddleback, kakariki, whiteheads, etc. I have led research programmes establishing Operation Nest Egg and kohanga sites for kiwi, territory mapping and long-term monitoring programmes for kiwi. I am a founder member of the Kiwi Recovery Group.
6. I have been lead author or joint author to over 20 scientific publications relating to avifauna.
7. I have expert knowledge on behaviour of bird species found in the Bendigo region, particularly falcon and pipits.

## **Code of conduct**

8. Whilst it is acknowledged this is not an Environment Court Proceeding; I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court Practice Note 2023. I have complied with the Code of Conduct in the preparation of this advice. Unless I state otherwise, this advice is within my area of expertise, and I have not omitted to consider material facts known to me that might alter or detract from the opinions I express.

## **Material Considered**

9. In preparing this advice I have reviewed:
  - i. B.14 – RMA Ecology - Avifauna Values Assessment (RMA Ecology, 2025)
  - ii. G.04 – Avifauna Management Plan (Alliance Ecology, 2025)
  - iii. B.31 – Cosgroves Limited – Exterior Lighting Report (Cosgroves, 2025)

*Comment:* This report was not relevant to my assessment as light levels are proposed to be reduced, and the project area is not on any major migration routes that would confuse flight paths.

- iv. B.29 – Marshall Day Acoustics - Assessment of Noise and Vibration Effects (Marshall Day, 2025)

*Comment:* Again this report is not relevant to my assessment unless birds nesting very close to mining, however average noises under 50 dB are not too extreme. I refer to the AEE and proposed mitigation. Potentially, noise prior to the breeding season could deter nesting of some birds.

- v. G.18 - Noise and Vibration Management Plan (Marshall Day, 2025)

See comments above.

- vi. B.08 Alliance Ecology Consulting – Assessment of Ecological Effects (Alliance 2025)

*Comment:* I have reviewed the original document lodged in October 2025, and my advice and references below refer to this document.

- 10. I have not undertaken a site visit. Twice I tried to attend a site visit but had to cancel due to lack of time for applicant to host a visit. Arranging visits from Wellington was difficult with arrangements for site visits being made at such short notices.

### **Scope of advice and expert opinion**

- 11. My expert advice will address the following matters:
  - i. Adequacy of the applicant's assessment of avifauna values, noting any values not identified
  - ii. Adequacy of the applicant's assessment of effects on avifauna, noting any effects not adequately addressed
  - iii. Adequacy of applicant's proposed mitigation measures in relation to avifauna
  - iv. Any alternative mitigation measures, and/or my recommendations for mitigation measures.

### **Bendigo avifauna values assessment**

- 12. The B.14 RMA Ecology Avifauna Values Assessment report (August 2025) on the impacted area is a combination of desktop and field surveys. I consider the quality of this report is appropriate. More work could have been done on surveying densities of bird populations outside of the site to show the extent of the populations, but the 600ha of affected area is not atypical of similar surrounding habitat.

13. As part of the substantive application the applicant lodged an Assessment of Ecological Effects B.08 (AEE). I have identified 3 main sections of the AEE that are relevant to avifauna: Section 2.2.6 (pgs 44-45) – avifauna methodology, Section 5.3 (pgs 71-73) and Table 2 (pg 40) – summary of field surveys undertaken. The methodology is standard for surveying avifauna with sufficient five-minute bird counts, targeting wetland birds, waterfowl surveys on open water and paid attention to falcon. Acoustic recorders could have been used to gather information on nocturnal species such as morepork and to a lesser extent on little owl, even though these are not threatened. I agree with what would be expected in these types of habitats.
14. The applicant's consultants have identified three species of interest: falcon, pipit and black shag. Fortunately, the birds identified in the affected area are mobile, and unlike lizards and some invertebrates are likely to fly out of harm's way. There could be some nests that could be disturbed. Pipits prefer the surrounding rough pasture, but some nests could be disturbed by noise if nests are too close to roads or the pit. With falcon it is easy to determine nesting by swooping behaviour.
15. Falcons have huge territories averaging 23 square kilometres per pair (in the Cardrona area) so it is unlikely there would be more than one to two pairs in the area. Disturbance would occur over a small proportion of their territories given the whole area will not be mined at any one time. The applicant's consultants have outlined the threat of uninsulated power poles and other electrical infrastructure such as transformers.
16. Should a falcon nest be made in the mining zone, vegetation clearance should be halted within 200 m until the young have fledged. Possibly noise from the mining may also deter the birds from nesting, and this should be monitored.
17. I agree that surveys should be undertaken to locate indigenous bird nests during the breeding season (September – March inclusive) and buffer zones established so that vegetation clearance within 50m of nests of any Threatened or At Risk species such as pipits should be halted until the young have fledged and similarly, vegetation clearance should be halted within 30m of nests for any other native bird species, AEE pg 97.
18. The AEE notes a black shag flew over the site during the survey (pg 72), but they are not resident given the existing ponds are not likely to provide much food.
19. The quality of the existing wetlands and ponds is not sufficient to entice rare waders or waterfowl.
20. If the Panel is considering compensation in relation to the BOGP, then potential avian compensation could be a contribution to The Kārearea Project at Cardrona that is

undertaking research and management of kārearea (falcon) species as well as benefitting other birds. That project is located about 15 km away from the BOGP and pest control could link the two sites.

#### **Feedback on G.04 Bendigo Avifauna Management Plan (AMP)**

21. On the face of it this plan reduces the adverse effects on the local bird populations. Pre-site preparation involves surveys to locate nests and then avoiding work around the nests until the chicks fledge.
22. The plan looks at reasonable ways to not kill birds, but nevertheless habitat will be lost until the area is rehabilitated. On the positive side there will be pest control over 2,500ha to benefit survival of nesting pairs and their offspring in the immediate vicinity. Targeting rats and hedgehogs for example will reduce predation on adult, chicks and eggs of smaller species. However, for mustelids 2,500ha of pest control is at the very minimum area for protection with existing control methods given how mobile mustelids are. They will need to maintain very low population densities of mustelids, and respond to seasonal variations, particularly around the perimeter as reinvasion, particularly in the spring when male mustelids are looking for females, and in the summer when juveniles from outside the protected area will be dispersing.
23. New techniques, for example 1080 sausage baits which are showing huge promise, could control mustelids in that area, but this will be a couple of years away until it gets registered, however indications are that this is very likely.
24. The management plan has very little detail of the actual implementation. For example, when surveying for nests at risk who will be doing this. How many personnel? What is their experience?
25. It is mentioned that falcon could be vulnerable to electrocution by flying into transmission lines (given their half metre wingspan). This would happen only around poles with transformers where birds could touch two different voltages at once. This is where the applicant needs to pay attention and ensure transmission lines are insulated to prevent electrocution.
26. These are matters that can be addressed by appropriate conditions in the management plan and wildlife approval.
27. Given that birds will inevitably be disturbed or killed or disturbed I would expect DOC would need to certify the AMP, and any changes or amendment to it by way of variation to the wildlife approval.

## **Comments on concessions**

28. *Ardgour Rise* – The construction of the Ardgour Rise Access track and Fibre Optic Cable installation could lead to avifauna disturbance through nest destruction and potential noise from 4WDs. The road construction should have the applicant's ecologists locating nests and halting work if found, to the distances specified for the construction of the main mining site. Little can be done for noise disturbance by 4WDs and may require compensation.
29. *Willow management* – willow management is very likely to benefit avifauna if willows are replaced with native trees and shrubs. Willows provide little food for birds in the form of fruits and nectar that native coprosmas, Corokias, wineberries, cabbage trees and flaxes can provide. Willows tend to smother native trees so is regarded as a serious pest. If Crack Willow is removed progressively rather than all at once, any birds living there could shift into the replanted sites without disruption. It would also be preferable for removal to be done in autumn so that nests of smaller native birds such as grey warblers and tomtits would not be destroyed. If trees are poisoned, these bird species may persist if planting of native scrub species coincides.
30. These matters can be addressed with appropriate conditions in concessions.

## **Conclusion**

31. While birds will be affected in the short term, all reasonable steps are proposed to be taken to reduce killing or disturbance particularly by ecologists surveying for nesting prior to habitat clearance. The application documents state clearance will be stopped within suitable distances until the nestlings fledge, and it is important that this is reflected in the final conditions.
32. 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 of which the mine would only take in a small proportion of their extensive territories.