

September 2026

Fast-track Approvals Act wildlife approval report

Section 51(2)(c) wildlife approval report for –
FTAA-2605-1238 Barrytown Minerals Project



Department of
Conservation
Te Papa Atawhai

**Te Kāwanatanga
o Aotearoa**
New Zealand Government

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1.0 Introduction

- 1.1 On 8 June 2026, Tāiko Critical Minerals (TCM) lodged a substantive application with the Environmental Protection Authority (EPA) for the Barrytown Minerals Project (the Project). On 29 June 2026, EPA determined that the application was complete and complied with section 46(2) of the Fast-track Approvals Act 2024 (FTAA/the Act).
- 1.2 TCM has applied for capture, handling, relocation and liberation and incidental killing of lizards. They have also applied for handling of petrels and kororā, and disturbance and incidental killing of other birds present.
- 1.3 On 9 July 2026, 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 in accordance with clause 3 of Schedule 7. This report is due on 14 September 2026.

2.0 Purpose of the report

- 2.1 This report provides commentary on information provided by the applicant to support the Expert Consenting Panel's (the Panel's) assessment of the application for wildlife approvals for lizards and avifauna. The content of this report has been informed by information from our Treaty partners, where available.
- 2.2 In accordance with clause 3 of Schedule 7, this report must address the following matters:
 - 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.
 - 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).
 - Any conditions that should be imposed to manage the effects of the activity on protected wildlife.
 - 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

Lizards

- 3.1 The proposed project has the potential to impact four species of indigenous lizards (two skinks and two geckos), including a Threatened-Nationally Vulnerable species). Additional species are likely to be in the surrounding landscape although suitable habitat for them has not been identified as present within the project footprint. No baseline survey has been undertaken and consequently it remains unknown which species are present and will be directly impacted, how they might be distributed throughout the project area and in what densities.

- 3.2 The assessment incorrectly identifies Canterbury grass skink as occurring at Barrytown; this should instead refer to northern grass skink.
- 3.3 The proposed Lizard Management Plan (LMP) dated March 2026 provides for an initial survey and subsequent salvage operation. It is understood that subsequent versions of the LMP have been prepared; however, these have not been provided to or reviewed by DOC and therefore comments on the proposed LMP are in response to the March 2026 version.
- 3.4 The primary mitigation proposed for lizards is a survey and salvage programme using standard capture methods. While the proposed methods and survey effort are generally appropriate for the skink species likely to be present, they are not adequately designed to detect or capture West Coast green gecko (*Naultinus tuberculatus*; Threatened - Nationally Vulnerable). As a result, the effectiveness of the proposed approach for this species is uncertain.
- 3.5 The proposed release strategy is also insufficiently developed. No pest animal control is proposed at the release site, and no information has been provided on lizard presence or abundance at the proposed release site. Consequently, the proposal does not meet several key requirements for a successful lizard release.
- 3.6 In the absence of baseline survey information from the project area and surrounding habitats, significant uncertainty remains regarding both the effects of the proposal on lizards and the adequacy of the proposed mitigation measures. These information gaps make it difficult to determine whether the effects management package is sufficient to avoid, remedy, or mitigate adverse effects on lizard populations. While subsequent revisions to the LMP may have addressed some of these matters, these revisions have not been made available to DOC for assessment.

Avifauna

- 3.7 The proposed mining activities have the potential to affect a wider range of protected avifauna than currently identified in the Avian Management Plan.
- 3.8 Management of effects on breeding birds relies heavily on deterrence to prevent nesting within the area to be mined over the breeding season; the effectiveness of which is highly uncertain.
- 3.9 There is no protection proposed for nests of Threatened or At-Risk species located where the mining activity will reach before the chicks fledge. There is also no protection proposed for nests of Not Threatened native species discovered within the area to be mined over the breeding season. Accordingly, there is risk of protected species mortality associated with the mining activities.
- 3.10 The management measures do not provide for targeted searches for grounded Westland petrels on nights where equipment repairs or other unforeseen circumstances necessitate the use of artificial lighting.
- 3.11 There is likely to be a temporary loss of wetland habitat for avifauna.

- 3.12 Department of Conservation input/consultation is not currently required as part of development and review of avifauna management plans. It is important that consultation with DOC be required to provide greater certainty that any changes/amendments needed to improve avifauna management and protection at the site are identified.
- 3.13 The authorised activities listed in Schedule 1 of the proposed Wildlife Approval conditions do not cover the full suite of activities requiring approvals, including handling of uninjured kororā and incidental killing of protected bird species.

4.0 Sources

- 4.1 Sources reviewed were limited to the documents provided as part of the substantive application. No further information or revised documents were provided to DOC for review.
- 4.2 Dr Elizabeth (Liz) Parlato holds a PhD in Ecology and has more than 15 years' experience in threatened bird research, management and ecological effects assessment. She has published 21 peer-reviewed scientific papers and two book chapters and is a member of specialist threatened bird advisory and recovery groups. Expert evidence from Dr Parlato is included as **Appendix A**.
- 4.3 Jacqueline Wairepo is an independent ecological consultant and specialist herpetologist with more than 15 years' experience in wildlife management. She holds a Master of Science in Conservation Biology and specialises in indigenous lizard management for development and infrastructure projects.

5.0 Context and background

5.1 Project overview

- 5.1.1 The Southern Block covers approximately 408 ha of the Barrytown Flats. Mining is proposed across about 280 ha, with up to 72 ha of additional earthworks also occurring outside the mining disturbance area to support recontouring and rehabilitation.
- 5.1.2 Mining will disturb up to 16 ha at any one time through vegetation clearance, topsoil stripping, excavation, active mining, tailings and overburden placement, bund construction, and progressive rehabilitation. Each mining strip will be approximately 100 m wide and up to 10 m deep, with mining progressing from west to east.
- 5.1.3 Vegetation around creeks, drains and former dredge ponds, some of which may provide lizard habitat, will be removed 2 to 3 weeks before mining. Open pasture may also provide habitat for breeding birds. Pre-mining surveys and monitoring will identify nesting birds and lizards, with measures used to discourage birds from nesting in proposed mining areas. If kororā are detected, fencing will be installed to prevent them entering the disturbance area. Any lizards found will be captured and released into enhanced habitat within previously revegetated areas.

5.2 Summary of wildlife approval sought

- 5.2.1 Wildlife approval is sought to authorise the capture, handling, temporary holding, and relocation of lizards that may be affected by vegetation clearance, earthworks, and associated mining activities. The substantive application cites “Capture and relocation of lizards to remove them from clearance areas”.
- 5.2.2 Avifauna wildlife approvals are sought for “Activities relating to birds that include disturbance (including applying deterrents and managing nests) and handling (including of grounded seabirds and kororā accidentally discovered as set out in the Avian Management Plan)”¹.
- 5.2.3 Wildlife approval is also sought to authorise the incidental killing of lizards unable to be salvaged prior to works occurring and the incidental killing of nesting birds, chicks and eggs that will not fledge before mining activity reaches them.
- 5.2.4 The term of the Wildlife Act Authorisations being sought is 35 years (consistent with the relevant resource consent approvals), with review every 10 years.

5.3 Lizard presence and habitat

- 5.3.1 The Barrytown South Mineral Sand Project site contains limited and generally low-quality lizard habitat. However no dedicated lizard survey has been undertaken to adequately inform the suggested management framework for the range of lizard species that may be impacted by this project, and no lizards have been incidentally encountered.
- 5.3.2 Potential habitat occurs within areas of rough exotic pasture, particularly south of Cargill Road, as well as small areas of indigenous coastal shrubland and flaxland. Woody debris, rock piles and cobble areas may also provide shelter for lizards. Rank pasture and riparian vegetation that has not been regularly grazed may provide the most suitable habitat within the proposed disturbance area.
- 5.3.3 The LMP has identified the site as being within the known distribution of the West Coast green gecko (*Naultinus tuberculatus*; Threatened - Nationally Vulnerable), Forest gecko (*Mokopirirakau granulatus*; At Risk - Declining) and Newman's speckled skink (*Oligosoma aff. newmani* “Westland”; At Risk – Declining (incorrectly classified in the LMP as Threatened - Nationally Vulnerable)).
- 5.3.4 The Canterbury grass skink (*Oligosoma aff. polychroma* Clade 4; At Risk - Declining) was incorrectly identified as occurring at Barrytown. This should refer to the northern grass skink (*Oligosoma polychroma*; Not Threatened), whose known range includes Barrytown and extends south to Hokitika.

¹ Page 5, Wildlife Act Authorisation Technical Report.

5.3.5 The two gecko species are considered unlikely to occur within the mining area because mature indigenous vegetation is largely absent and the remaining habitat is fragmented. Skinks may be present in rank pasture, shrubland and flaxland within the proposed mining footprint.

5.4 Effects of the proposed activity on Lizards

5.4.1 The proposed mining activity will remove vegetation and disturb ground within areas that may provide habitat for indigenous lizards. These works could injure or kill lizards during vegetation clearance and earthworks. They will also remove or modify habitat used for shelter, foraging and thermoregulation.

5.4.2 Potential effects are expected to be greatest within rank pasture, shrubland and flaxland. Although the available habitat is generally of low quality, the presence of lizards at low densities cannot be ruled out. Because lizards can be difficult to detect, particularly where populations are small, complete avoidance of effects may not be practicable. The proposed management approach therefore relies on pre-clearance surveys, search and salvage, relocation, and enhancement of release habitat.

5.5 Lizard Management (pre-works vegetation management, salvage)

5.5.1 The applicant proposes that, before any vegetation clearance, a suitably qualified and experienced herpetologist will survey potential lizard habitats, including the proposed relocation sites. Surveys will include targeted manual searches and the use of artificial cover objects. The purpose of the surveys is to confirm whether lizards are present and, where possible, determine the species, distribution and relative abundance of any lizards found.

5.5.2 The survey findings will then inform the appropriate approach to lizard mitigation. The LMP provides separate protocols for situations where no lizards are detected, where Not Threatened or At-Risk species are detected, and where Threatened species are detected.

5.5.3 **Zero Detection Protocol:** If the pre-mining survey does not detect lizards, no search and salvage plan is required. Results of the survey will be provided to the Department of Conservation to be assessed for their validity. If a lizard is later injured or killed during mining, DOC will be notified and the relevant protocol will apply, based on the species' threat classification.

5.5.4 **'Not Threatened' species Protocol:** Search and salvage will be undertaken in rough pasture, indigenous coastal shrubland and flaxland before and during vegetation clearance between October and April. Systematic daytime searches will be undertaken in suitable weather conditions. At least 135 artificial retreats will be installed at least six weeks before a minimum four-day trapping period, and 60 funnel traps will be installed three days before clearance and checked daily.

5.5.5 Where lizards are detected, the project herpetologist will supervise machine assisted destructive vegetation clearance until they are satisfied that lizards are unlikely to remain. All captured lizards will be handled in accordance with the approved protocols and released at a designated release site within two hours.

- 5.5.6 **'Threatened' species Protocol:** Pre-clearance surveys will use species-appropriate passive and active methods for at least four weeks before clearance. Methods may include artificial cover objects, funnel traps, manual searches, nocturnal spotlighting, tracking tunnels, wildlife cameras, environmental DNA sampling and machine-assisted searches.
- 5.5.7 Before vegetation clearance, systematic daytime searches and live trapping will be undertaken in suitable weather conditions. A minimum of 135 artificial retreats will be installed at least six weeks before a minimum six-day trapping period. A minimum of 60 funnel traps will be installed three days before clearance, checked at least every 12 hours.
- 5.5.8 Where Threatened lizards are detected, habitat will be dismantled by hand or cleared using machinery under the project herpetologist's supervision. Searches will continue until the supervising ecologist is satisfied that lizards are unlikely to remain. All captured lizards will be released at a designated release site within two hours.
- 5.5.9 Search and salvage will cease when no lizards are detected during the required four-day period for Not Threatened or At-Risk species, or six-day period for Threatened species, or where the herpetologist determines that the habitat is no longer suitable for lizards. If lizards continue to be detected at the end of the required period, searching and trapping will continue at the same level of effort until no lizards are captured for at least 24 hours.

5.6 Lizard Release sites

- 5.6.1 Captured lizards will be released into retained or rehabilitated habitat within the Southern Block, including restored riparian planting along Granite Creek, existing planted areas, flaxland, dry vegetation around constructed wetlands, and any other suitable habitat identified by the project herpetologist.
- 5.6.2 Potential lizard habitat is mainly located within areas scheduled for mining during the later stages of the project. By this time, areas rehabilitated and planted during the initial mining stages will have had approximately 8 to 10 years to establish and will be available as potential lizard release habitat. Release sites are intended to provide habitat of a similar or better quality than the habitat removed by mining.
- 5.6.3 At least five eco-stacks, comprising rock, logs and woody debris, will be established at least six weeks before salvage. Additional eco-stacks will be provided at a rate of one per 10 salvaged lizards.

5.7 Pest control

- 5.7.1 The Lizard Management Plan does not specify pest-control measures for the release sites. The plan relies primarily on habitat retention, rehabilitation and the provision of artificial refuges to support relocated lizards.

5.8 Lizard Monitoring

- 5.8.1 If more than 50 lizards are relocated, annual monitoring will assess their persistence at release sites for the life of the mine and one year after closure. The LMP will be updated to specify suitable monitoring methods suited to the species detected and the release sites used.

5.9 Reporting

- 5.9.1 Within 20 working days of each salvage operation, the project herpetologist will report results to the consent holder, DOC and the West Coast Regional Council. Capture records will also be submitted to the DOC Herpetofauna Database, consistent with the Wildlife Act authority.

5.10 Lizard Contingency measures

- 5.10.1 The application does not adequately address Principle 9 of the Key Principles for Lizard Salvage and Transfer in New Zealand, which requires contingency actions to be identified where salvage and transfer activities fail to achieve the intended outcomes. Given the inherent uncertainty associated with actual lizard values at this site, contingency triggers and corresponding management actions are necessary to ensure that no net loss of lizard populations and habitat occurs. No such triggers or contingency measures have been provided, and therefore it remains unclear how the applicant would respond if post-transfer monitoring indicated that the mitigation measures are ineffective.

5.11 Avifauna presence and habitat

- 5.11.1 There is avifauna habitat within the site, including pasture, indigenous coastal shrubland, flaxland and wetlands.

- 5.11.2 The Ecological Effects Assessment (EEA) reports 104 avifauna taxa have been recorded within 10 km of the site prior to December 2024, based on eBird database records. This desktop assessment has been supplemented by two acoustic recorder surveys (July 2024 (13 recorders) and October 2024 (14 recorders)) within the Southern Block application area and 5-minute bird counts at 22 locations within the site. The time of year the 5-minute bird counts were undertaken is not reported. The site surveys recorded 33 bird species (including 20 native species, four of which are 'Threatened' or 'At Risk').

- 5.11.3 The EEA identifies 14 Threatened or At-Risk species as likely to use the Southern Block, but the assessment does not identify how many Not Threatened species are likely to use the site.

5.12 Effects of the proposed activity on avifauna

- 5.12.1 Impacts on avifauna associated with the proposed activities include:

- Habitat clearance.
- Disturbance due to mining operations (e.g., machinery, lighting) and measures implemented to deter birds from the mining area, including disruption of movements and nesting activity.

- Injury or mortality (including nest mortality) due to vegetation clearance, dredging or vehicle movements.

5.12.2 The Wildlife Authorisation Technical Report (WATR) identifies six At-Risk birds considered to be at risk of negative effects of from mining operations. These include:

- Banded dotterel (*Charadrius b. bicinctus*; At Risk – Declining)
- Red-billed gull (*Chroicocephalus novaehollandiae*; At Risk – Declining)
- South Island pied oystercatcher (*Haematopus finschi*; At Risk – Declining)
- Variable Oystercatcher (*Haematopus unicolor*; At Risk – Recovering)
- Kororā | little penguin (*Eudyptula minor*; At Risk – Declining)
- Westland petrel (*Procellaria westlandica*; At Risk – Naturally Uncommon)

5.13 Avian Management

Bird surveys and monitoring

- 5.13.1 Seasonal surveys involving five-minute bird counts and acoustic monitoring at 31 locations across the site in varying habitats are proposed to be undertaken in spring, summer, autumn and winter each year until 12 months after mining completion.
- 5.13.2 To detect potentially breeding birds, pre-breeding season fortnightly detection surveys are proposed between 10 July and the onset of breeding or 14 September (whichever is earliest). Weekly detection surveys are proposed between the start of breeding and 31 January. These surveys will involve observers walking over the area to be mined over the breeding season, as well as adjoining areas within 50 m. The purpose of these surveys is to identify birds to be deterred from nesting and to detect any nesting attempts. All nest attempts will be recorded, including location, date and time of observations, stage of breeding and nest outcome where known.
- 5.13.3 The AMP recognises there is limited information currently available on the presence of kororā at the site. Accordingly, pre-mining monitoring is proposed to be conducted for a minimum of two years prior to mining activity commencing, and annually for the duration of mining. This monitoring includes conservation dog surveying (with a contingency to use other methods if a certified dog is not available), fortnightly beach walks during the kororā breeding season, the use of wildlife cameras along the coastal fringe of the mining area (to improve understanding of where kororā are coming ashore) and investigation of all potential burrows to determine kororā use.

Nest management

- 5.13.4 In addition to the regular walk-overs, measures proposed to discourage nesting involve livestock grazing, installing streamers/tapes, machinery parking and the use of acoustic deterrents. These techniques may temporarily work to deter nesting but—as acknowledged in the AMP—birds

habituate to these approaches relatively quickly and as such, they are unlikely to maintain their effectiveness.

- 5.13.5 If a nest of a Threatened or At-Risk species is discovered within the area to be mined and the nest is located far enough in advance of mining that the nest could successfully fledge chicks, the AMP proposes measures to protect the nest; including establishment of a 20 m buffer/no go zone around the nest using tape/markers until the chicks have fledged and twice weekly nest monitoring from outside the buffer.

Lighting Management

- 5.13.6 Kororā and Westland petrel may be adversely affected by artificial lighting associated with the proposed mining operations, as both species are susceptible to light-induced disorientation. To minimise these effects, the applicant proposes to restrict mining activities to daylight hours, with artificial lighting used only where necessary for equipment repairs or other unforeseen operational circumstances.
- 5.13.7 Where night-time lighting is required, lights will be directed and shielded and operated at the lowest practicable intensity. Additional mitigation measures include requiring vehicles to travel at speeds not exceeding 15 km/h and to use dipped headlights at all times. The AMP also provides that, should a vehicle strike occur, the AMP will be reviewed and updated as necessary to avoid further mortality.

Handling protected wildlife

- 5.13.8 No handling of birds other than kororā or Westland petrel is proposed. If an uninjured kororā is found on site, gentle shepherding is proposed to encourage them to move to safe areas. If relocating the kororā to safety requires physical contact, this is only to be done by DOC-permitted handlers named on the Wildlife Authority. The AMP notes that injured or sick kororā will be placed in a warm dark place and transferred to the Greymouth DOC office.
- 5.13.9 If a live grounded Westland petrel is found within the site, the AMP proposes that a suitably qualified and authorised person capture the bird and place it in an appropriate enclosure in a warm, dark location. The DOC emergency hotline must then be contacted, and the bird transferred to the DOC Greymouth office as soon as practicable. To support this response, a sturdy net, leather gloves and a suitable lined enclosure, such as a box, crate or cage, will be kept on site.

Fencing

- 5.13.10 To deter kororā from entering the mining area, and guide them to inland nesting areas, the AMP proposes to construct fencing along the coastline, extending inland around each active mining section.

5.14 Avian habitat values

- 5.14.1 The project's effects management is reliant on construction of the new wetland and associated indigenous planting (~53 ha). This wetland reconstruction will occur in Years 1 and 2 in the northern section of the Southern block and in Years 10 and 11 in the middle section. The EEA estimates that a basic level of ecological function will be achieved after 5 years.
- 5.14.2 The completed wetland will cover an area of >50 ha, with a range of ecological features that will provide habitat for avifauna, including:
- At least 5.3 ha of shallow marsh with an average depth of 0.4 m
 - At least 2.8 ha of mid-depth water with an average depth of 1 m
 - At least 4.8 ha of deep open water with an average depth of 2 m
 - At least 16.8 ha of flaxland and dry edge indigenous vegetation
 - At least 5.9 ha of Carex rushlands
 - At least 14.3 ha of raupo
 - At least 3.2 ha of raised islands
 - Riparian planting of 3-5m in width either side of channel

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

6.1 Statutory context

- 6.1.1 Schedule 7 clause 1 defines "wildlife approval" as meaning a lawful authority for an act or omission that would otherwise be an offence under any sections 58(1), 63(1), 63A, 64, 65(1)(f), 70G(1), 70P, 70T(2) of the Wildlife Act 1953.
- 6.1.2 The incidental killing of wildlife, without lawful authority, is an offence under s63 and s70G(1) of the Wildlife Act 1953 (Wildlife Act).
- 6.1.3 Relevantly, s63 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 s68AB 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. For this application, the potential killing of lizards unable to be salvaged, and the killing of nesting birds, chicks and eggs that will not fledge before mining activity reaches them, cannot be treated as accidental because those outcomes are anticipated and foreseeable. Therefore, authority to incidentally kill these species is required.

- 6.1.4 Section 65(1)(f) and s70P 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.
- 6.1.5 The Wildlife Act does not enable the Director-General to authorise 'disturbance' of protected wildlife as a standalone activity. Under section 53(1), authorisations are limited to the catching alive or killing of partially protected and absolutely protected species. Although disturbance incidental to an authorised capture or killing may be encompassed by such an authorisation, activities involving the disturbance of wildlife that are not associated with capture or killing cannot be authorised under the Act.
- 6.1.6 In the example wildlife authority provided as appendix P2 of the substantive application, the applicant has included among the activities to be authorised: "Deterring birds prospecting for nests from the mining area in advance of mining and discouragement of breeding there." Further, page 5 of the Wildlife Act Authorisation Technical Report states "In terms of activities that approvals are sought for: Activities relating to birds include disturbance (including applying deterrents and managing nests)."
- 6.1.7 In *Shark Experience Limited v PauaMAC5 Incorporated* [2019] NZSC 111, the Supreme Court took a narrow view of the term "disturbing" under section 63A of the Wildlife Act 1953. According to the Supreme Court, "disturbing" means an action which physically or mentally agitates the protected animal to a level creating a real risk of significant harm.
- 6.1.8 It is DOC's opinion that the proposed bird deterrence activities will not cause the level of significant harm described in the Supreme Court definition, thus a wildlife approval is not required.
- 6.1.9 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.
- 6.1.10 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.
- 6.2.2 The Wildlife Act creates a tiered system, with different levels of protection required for different species. Most wildlife is absolutely protected – meaning that it cannot be lawfully hunted, killed, harassed or possessed without specific authorisation. The Wildlife Act also identifies wildlife that is not protected.
- 6.2.3 In assessing the application against the purpose of the Wildlife Act, it is relevant to consider protection at both the individual level (e.g. minimising impacts, safe capture and handling) and population level (e.g. taking into account benefits offered by habitat enhancement etc).

- 6.2.4 Where removal of lizard habitat is undertaken, lizard salvage will protect, to some extent, lizards that would otherwise be harmed by works (e.g. vegetation clearance) associated with the Project. However, salvage comes with risks. Salvage only protects those animals that are captured. Despite best practice methods, it is unlikely all affected animals will be captured. For those that are captured, successful establishment and survival at the release site is not guaranteed.
- 6.2.5 DOC has developed key principles for lizard salvage and transfer in New Zealand, which are relevant to consider when assessing whether a lizard salvage proposal will adequately protect lizards. The key principles, discussed in this report where applicable, include:
- Lizard species' values and site significance must be assessed at both the impact (development) and receiving sites.
 - Actual and potential development-related effects and their significance must be assessed.
 - Alternatives to moving lizards must be considered.
 - Threatened lizard species require more careful consideration than less-threatened species.
 - Lizard salvage, transfer and release must use the best available methodology.
 - Receiving sites and their carrying capacities must be suitable in the long term.
 - Monitoring is required to evaluate the salvage operation.
 - Reporting is required to communicate outcomes of salvage operations and facilitate process improvements.
 - Contingency actions are required when lizard salvage and transfer activities fail.

6.3 The role of species management plans

- 6.3.1 Wildlife Act approvals for wildlife salvage typically include approval of a species management plan as part of the process. That is, an applicant provides a species management plan with their application, detailing proposed actions. The detail in the species management plan informs the assessment against the purpose of the Wildlife Act and, if the application is approved, the Wildlife Act authorisation is conditional on compliance with the approved plan.

6.4 Lizard Species Values

- 6.4.1 West Coast green gecko is classified as Threatened – Nationally Vulnerable. It is mainly arboreal and requires well-developed indigenous shrubland or forest, particularly dense mānuka and kānuka canopy, which provides shelter, food and opportunities for movement. Potential habitat at the site is limited to small areas of indigenous coastal shrubland.
- 6.4.2 Newman's speckled skink is classified as At-Risk - Declining. It is a ground-dwelling species associated with structurally complex ground cover, including rank vegetation, rock and cobble, woody debris and other refuges. Rough pasture and rocky or debris-filled areas within and adjoining the site may provide habitat.

- 6.4.3 Forest gecko is also classified as At Risk – Declining. It is primarily arboreal and requires indigenous forest or shrubland that provides cover, feeding areas and suitable retreats. The main potential habitat at the site are the small and fragmented areas of coastal shrubland.
- 6.4.4 Northern grass skink is classified as Not Threatened. It occupies sunny, open habitats, including rank grassland, scrub, coastal areas and urban gardens. It requires suitable basking sites and dense ground cover, rock piles or crevices for shelter and protection from predators.

6.5 General assessment of the Lizard Management Plan

- 6.5.1 DOC reviewed the March 2026 LMP, which was approved in May 2026. The LMP was revised in August 2026, but DOC has not received or reviewed that version. A further revision is also underway. The August revision may address issues raised in this feedback, however, until DOC reviews the latest LMP, the following comments remain relevant.
- 6.5.2 The WATR identifies Dr Graham Ussher and Matt Charteris as personnel responsible for lizard-related work. Dr Ussher is recognised as an experienced herpetologist and is supported for this work. However, the WATR does not provide sufficient information about Mr Charteris's qualifications and experience to determine whether he is suitably qualified. The Applicant must provide Mr Charteris's credentials for DOC's assessment. Unless DOC confirms that he is suitably qualified and experienced to undertake lizard salvage, he must carry out all salvage work under Dr Ussher's direct supervision.

Survey

- 6.5.3 The absence of a targeted lizard survey is a significant information gap. Without survey data, the lizard species present on the site, and their distribution within and around the project's impact area, remain unknown. This limits the ability to assess potential effects and develop an appropriate species-specific management response.
- 6.5.4 The proposal assumes that grazing and other disturbance have confined lizards to marginal habitats, including riparian areas and shelterbelts. This assumption is not sufficiently precautionary, as species such as northern grass skink may occupy suitable microhabitats within grazed pasture. Accordingly, the available information does not provide sufficient confidence that effects on lizards have been fully identified or that the proposed mitigation package will adequately address those effects.

Lizard management

- 6.5.5 The proposed mitigation package relies solely on lizard salvage and relocation to address the project's effects on lizards. While the proposed methods use standard capture techniques and are generally appropriate, the level of effort is insufficient. Trapping must be undertaken for a minimum of five days rather than the proposed three days. Artificial cover objects should also be checked on alternate days across the survey period to minimise disturbance that could deter lizards from using them.

- 6.5.6 The application seeks authorisation for West Coast green gecko (*Naultinus tuberculatus*; Threatened – Nationally Vulnerable) but does not include adequate species-specific survey effort, methods, duration or release management. The LMP must be revised to include a species-specific contingency plan that demonstrates how the species will be surveyed for and managed if detected. This must be consistent with Principle 4 of DOC’s Key Principles for Lizard Salvage and Transfer.

Release site and pest control

- 6.5.7 There are significant concerns about the suitability of the proposed release site near Granite Creek, including its size, carrying capacity and exposure to ongoing disturbance from mining and restoration activities. No information has been provided on the likely number of lizards that will require relocation or the existing lizard population at the release site. Consequently, it is not possible to determine whether the site has sufficient capacity to support relocated lizards without adversely affecting the resident population.
- 6.5.8 The proposal must also provide adequate protection for relocated lizards at the release site, including effective control of resident predators. The limited pest animal control proposed within the wetland restoration area is primarily intended to benefit birds and is unlikely to provide adequate protection for lizards. Selective control of some pest species may also have unintended ecological consequences, including increased numbers of established lizard predators, particularly mice. A targeted, evidence-based predator-control programme is therefore required to support the survival and establishment of relocated lizards.
- 6.5.9 The proposed release site will be enhanced using eco-stacks comprising logs, rocks and other material salvaged from the impact area. These structures must be designed and constructed specifically to meet lizard refuge requirements. Unless they provide sufficiently dense and appropriately sized micro-refugia, they are unlikely to adequately protect relocated lizards from mice and other predators. It is recommended the applicant’s ecologist consider purpose-built rock stacks designed in accordance with research on lizard interstitial-space requirements.
- 6.5.10 Canoe Creek has been suggested to the Applicant’s ecologist as a potentially more suitable release site for the first seven-year stage of works. Its larger size and connection to the surrounding landscape may reduce carrying-capacity constraints. It would also provide greater separation from ongoing mining disturbance and is likely to offer higher-quality lizard habitat through mature and structurally complex refugia.
- 6.5.11 Predator management and targeted habitat enhancement would still be required at Canoe Creek to ensure salvaged lizards have immediate access to secure refuge. DOC is supportive in principle of this option, provided the Applicant assesses and prepares the site in accordance with current best-practice guidance and demonstrates that it has adequate carrying capacity, habitat quality and long-term protection.

Term

- 6.5.12 Although lizard management is required for the duration of the project, the LMP should be reviewed and updated every seven-years. This would provide appropriate review points and ensure the LMP remains consistent with current best practice, species knowledge and lizard threat classifications as the staged works progress.

6.6 Avian Species Values

- 6.6.1 It is considered that there is potential for more Threatened or At-Risk species to be present at the site than the 14 species identified. For example, there are eBird records within 10 km of Australasian bittern (*Botaurus poiciloptilus*; Threatened – Nationally Critical) and marsh (Baillon's) crane (*Zapornia pusilla*; At Risk – Declining), which may use the wetland habitat within the Southern Block.
- 6.6.2 Bittern are a cryptic species that are difficult to detect². They are also highly mobile, often moving between neighbouring wetlands to forage and occasionally undertaking long-distance flights (>100 km). As a result, they rely on a landscape-scale network of wetlands. Although bittern may only occupy certain wetlands for a few hours or days before moving on, these sites can still provide important habitat. Given their highly mobile nature, there is potential for bittern to use the wetlands in the Southern Block, although use may be intermittent. Marsh crane are cryptic and secretive birds that are also difficult to detect. Consequently, even where species such as bittern and marsh crane have not previously been recorded, this does not necessarily indicate absence.
- 6.6.3 The WATR identifies sixteen high value species that are likely to use the site. In addition to these sixteen species, other species known to utilise habitat types found within the site have been recorded nearby. As noted above, this includes wetland species such as bittern and marsh crane but also includes other species, such as pipit (*Anthus novaeseelandiae*; At Risk – Declining) which have been recorded within 10 km and utilise open habitats for nesting, including pasture.
- 6.6.4 In addition, a number of protected Not Threatened native species have been recorded at the site. The EEA recognises that some of these species are likely to be nesting within the proposed mining area.
- 6.6.5 It is therefore recommended that the Avian Management Plan and wildlife approvals appropriately identify and address effects on all protected bird species potentially affected by the proposed activities and specify effective measures to manage adverse effects on those species.
- 6.6.6 Kororā and Westland are listed as taonga species in the Ngāi Tahu Claims Settlement Act 1998.

² Williams EM 2024. Conservation management of the critically endangered matuku-hūrepo / Australasian bittern: A review of threats and preliminary management techniques. Science for Conservation 341, Department of Conservation, Wellington. 64p

6.7 Avian habitat values

- 6.7.1 While progressive rehabilitation and wetland creation are proposed as key mitigation measures, there is uncertainty regarding the timing of habitat loss and reinstatement, including the extent and duration of any temporary net loss of functioning wetland habitat during the life of the project.
- 6.7.2 To avoid the loss of wetland habitat for avifauna, it is recommended that existing wetlands within the section to be mined be protected or maintained until at least the same area of the constructed wetland has reached its functioning state. If the current wetland extent cannot be maintained, then an appropriate effects management response is required.
- 6.7.3 Acknowledging this potential habitat loss, and the lack of formal assessment to confirm no net loss in the long-term, it is considered that the proposed remediation is likely to provide suitable and improved quality of habitat for avifauna following completion.

6.8 Deterrence and killing of avian species

- 6.8.1 The AMP includes some measures intended to address the effects of the proposed activities but does not adequately address the full range of potential effects on native bird species or demonstrate that the proposed measures will be effective.
- 6.8.2 There is uncertainty as to whether the proposed deterrent measures will prevent birds from nesting within habitat scheduled for clearance during the breeding season. If these measures are ineffective, the AMP provides limited protection for affected nests and nesting birds. Although the AMP proposes avoiding mining near important avifauna habitat, including indigenous coastal shrubland and flaxland, during the breeding season, it is unclear whether this restriction also applies to wetland habitat. Consequently, mining during the breeding season presents a risk of injury or mortality that is not adequately addressed by the AMP.
- 6.8.3 The Applicant has sought authorisation to capture and release kororā and petrels, and to disturb other birds for nest management purposes. While the application does not expressly seek authorisation for the incidental killing of protected bird species, the need for such authorisation is reasonably inferred from the activities proposed. No measures are proposed to protect nests of Threatened, At Risk, or other protected bird species that may be affected by mining activities before chicks have fledged. As a result, there remains a risk of mortality to protected birds. As the killing of protected wildlife without lawful authority is an offence under the Wildlife Act, authorisation is required for any incidental mortality arising from the proposed activities.

6.9 General assessment of the Avian Management Plan

- 6.8.4 The AMP does not contain sufficient information to support a robust assessment of effects on protected wildlife. Although six bird species have been identified, Australasian bittern, marsh crake and pipit may also occur within the project area. Information on the abundance of protected bird species and the number of individuals potentially affected by the proposed

activities has not been provided. Consequently, the scale and significance of impacts on avifauna arising from mining and associated activities remain uncertain.

- 6.8.5 If kororā are detected within the site, a Penguin Management Plan (PMP) must be prepared by a suitably qualified and experienced ecologist in consultation with DOC and the West Coast Penguin Trust. The PMP must be submitted to DOC for approval prior to implementation.
- 6.9.1 Any amendments to the AMP (and PMP, if required) should require DOC approval before implementation. This will help ensure that changes needed to improve bird management at the site are identified and incorporated.
- 6.9.2 The WATR identifies four ecologists for bird-related work; however, it does not specify the skills and experience of personnel responsible for the capture and relocation of kororā and Westland petrel, making it difficult to determine whether they are suitably qualified. The AMP also requires all avifauna monitoring to be undertaken by suitably qualified experts. It is therefore important that personnel undertaking surveys have appropriate skills and experience to ensure accurate species identification, detection of breeding activity, and nest location.

Term

- 6.9.3 Although Wildlife Act authorisations are required for the duration of the project, a shorter term, such as 10 years, would provide an appropriate statutory review point and greater certainty that the authorisation can be adapted to protect affected avifauna as the staged works progress. If the Panel is minded to grant a longer-term authorisation, it is recommended that the AMP, and any PMP, be subject to 10-yearly reviews to ensure they remain consistent with current best practice and species knowledge.

Bird surveys and monitoring

- 6.9.4 While seasonal surveying will be valuable for improving knowledge of bird species that use the site, these acoustic survey techniques may not detect all species present. For example, male bittern call (boom) during the breeding season so if the site is used for breeding, then acoustic survey techniques in spring could detect males present. However, if the site's wetlands are intermittently used for foraging, then the proposed techniques are unlikely to detect bittern presence. Trail cameras (such as those proposed for kororā and Westland petrel) could be used to monitor whether the site is intermittently used by bittern (and may also assist with detection of other species).
- 6.9.5 The fortnightly pre-breeding surveys are appropriate but weekly surveys/walk-overs during the breeding season may not be sufficiently frequent to detect birds preparing to nest and deter them in advance of nesting. Given the effectiveness of measures during the breeding season is reliant on preventing nesting within the mining pathway, there is likely to be benefit in more frequent surveys/walk-overs (e.g., every 3 days or bi-weekly) between the start of breeding (or 14 September, whichever is earliest) and 31 January.

- 6.9.6 The survey methods proposed for detecting kororā presence at the site are largely suitable, however, the contingency of using human surveys or increased camera monitoring if a certified dog is unavailable is not supported. The use of a certified dog should be a requirement, as this is the most effective technique for detecting kororā burrows and presence.

Nest management

- 6.9.7 The measures proposed to discourage nesting (livestock grazing, installing streamers/tapes, machinery parking and the use of acoustic deterrents) may minimise, but will not eliminate, the risk of nest disturbance, injury and mortality associated with the mining activities.
- 6.9.8 The AMP offers no level of protection to nests of Threatened or At-Risk species located where the mining activity will reach before the chicks fledge. The AMP also does not set out any measures to protect nests of Not Threatened native species discovered within the area to be mined over the breeding season.
- 6.9.9 The AMP proposes investigations, including burrowscope inspections, to determine kororā use of burrows. However, it does not specify any avoidance, protection, or management measures for kororā nests or nesting birds that may be identified.
- 6.9.10 Consequently, the measures in the AMP are insufficient to demonstrate how adverse effects on breeding kororā, or any other protected bird species nesting within areas affected by the proposed works, would be avoided or managed.
- 6.9.11 Any kororā occupying a nest containing viable eggs or live chicks must not be captured, handled or relocated until the chicks have fledged, the eggs are no longer viable, or the breeding attempt has been confirmed as abandoned.

Lighting management

- 6.9.12 The AMP does not currently include targeted searches for grounded Westland petrels. Although the proposal is to undertake activities during daylight hours, the application recognises that artificial lighting may be required at night for equipment repairs and other unforeseen events. In these circumstances, there is a risk of light-induced grounding of Westland petrels. Targeted searches of illuminated areas and their surrounds should therefore be required following any night-time use of artificial lighting to enable the timely detection and recovery of grounded birds.
- 6.9.13 The AMP proposes that a lighting audit be undertaken if a grounded seabird is detected; however, no timeframe is specified for completing the audit. It is recommended that any lighting audit, and any associated review of the AMP, be completed within a defined timeframe, such as within 20 working days of a grounding event, and undertaken in consultation with DOC.
- 6.9.14 In addition, if more than one grounding event is recorded within a three-month period, all activities involving artificial lighting should cease, with the exception of internal lighting that is not visible externally, until the causes of the grounding events have been investigated. A review should then be undertaken in consultation with DOC to identify any additional mitigation measures required to avoid further adverse effects on Westland petrels.

Handling

- 6.9.15 More appropriate handling measures for kororā include keeping the bird in a cool, draught-free location, rather than a warm place, and protecting it from noise, vibration and light to minimise stress. Although the application does not clearly specify the handling and transport equipment to be used for kororā, handlers should wear suitable gloves and place the bird in a sturdy, well-ventilated and appropriately lined box for transport.
- 6.9.16 Any kororā recovered from the site should be transferred to the DOC Punakaiki office, rather than the DOC Greymouth office, as soon as practicable and in accordance with DOC advice.
- 6.9.17 It is proposed that any uninjured kororā requiring relocation be released into a confirmed unoccupied burrow along the fenced coastal edge. This approach would retain relocated birds within the local population and is considered an appropriate release location.
- 6.9.18 The proposed techniques for handling Westland petrels are considered generally appropriate. However, birds should be captured by hand rather than with a net where practicable, to minimise handling and stress. Unless otherwise advised through the DOC hotline, captured birds should be held in a cool or moderate-temperature, draught-free location and protected from noise, vibration and light. Birds should be placed in a sturdy, ventilated and appropriately lined box made from a durable material, such as strong plastic or wood, rather than in a cage. A cage may increase sensory stress and the risk of feather or beak damage. The box should be large enough for a Westland petrel to turn around comfortably without touching the sides.
- 6.9.19 Grounded Westland petrels should not be released by the authority holder. Instead, they should be transported to the DOC Punakaiki office for assessment. DOC will release the bird if it meets the required health criteria.

Fencing

- 6.9.20 The fencing equipment, specifications and required certification set out in the AMP are considered appropriate for deterring kororā movement through the mine site.
- 6.9.21 While it is set out in the AMP that all kororā fencing must be removed at the completion of mining activity, there is no clear requirement that the fencing must remain in place until mining and remediation within the fenced section is complete. It is recommended that the AMP should specify that the fencing must remain in place until mining and remediation is complete to protect kororā from project activities for the full duration needed.
- 6.9.22 The fencing plan includes fencing on the northern and southern side of Cargill Road, which potentially increases the risk of kororā vehicle strike, as their movement may be directed up Cargill Road. It is recommended that the fencing on the northern side of Cargill Road be removed following completion of works in Section 2 and prior to fencing (and works commencing) for Section 3. This will reduce the risk of vehicle strike associated with the directed movement of kororā up Cargill Road.

Avian reporting

- 6.9.23 The AMP proposes weekly reporting on any interactions with wildlife from 1 November; however, DOC considers this should start on 14 September to align with the more regular breeding season surveys. Further, these reporting requirements should additionally include any management interventions implemented (e.g., nest protection or bird handling/relocation) and any observed outcomes of those interventions.

6.10 Conditions to manage effects on protected wildlife

- 6.10.1 The Applicant has provided a set of conditions based on standard DOC Wildlife Authorities, as Appendix P2 of their application. DOC recommends the following additions in line with the above discussion.
- 6.10.2 The Authority Holder must ensure deterrence walk-overs of the proposed mining pathway are undertaken at least every 3 calendar days to identify active nests and discourage nesting, from 14 September, or the start of the bird breeding season if earlier, until 31 January each year.
- 6.10.3 Where a nest of a Threatened or At-Risk bird species is detected within, or adjacent to, an area proposed to be mined or otherwise disturbed during the breeding season, the Authority Holder must establish and maintain an appropriate exclusion zone around the nest. No mining, vegetation clearance, earthworks, or other disturbance may occur within the exclusion zone until a suitably qualified and experienced avifauna ecologist has confirmed that:
- a. all chicks have fledged;
 - b. the nest has been abandoned; or
 - c. the nest is no longer active.
- The location and extent of the exclusion zone must be determined by the suitably qualified and experienced avifauna ecologist, in consultation with the Grantor.
- 6.10.4 The Authority Holder must stage the proposed activities and associated rehabilitation so that there is no temporary or permanent net loss of functioning wetland habitat at any time during the term of this Authority. Existing wetland habitat must not be removed or adversely affected until an equivalent or greater area of constructed or restored wetland habitat has been established and is functioning to a standard approved in writing by the Director-General of Conservation (D-G).
- 6.10.5 The Authority Holder must ensure that all constructed or restored wetland habitat is legally protected and maintained for the long term. The Authority Holder must undertake monitoring, maintenance, and remedial works as necessary to ensure that the wetland habitat continues to meet the ecological performance standards specified in the approved management plan.
- 6.10.6 The Authority Holder must ensure that each annual pre-mining kororā survey is undertaken using an appropriately certified conservation dog trained to detect penguins, together with its certified handler. The survey must be undertaken in accordance with the Avian Management Plan and any Penguin Management Plan approved by the D-G.

6.10.7 The Authority Holder must install and maintain effective penguin exclusion fencing around each active works area where required under the Avian Management Plan or Penguin Management Plan. The fencing must remain in place and be maintained in an effective condition until all works within the fenced area have been completed and the area no longer presents a risk to kororā, as confirmed by a suitably qualified and experienced avifauna ecologist.

6.10.8 Amendment to proposed special condition 21 (Schedule 3, Appendix P2):

The Authority Holder must report all avifauna interactions associated with the Authorised Activity to the D-G weekly from 14 September to 31 January and monthly from 1 February to 13 September. Wildlife camera footage must be retained and provided on request.

Reports must include:

- a. any Threatened or At-Risk avifauna entering the active mining area;
- b. any injured or dead avifauna, grounded tāiko, near misses, or vehicle strikes;
- c. the species, number, date, time, location, nature, and outcome of each interaction; and
- d. any capture, handling, relocation, corrective action, or additional management undertaken or proposed.

6.10.9 The Authority Holder must consult the D-G when preparing or reviewing the Avian Management Plan and any Penguin Management Plan. The plans, and any subsequent amendments to them, must be submitted to the D-G for certification and must not be implemented until that approval has been obtained.

6.10.10 The Approval Holder must review the Avifauna Management Plan, and any Penguin Management Plan prepared under this approval, at intervals not exceeding 10 years from the date this approval commences. Each reviewed plan must:

- a. incorporate current species knowledge and best-practice methods for avifauna management, effects mitigation, and monitoring; and
- b. be submitted to the DOC Buller Operations Manager for written certification before being implemented.

6.10.11 Following any use of artificial lighting outdoors at night, the Authority Holder must ensure that a targeted ground search for grounded Westland petrels occurs during the hours of darkness within 1 hour of lights being turned off or at the latest completed by one hour before sunrise, as that is when birds are going to land and are active, and before vehicle movements or other site activities begin. Searches after first light are very ineffective as the birds hide themselves away under vegetation etc and are very hard to find, so easily missed.

The search must cover all areas exposed to artificial lighting and the surrounding area where grounded birds may be present. Searches must be undertaken by a person trained and competent in identifying, handling and managing grounded seabirds. Any Westland petrel found must be managed in accordance with the approved Avifauna Management Plan and the conditions of this authority. The Authority Holder must record the date, duration and location of the lighting event, the area searched, the search results, and any actions taken.

6.10.12 If a grounded seabird is detected within the project site, the Authority Holder must:

- a. arrange for a lighting audit to be undertaken by a suitably qualified and experienced person;
- b. complete the lighting audit, and any associated review of the Avifauna Management Plan, within 20 working days of the grounding event;
- c. undertake the audit and review in consultation with DOC; and
- d. provide DOC with the audit findings, the revised Avifauna Management Plan, and details of any corrective actions to be implemented.

6.10.13 If more than one seabird grounding event is recorded within any three-month period, the Authority Holder must immediately cease all activities involving externally visible artificial lighting. This restriction does not apply to internal lighting that is not visible from outside. Activities involving externally visible artificial lighting must not resume until:

- a. the likely causes of the grounding events have been investigated;
- b. the lighting audit and review of the Avifauna Management Plan have been completed in consultation with DOC; and
- c. any additional measures required to avoid or minimise further grounding of Westland petrels have been implemented.

6.10.14 If a live grounded Westland petrel is found, the Authority Holder must ensure that:

- a. the bird is captured by hand where practicable, rather than using a net, to minimise handling and stress;
- b. unless otherwise directed by DOC, the bird is held in a cool or moderate-temperature, draught-free location and protected from noise, vibration and light;
- c. the bird is placed in a sturdy, ventilated and appropriately lined transport box made from a durable material, such as strong plastic or wood, and is not held or transported in a cage;
- d. the transport box is large enough for the bird to turn around comfortably without touching the sides;
- e. the DOC hotline is contacted as soon as practicable and any instructions provided by DOC are followed; and
- f. the bird is transported to the DOC Punakaiki office as soon as practicable for assessment.

The Authority Holder must not release a grounded Westland petrel. Any subsequent care or release of the bird must be undertaken or authorised by DOC.

6.10.15 If an injured or sick kororā is found within the site, the Authority Holder must ensure that:

- a. the bird is handled by a suitably trained person wearing appropriate gloves;
- b. the bird is placed in a sturdy, well-ventilated and appropriately lined box;
- c. the bird is held in a cool, draught-free location and protected from noise, vibration and light to minimise stress;
- d. DOC is contacted as soon as practicable and any instructions provided by DOC are followed; and

- e. the bird is transported to the DOC Punakaiki office as soon as practicable, unless otherwise directed by DOC.

The Authority Holder must not release an injured or sick kororā unless authorised or directed to do so by DOC.

6.10.16 Before commencing any vegetation clearance, mining, lizard salvage or relocation activities, the Authorisation Holder must submit the latest revised LMP to DOC for certification. The revised LMP must include:

- a. the results of targeted lizard surveys undertaken at all proposed mining and release sites
- b. increased trapping effort within the salvage methodology
- c. species-specific survey effort, methods, duration and release management for West Coast green gecko (*Naultinus tuberculatus*)
- d. provision for Canoe Creek as a release site
- e. details of purpose-built rock-stack refugia at each release site, designed in accordance with relevant research on lizard interstitial-space requirements
- f. a targeted, evidence-based predator-control programme for each release site
- g. details of Matt Charteris's qualifications and experience relevant to undertaking lizard survey, salvage and relocation work.

The activities specified in the Wildlife Authority must not commence until DOC has certified that the revised LMP adequately addresses the requirements of this condition.

6.10.17 The Approval Holder must review the Lizard Management Plan prepared under this approval, at intervals not exceeding 7 years from the date this approval commences. Each review must:

- a. incorporate current species knowledge and best-practice methods for lizard management, effects mitigation, and monitoring; and
- b. be submitted to the DOC Buller Operations Manager for written certification before being implemented.

6.10.18 This recommendation includes consideration of section 83 of the Act – DOC considers that each condition would not be more onerous than necessary to address the reason for which it is set.

6.10.19 Conditions for the protection of nesting protected birds, and the detection and exclusion of kororā from active work areas, are required to avoid or manage adverse effects, including disturbance, injury, and mortality. They also provide the applicant with clear, practical requirements for identifying wildlife risks before work begins and managing any birds found within or near work areas. This reduces uncertainty, supports consistent site practices, helps demonstrate compliance with the authority, and enables work to proceed where wildlife risks have been appropriately addressed. They are also consistent with the resource consent conditions applying mining activities within the central block.

6.10.20 Conditions for the prevention and management of Westland petrel and seabird grounding ensure that lighting-related risks are identified and addressed, grounded birds are managed

appropriately, and the applicant has a clear process for demonstrating compliance and responding proportionately to incidents.

6.10.21 Conditions requiring management plans to be regularly reviewed and submitted to DOC for certification provide appropriate technical and regulatory oversight. They ensure the plans continue to reflect current knowledge and best practice, and give the applicant clear, up-to-date requirements for managing wildlife effects, demonstrating compliance, and ensuring its management efforts remain effective over the life of the authority.

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

- a. *consider whether the condition would avoid, minimise, or remedy any impacts on protected wildlife that is to be covered by the approval; and*
- b. *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*
- c. *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.*

6.10.23 The intention of (c) is to give Panels a rationale for imposing more stringent conditions when the wildlife in question is more threatened. When recommending conditions, we should emphasise why the condition's onerousness is suited to the threat status of the species in question.

7.0 Consultation

7.1 Pre-lodgement

7.1.1 TCM contacted DOC on 13 May 2025 to initiate pre-lodgement consultation for the substantive application for the listed project. A first consultation meeting took place on 27 May 2025. A Project Description was received on 11 June 2025. On 22 June 2025, copies of the Ecological Assessment, Avian Management Plan and Wetland and Riparian Planting Plan were requested. On 27 August 2025, the Applicant advised DOC that they were re-considering their authorisation strategy and placed consultation on hold. On 20 October 2025, the Applicant advised that they had applied to have an area on the south, that wasn't captured in the original application, to be listed via a referral. On 23 February 2026, the Applicant confirmed by e-mail that they would be making a Fast-track application for the Project and were aiming to lodge mid-April 2026. This application covers the Southern Block stage of the project only, and is described in the application as: "*Tāiko is seeking all approvals necessary to enable it to establish and operate a mine site for mineral sand extraction activities on the Southern Block (between Fagan Creek and Canoe Creek) at Barrytown on the West Coast. The total application area comprises approximately 408 hectares, with a mine disturbance area of 280 hectares.*"

7.1.2 Draft documents for review were received on 19 March 2026. These included:

- Tāiko Critical Minerals Limited Consultation – Letter to Department of Conservation

- Appendix A – Project Description
- Appendix B1 – Draft Conditions
- Appendix B2 – Draft Wildlife Act Authorisation
- Appendix C – Draft Ecological Assessment
- Appendix D – Draft Avian Management Plan
- Appendix E – Draft Native Freshwater Fish Capture and Relocation Plan
- Appendix F – Draft Lizard Management Plan
- Appendix G – Landscape Mitigation Package

7.1.3 Draft documents received on 30 March 2026 included:

- Statement of evidence M Fritzpatrick (Water Quality) (cover plus 7 pages)
- Statement of Evidence R Montgomerie (Freshwater Ecology) (cover plus 7 pages)
- Statement of Evidence Dr G Bramley (Terrestrial Ecology) (Cover plus 9 pages)
- Draft Conditions – Wildlife Act Authority (10 pages)
- Appendix M6 Draft Rehabilitation Plan (30 pages)
- The Letter to the Department requests a response by 10 April 2026.

7.1.4 In summary, in relation to the application for a Wildlife Act Approval:

- DOC was pleased to see reference to the resource consent for the Central Block, including to *“Robust resource consent conditions in relation to the Westland Petrel were agreed with DoC and other parties to the appeals via consent order.”* Although the draft Avian Management Plan included some of these measures, DOC notes that the avian management conditions had a number of significant differences from the central block conditions. These were listed in the comments that DOC provided.
- The absence of lighting management was noted. DOC has subsequently come to understand that because the Wet Concentrator Plant (the main light source) already has resource consent from the Grey District Council, the Project subject to the Fast-track approvals process does not include any artificial lighting.
- Comments on conditions relating to the bond, landscaping, setbacks, hours of darkness were raised.
- Comments on avifauna related to kororā, pest control, wetland birds (such as bittern and marsh crane),
- An assessment of the suitability of proposed release sites for lizards should be included. Confirmation of whether the release sites will be protected from further development in future (for example, by designating it a protective covenant) should be provided.
- Pest control at release sites is required to increase both the chance of released lizards successfully establishing at the site, and also to increase their breeding success rates to mitigate the loss of lizards that aren't found and salvaged.

- No proposed long-term lizard monitoring to ensure the population has successfully established and has then increased to similar numbers/density as before the development commenced was provided in the draft documents.
- Contingency measures, if monitoring shows lizards haven't well-established or the population hasn't re-established to similar levels, should be provided.

7.2 Post-lodgement

- 7.2.1 The Applicant contacted DOC after the Panel Convener's conference requesting continued consultation on the outstanding matters of contention. This included:
- A site visit was arranged and took place on Tuesday, 11 August 2026. The Fast-track project lead, Statutory Manager, wetland expert and RMA Planner from DOC attended. The focus of the site visit was visiting and assessing wetlands. The effects on and management of avifauna and lizards was also discussed. A possible lizard release site was visited.
 - TEAMS meeting between the applicant and DOC team took place on 19 and 26 August 2026.
 - DOC provided comments on draft conditions on 21 August 2026. The applicant responded to DOC's comments on 25 August 2026 and agreed to adopt the majority of the recommendations.
 - DOC provided feedback relating to lizards to the applicant on 26 August 2026.
 - The Applicant and DOC's lizard experts met via TEAMS on 4 September 2026 to discuss the remaining lizard management issues. The applicant agreed to updating documents, but these were not available in time for the drafting of this report.

8.0 Additional information

8.1 International Conservation Agreements

- 8.1.1 The table below outlines the international agreements that are relevant to the approval being sought.

Table 1: International conservation agreements

Relevant Agreement	Signatory date
United Nations Convention on Biological Diversity	1992
International Union for Conservation of Nature (IUCN) – Membership and Contributions for Nature Platform]	New Zealand became a member in 1948

The United National Convention on Biological Diversity (CBD)

- 8.1.2 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.
- 8.1.3 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.
- 8.1.4 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.*
- 8.1.5 Tāiko Critical Minerals seeks to undertake mining activities on modified land and proposes lizard salvage and mitigation measures to minimise effects on resident protected lizard and bird populations. DOC acknowledges these measures may reduce injury or death to individual lizards and birds during works.
- 8.1.6 DOC considers the proposed methodology is not yet sufficient to assess the ongoing protection of affected lizard populations, particularly West Coast green gecko. The proposed measures also do not adequately avoid or manage effects on nesting or grounded birds.

International Union for Conservation of Nature (IUCN)

- 8.1.7 The 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 11 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.
- 8.1.8 The IUCN Red List status of species named in the application is provided in Table 3.

Table 3: IUCN Red List status of species named in application

Common Name	Scientific Name	IUCN Red List Status
West Coast green gecko	<i>Naultinus tuberculatus</i>	Vulnerable
Forest gecko	<i>Mokopirirakau granulatus</i>	Vulnerable
Newman's speckled skink	<i>Oligosoma aff. newmani</i> "Westland"	Vulnerable

Northern grass skink (Common New Zealand skink)	<i>Oligosoma polychroma</i>	Least Concern
Banded dotterel (Double-banded Plover)	<i>Charadrius b. bicinctus</i>	Near Threatened
Red-billed gull (Silver Gull)	<i>Chroicocephalus novaehollandiae</i>	Least Concern
South Island pied oystercatcher	<i>Haematopus finschi</i>	Least Concern
Variable oystercatcher	<i>Haematopus unicolor</i>	Least Concern
Kororā / little penguin	<i>Eudyptula minor</i>	Least Concern
Westland petrel	<i>Procellaria westlandica</i>	Endangered

8.2 Consistency with statutory planning documents and policy

8.2.1 The following statutory planning documents and associated policies are relevant to the consideration of the wildlife approval sought for this Project.

Conservation General Policy 2005

8.2.2 The Conservation General Policy 2005 (CGP) provides guidance for the administration and management of lands and waters and natural and historic resources managed under conservation legislation including the Wildlife Act.

8.2.3 The CGP does not contain policies specific to the proposed wildlife activities, however, the following policies are relevant:

11.1(a) Any application for a concession or other authorisation will comply with, or be consistent with, the objectives of the relevant Act, the statutory purposes for which the place is held, and any conservation management strategy or plan.

11.1(c) ...authorisation holders should monitor the effects of authorised activities on natural resources, historical and cultural heritage, and the benefit and enjoyment of the public, including public access, to inform future management decisions.

8.2.4 The application is not inconsistent with these provisions.

West Coast Te Tai o Poutini Conservation Management Strategy (CMS) 2010

8.2.5 The West Coast CMS describes the conservation values present in the West Coast Region and provides guidance for the Department's work in the form of objectives, policies, and desired outcomes for managing natural and historic resources, public conservation lands and waters, and protected species.

8.2.6 The West Coast CMS directs DOC to maintain and restore indigenous species and their habitats, with particular emphasis on Threatened and At-Risk species. Bird and lizard

management should therefore prioritise avoiding harm, followed by minimising unavoidable effects. Capture, relocation or other interventions should only be used where necessary.

- 8.2.7 A precautionary approach should be taken for species such as tāiko / Westland petrel, kororā / little penguin, tūturiwhatu / New Zealand banded dotterel, and indigenous lizards, and disturbance, injury and mortality should be minimised as far as practicable. Active wildlife management may be appropriate where it supports conservation outcomes, provided it follows best practice and is undertaken under the required statutory authorisations.
- 8.2.8 The application may be consistent with the West Coast CMS where it avoids or minimises effects on indigenous wildlife and habitats, but this will depend on the adequacy and enforceability of the proposed management measures and conditions, particularly those relating to tāiko and other protected wildlife.

9.0 Treaty of Waitangi settlement considerations and obligations

9.1 Treaty of Waitangi settlement obligations

- 9.1.1 Under section 7 of the Act, the Panel must act in a manner that is consistent with obligations arising under existing Treaty Settlements.
- 9.1.2 Ministry of Cities, Environment, Regions and Transport (MCERT) provided a report which sets out the section 18 matters it considered relevant to the application. The section 18 report identifies Te Rūnanga o Ngāi Tahu and Te Rūnanga o Ngāti Waewae as relevant Treaty settlement entities, and Te Rūnanga o Makaawhio and Pokeka Poutini Ngāi Tahu Limited as parties to a mana whakahono ā rohe (MWaR).
- 9.1.3 The Treaty settlement relevant to this application is the Ngāi Tahu Claims Settlement Act 1998 and the Ngāi Tahu (Pounamu Vesting) Act 1997.
- 9.1.4 The Ngāi Tahu deed of settlement provides for the Minister of Conservation to issue a protocol which sets out how the Department of Conservation (DOC) will interact with Ngāi Tahu on specified issues and will provide Te Rūnanga o Ngāi Tahu the opportunity for input into its policy, planning and decision-making processes on the matters set out in the protocol.
- 9.1.5 While the protocol which covers the project area provides for engagement with Te Rūnanga o Ngāi Tahu on certain matters,³ in general it does not address the type of conservation related approval sought by the applicant (i.e. wildlife authority under the Wildlife Act 1953)³.
- 9.1.6 Several avi-fauna species including Kororā/Blue Penguin/*Eudyptula minor*, which is subject to the application for Wildlife Approval are identified as taonga species.

³ Section 18 report

9.2 Treaty of Waitangi principles

9.2.1 DOC's work in preparing this report has been carried out in a manner that, as far as possible, gives effect to the principles of the Treaty of Waitangi⁴ (arising from the obligation on DOC from section 4 of the Conservation Act 1987). The principles most applicable to DOC's role are:

- **Partnership** – mutual good faith and reasonableness.
- **Informed decision-making** - Both the Crown and Māori need to be well informed of the other's interests and views. Consultation is a means to achieve informed decision-making.
- **Active protection** - requires informed decision-making and judgement as to what is reasonable in the circumstances.
- **Redress** – requires recognition of existing rights and interests.

9.2.2 For this application, this has included:

- DOC engagement with Treaty partners on the application. We note this has occurred within the context of the fast-track process with prescribed timeframes, and where the applicant has an obligation to consult and Treaty partners have a right to be invited to comment. The scope of engagement also recognised DOC's role to provide reports and comments on the application, and not in its usual role as decision-maker.
- identifying for the Panel any relevant information from Protocols or relationship agreements prepared in accordance with Settlements (e.g. taonga species);
- ensuring that the information in this report is fully informed by any information from Treaty partners and the impact the activity would have on their interests.

9.2.3 DOC informed Ngāi Tahu of the application and, noting that both the applicant and the Panel will liaise directly with Ngāi Tahu, invited engagement, should Ngāi Tahu believe that to be beneficial.

9.2.4 DOC has not identified any specific conditions that should be imposed to achieve consistency with Treaty principles.

⁴ [Principles of the Treaty of Waitangi and DOC: Apply for permits](#)

10.0 Appendices

Appendix A –Expert comments for Avifauna – Dr Elizabeth Parlato