

Applications for wildlife approvals

Clause 2 of Schedule 7 outlines the information required in an application for a wildlife approval.

Activities applied for (as set out in A.11 in Section 4) – the application states:

- To catch, salvage and relocate native lizard species listed in Schedule 1 prior to habitat disturbance at the BOGP site;
- To catch native lizards for the purposes of monitoring at the BOGP site and surrounding restoration and rehabilitation areas;
- Toe clip protected lizards listed in Schedule 1;
- To disturb, injure, or kill protected wildlife, including lizards listed in Schedule 1, birds listed in Schedule 2, and any other protected native species that may occur on site; and
- Undertake works affecting the habitat of lizards listed in Schedule 1, birds listed in Schedule 2, and any other protected native species that may occur on site

The applicant has also provided a “proposed Wildlife Act Approval and Conditions” at D.11, which includes (at Schedule 1, item 1) a description of the Authorised Activity proposed and lists tables of species. This is articulated differently than the activity description and species listed in A.11. To avoid confusion and for the purposes of this completeness assessment DOC has based its commentary on the activities listed a)-f) as per D.11. The activity listed in g) below is discussed below but not assessed.

Activities (as per D.11)

- a) 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 (see Map 1)
- b) Hold wildlife for up to 12 hours for the purpose of relocation after salvage.
- c) Undertake biodiversity monitoring of native lizards.
- d) Physically mark protected lizards listed in Schedule 4 using toe clipping methodology.
- e) To undertake works affecting the habitat of wildlife listed in Schedule 4 and Schedule 5.

- f) To disturb, injure or kill the wildlife species listed in Schedule 4 and Schedule 5 when unavoidable.
- g) Any accidental / unintentional harm to wildlife that could arise from any of the activities undertaken in relation to the Bendigo-Ophir Gold Project.

This assessment provides commentary in Table 3 below. It comments on whether the information requirements are met in relation to the species specific approvals sought i.e. for lizards (relating to bullets D.11 a,b,c,d,e,f) and avifauna (D.11 e,f).

DOC notes that it is unclear whether some of the approvals sought in the application would trigger the requirement for an approval under the Wildlife Act. For example, it is unclear what biodiversity monitoring is proposed in relation to approval D.11c), and whether that monitoring would involve disturbance of wildlife, or other activities such as marking, such that approval would be required. Similarly, in relation to proposed approval D.11e) which relates to ‘works affecting habitat’, it is unclear how this approval differs from that proposed in D.11f). Such ambiguity and lack of specificity in relation to the activities proposed to be undertaken limits the ability to which completeness can be assessed by DOC.

As no species are specified in relation to activity D.11 g) (and approvals would not be required for species which are not protected under the Wildlife Act), DOC has been unable to assess completeness in relation to this activity or proposed approval due to the lack of any information about the species that are specifically intended be covered by the approval sought. This information is not provided in the application, and it is considered that the approval sought for “any accidental/unintentional harm to wildlife” **would not meet** the information requirements of the FTAA.

For clarity, the assessment below relates only to approvals for lizards and birds and not any other species.

Table 3 – Assessment of Information Requirements Schedule 7 Clause 2

Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Commentary
(a) specify the purpose of the proposed activity:	<p><u>Lizards</u> Yes</p> <p><u>Avifauna</u> Yes</p>	A15 (pg 157)	<p><u>Lizards</u> Yes</p> <p><u>Avifauna</u> Yes</p>	<p>Information present and sufficient</p> <p>As above, it is noted there are inconsistencies around how activities are described between application documents.</p>
(b) 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):	<p><u>Lizards</u> Yes</p> <p><u>Avifauna</u> Yes</p>	<p>A.11 (pg 16)</p> <p>A.15 (pgs 156-157)</p> <p>A.13 (pg 2)</p> <p>D.11 (pgs 1-2)</p> <p>G.05</p> <p>G.04</p>	<p><u>Lizards</u> Yes</p> <p><u>Avifauna</u> Yes</p>	<p>Information present and sufficient</p> <p>It is noted the applicant advised during consultation that wildlife approvals would span across activities on Public Conservation Land (PCL) but it is stated in the application document that all activities will not be on PCL. However protected wildlife may also be present on PCL and approvals could be required to facilitate the activities proposed (e.g. concessions).</p>

Appendix 3 - Applications for wildlife approvals – Completeness assessment

Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Commentary
(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953:	All Yes	A.15 (pgs 542-545)	All Yes	Information present and sufficient
(d) 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:	Lizards Yes Avifauna Yes	A.15 (pgs 161-165) A.11 G.05 (pg 8-9) G.04 (pgs 9-10)	Lizards Yes Avifauna Yes	Information present Lizards Although information present, it appears misidentification of species may have taken place (McCann's skink – Tussock Skink).
(e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	Lizards Yes Avifauna Yes	A14 (pgs 161-165) B.08 (pgs 82-134) G.05 (pgs 13-14) G.04 (pgs 11-12)	Lizards Yes Avifauna Yes	Information present and sufficient
(f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:	Lizards Yes Avifauna Yes	A.15 (pgs 165-166) G.05 (pgs 15-18) G.04 (pgs 11-12)	Lizards: Yes Avifauna Yes	Information present and sufficient Lizards It is noted that there are inconsistencies identified between the LMP and methods proposed in D.11.

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Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Commentary
(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	<p><u>Lizards</u> Yes</p> <p><u>Avifauna</u> Yes</p>	A.15 (pg 166) G.05 (pgs 14-22) G.04 (pgs 8-14)	<p><u>Lizards</u> Yes</p> <p><u>Avifauna</u> N/A</p>	Information present and sufficient
(h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):	<p><u>Lizards</u> Yes</p> <p><u>Avifauna</u> Yes</p>	A.15 (pg 166) A.11 (pg 16) G.05 (pg 14,18) G.08 (pg 14) D11 (pg 13)	<p><u>Lizards:</u> Undetermined</p> <p><u>Avifauna:</u> Yes</p>	<p>Information present</p> <p><u>Lizards</u> It is unclear whether the approval spans across the entire BOGP site (including PCL) as referenced in some documents but not others, and whether the approvals are intended to apply to activities affecting protected wildlife undertaken on PCL.</p>
(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	<p><u>Lizards</u> Yes</p> <p><u>Avifauna</u></p>	D11 (pgs 1) G.05 (pg 10-14) G.04 (pg 15)	<p><u>Lizards:</u> Yes</p> <p><u>Avifauna</u></p>	Information present and sufficient

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	Yes		N/A	
(j) 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:	Lizards Yes Avifauna Yes	A.13 (pgs 31-53) A.14 (pgs 6-9) A.15 (pgs 166-167) G.05(pg 9) G.04 (pgs 10-11)	Lizards: No Avifauna: Yes	Information present Lizards All effects have not been identified; they have been provided at a high-level and there are gaps around the scale of effects.
(k) 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):	Lizards Yes Avifauna Yes	A.13 (pgs 6-7) A.14 (pgs 6-9) A.15 (pg 167) G.04 (pg 11) G.05 (pg 14) G.07A (pgs 19, 31, 32, 37, 43, 47, 51-51, 53, 55, 62, 64, 74, 77,78) G.10 (pgs14, 20, 21, 23, 41, 66-68) G.09 (pgs. 43,46 ,48, 66,67)	Lizards Yes Avifauna Yes	Information present Lizards As only a limited range of effects have been recognised in the application subsequently the methods proposed to avoid or minimise these effects are also limited. But methods have been outlined.
(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the	Yes	A.15 (pgs 167-168)	Yes	Information present and sufficient

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application has been convicted of any offence under the Wildlife Act 1953:				DOC has not identified any offences relating to the applicant under the Wildlife Act 1953.
(m) 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:	Yes	A.15 (pgs 551-552)	Yes	Information present and sufficient DOC has not identified any offences relating to the applicant under the Wildlife Act 1953.
(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Yes	A.12	Undetermined	Information present Limited information on the wildlife approval was shared with DOC prior to lodgement of the application. This did not include a copy of the application documents or set out what specific approvals would be sought. DOC requested this clarification during the process alongside proposing dates for further workshops regarding lizards which have not been undertaken or scheduled to date.

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Relevant section	Is the information present? Y/N	Application document reference	Is the information provided in sufficient detail? Y/N	Commentary
				DOC is unable to determine whether consultation with hapū or iwi, on the application in relation to wildlife impacts including proposed methods has been 'sufficient'.
(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Yes	B.08, B.09, B.10, B.11, B.14, B.15 G.02, G.03, G.04, G.05, G.07A, G.07B, G.08, G.09, G.10, G.12	Yes	Information present and sufficient