

APPENDIX 3

Applications for wildlife approvals

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

Table 3

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
Schedule 7 clause 2(1) FTAA - For the purposes of section 43(3)(h), an application for a wildlife approval must include the following information:				
(a) specify the purpose of the proposed activity:	Yes	A.11 (pg 928); A.11A	No	While the purpose of the activities is clear for the proposed 25-year mine development period, the application requests a 60-year WAA term. It is unclear what activities would be carried out after the first 25 years, and therefore whether the purpose of the activities are sufficiently described for the full 60-year term.
(b) identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried	<u>Avifauna:</u> Yes	<u>Avifauna:</u> G.02	<u>Avifauna:</u> No	<u>Avifauna:</u> Proposed remediation of habitat loss for kiwi involves creating artificial burrows and shelters, but the detail on artificial burrows is insufficient. The specific release locations for translocated weka have not been identified and are proposed to be determined later.

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impacts against the purpose of the Wildlife Act 1953:	<u>Avifauna:</u> Yes	<u>Avifauna:</u> G.02; B.01	<u>Avifauna:</u> No	<u>Avifauna</u> The assessment doesn't take into account that scaring off nesting birds could kill nestlings. DOC also notes that only nests from Threatened and At-Risk species are proposed to be protected, but species with a lower threat status will not be offered protection despite being protected under the Wildlife Act 1953.
	<u>Lizards:</u> Yes	<u>Lizards:</u> B.01 (pgs 64–65); B.04, s2; G.04	<u>Lizards:</u> No	<u>Lizards:</u> The assessment is based on insufficient information, e.g., while the aerial extent of habitat loss is provided (800–879.1 ha), the number of lizards that will be impacted is not provided or known.
	<u>Snails:</u> Yes	<u>Snails:</u> B.02 (pgs 15–43); G.03	<u>Snails:</u> No	<u>Snails:</u> There is insufficient information on the scale of impact of mining on <i>Powelliphanta patrickensis</i> . Almost all calculations of the number of individuals which will be affected are based on anticipated reductions in the area of occupancy, and this is misleading due to very large differences in the density of snails in different parts of their habitat range.
	<u>Other Invertebrates:</u> Yes	<u>Other Invertebrates:</u> B.01	<u>Other Invertebrates:</u> No	<u>Other Invertebrates:</u> The application does not clearly assess the impacts on Helm's stag beetle, and does not assess the impacts on giant wētā.

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	<u>Snails:</u> Yes	<u>Snails:</u> B.02 (pgs 11-12, 18); G.03 (pgs 6-13)	<u>Snails:</u> No	<u>Snails:</u> The application identifies the relevant snail species and provides estimated numbers, but the estimates are not sufficiently supported by evidence. Detailed mapping is missing for where snails are absent, where habitat is suitable, and where snail densities are highest. The application relies on broad range information rather than Area of Occupancy or detailed habitat/density mapping. The vegetation mapping provided is not detailed enough to fill this gap, particularly for identifying rock pavement, unsuitable habitat, or snail-favoured vegetation on deep soils. <u>Other Invertebrates:</u> Aside from <i>Powelliphanta</i>, two species of protected invertebrates are known to exist in the Denniston Plateau: Helm's stag beetle (<i>Geordorcus helmsi</i>) and giant wētā (<i>Deinacrida broughi</i>). Wildlife approval is sought for Helm's stag beetle. Numbers affected are not identified. Giant wētā is not applied for or listed as present or potentially present. This omission is despite recent observations (2012 Denniston Bioblitz
	<u>Other Invertebrates:</u> No	<u>Other Invertebrates:</u> B.01	<u>Other Invertebrates:</u> No	

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	<u>Snails:</u> Yes	G.04 (pgs 11, 36) <u>Snails:</u> B.02 (pgs 15-43); B.03 (pgs 3-28)	<u>Snails:</u> No	There are many inconsistencies in the application of the correct threat classification status for Westland speckled skink throughout the B.01 report and across other reports. <u>Snails:</u> The application describes several impacts on <i>P. patrickensis</i>, but does not address the effects of the proposed long-term capture-mark-recapture programme. Information is missing on the effects of permanently marking a large number of snails and the effects of repeated searches, including potential trampling impacts. <u>Other Invertebrates:</u> The application does not adequately describe impacts on Helm's stag beetle. Impacts on giant wētā are not described.
(f) state how the methods proposed to be used to conduct the actions specified under	<u>Avifauna:</u> Yes	<u>Avifauna:</u> G.02	<u>Avifauna:</u> No	<u>Avifauna:</u> The application states that the Kiwi Best Practice Manual will be followed. However, DOC notes that there is insufficient detail on how kiwi will be shepherded away from the mined area, noting that this would present

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paragraph (b) will ensure that best practice standards are met:	<u>Lizards:</u> No <u>Snails:</u> Yes	<u>Lizards:</u> G.04 (pg 16) <u>Snails:</u> G.03 (pgs 2-4, 9-19, 46-52); G.03 Appendices 1-8	<u>Lizards:</u> No <u>Snails:</u> Yes	challenges especially in tight scrub as kiwi often turn around and backtrack. The application states that clearance in the breeding season must be avoided unless the SQEP judges otherwise. Catching and handling female kiwi that could be gravid is not best practice due to the exceptionally large egg in their bodies prior to laying. <u>Lizards:</u> The Applicant states that best practice methods cannot be feasibly achieved for this Project. “No matter the level of effort applied and despite our understanding that DOC considers >80% of lizards salvaged to constitute best practice, this cannot feasibly be achieved for this Project. In contrast we expect only a small proportion of lizards (< 1%) will be feasibly salvaged from the Project disturbance area.” (G.04, p16). <u>Snails:</u> The proposed methods are described sufficiently.

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	<u>Other Invertebrates:</u> No	<u>Other Invertebrates:</u> B.01	<u>Other Invertebrates:</u> No	<u>Other Invertebrates:</u> The impact assessment report concludes with “offsetting and/or compensation” (page 91) as the only apparent option. This is not considered to be best practice to effectively manage the ecological impacts of this Project.
(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	<u>Avifauna:</u> Yes <u>Lizards:</u> Yes <u>Snails:</u> Yes	<u>Avifauna:</u> G.02 <u>Lizards:</u> G.04 (pgs 9, 27-29) <u>Snails:</u> G.03 (pgs 14-15, 57-58); G.03 Appendices 3-5	<u>Avifauna:</u> Yes <u>Lizards:</u> Yes <u>Snails:</u> No	<u>Avifauna:</u> The proposed methods are described sufficiently. <u>Lizards:</u> The proposed methods are described sufficiently. <u>Snails:</u> The application describes methods for hand salvage, temporary holding, handling, transport and release, but does not provide enough information on animal ethics processes. Information is missing on ethics considerations for permanently marking a large proportion of the surviving population for capture-mark-recapture (CMR) monitoring. Information is also missing on ethics considerations for the large number of snails expected to be killed and not salvaged by hand or VDT.

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	<u>Other Invertebrates:</u> Yes	<u>Other Invertebrates:</u> B.01	<u>Other Invertebrates:</u> No	GPS coordinates are not provided for salvaged snail relocation sites, temporary weka-fence sites, or sites where VDT containing snails would be placed. <u>Other Invertebrates:</u> The application does not specifically identify sites where VDT containing protected invertebrates would be placed.
(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	<u>Avifauna:</u> Yes <u>Lizards:</u> Yes	<u>Avifauna:</u> A.11; G.02 <u>Lizards:</u> A.11A, Schedule 1 a)b)iii); G.04 (pg 22)	<u>Avifauna:</u> No <u>Lizards:</u> Yes	<u>Avifauna:</u> The proposed conditions (A.11A) set out that kiwi and weka “will not be held for more than 45 hours without feeding”. The wording suggests they may be held longer if fed but a maximum is not stated. The Avifauna Management Plan also includes capture, holding, and relocation of robin and fernbirds. Holding times are not provided. The proposal for other protected bird species is focussed on avoidance and minimisation measures (A.11, pp .923) but the wording of the proposed conditions implies they may be captured, held for unspecified times, and relocated. <u>Lizards:</u> Sufficient detail on holding lizards is provided, though there is ambiguity in the length of time for holding, which is stated as 24 hours (A.11A, Schedule 1 A)b)iii) but also up to 72 hours (G.04 p22).

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	<u>Snails:</u> Yes <u>Other Invertebrates:</u> Yes	<u>Snails:</u> G.03 (pgs 14-15, 20, 27, 57-58) <u>Other Invertebrates:</u> B.01	<u>Snails:</u> Yes <u>Other Invertebrates:</u> No	<u>Snails:</u> The application clearly states that authorisation is sought to temporarily hold, transport and relocate snails and egg masses. <u>Other Invertebrates:</u> The application appears to rely on habitat-based measures for protected non-snail invertebrates, including VDT. No species-specific handling or relocation programme is described for species such as Helm's stag beetle.
(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	<u>Avifauna:</u> Yes <u>Lizards:</u> Yes	<u>Avifauna:</u> A.11; G.02; B.01 <u>Lizards:</u> A.11; B.01 (pg 64); B.04 (pgs 35–36, 79–83; s7); G.04 (pg 11, generally);	<u>Avifauna:</u> No <u>Lizards:</u> No	<u>Avifauna:</u> The application fails to describe the potential adverse effects of the proposed predator-proof fences. The application does not identify kiwi as being put into the fenced areas (which would not be optimal size or habitat for kiwi). The fences would affect dispersal of kiwi residing in forested area but using the sandstone pavements as part of their territories. <u>Lizards:</u> General impacts on fauna (lizards not specifically mentioned) are outlined in B.01 (pg 64). Lizard specific impacts outlined in G.04 (pg 11), specifically loss of areal extent of habitat outlined in B.04 (pg 35–36). Impacts on lizards themselves are not explicitly detailed. Residual effects on lizard species (again limited to effects on loss of habitat, not

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ecosystems at the site:	<u>Snails:</u> Yes <u>Other Invertebrates:</u> No	G.20 (pgs 32, 41) <u>Snails:</u> A.11; B.02 (pgs 15-43); B.03 (pgs 3-28); G.03 (pgs 7-13) <u>Other Invertebrates:</u> A.11; B.01; B.04	<u>Snails:</u> Yes <u>Other Invertebrates:</u> No	lizards themselves) is outlined in B.04 (pg 36). Incidental non-target impacts on lizards as a result of pest management tools (specifically mouse traps) briefly mentioned in in G.20 (pg 32 & 41). Cumulative effects on lizards are not identified (B.01; G.04; B.04). Actual and potential effects on lizards related to the construction of the predator exclusion fences not specifically identified (B.01; G.04; B.04). <u>Snails:</u> Information requirements satisfied. <u>Other Invertebrates:</u> The application does not clearly identify the actual and potential effects of the proposal on protected non-snail invertebrates, including Helm's stag beetle and giant wētā. On page 58 of the impact assessment report, invertebrates are mentioned in the last line. Here, invertebrate communities are scored against the five typical ecological-assessment categories (representativeness, rarity and distinctiveness, diversity and pattern,

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				ecological context and overall value). The authors score invertebrate communities as 'High' for the first four classes and 'Very High' for overall value. Further geographical and biological context would be helpful to provide a clearer understanding of the Denniston invertebrate fauna.
(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	<u>Avifauna:</u> Yes <u>Lizards:</u> Yes	<u>Avifauna:</u> A.11; B.06, (pgs 3, 13-14); G.02 <u>Lizards:</u> B.01, Table 11 (pgs 73, 74, 78); B.04, s 6; G.04 (pg 17)	<u>Avifauna:</u> No <u>Lizards:</u> No	<u>Avifauna:</u> There is ambiguity in where kiwi will be released to. The Avifauna Management Plan does not mention kiwi being transferred to fenced enclosures, yet the fencing plan (B.06) does. This is important to understand as fencing will affect kiwi territories and access to forested foraging areas. The application outlines avoidance and minimisation measures for Threatened and At Risk avifauna. It is less clear what measures will be implemented where active nests of other protected indigenous bird species are identified during vegetation clearance. <u>Lizards:</u> Inadequate methods surrounding the relocation destinations for lizards. The pest exclusion fenced areas into which lizards are to be released will not be constructed and cleared of pests until between approximately one and ten years after salvage commences (G.20, p. 20; G.04, pp. 16–17, where the staging years are recorded as "yet to be confirmed").

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begins, such as surveying, salvaging, and relocating protected wildlife):	<u>Snails:</u> Yes <u>Other Invertebrates:</u> No	<u>Snails:</u> B.02 (pgs 21-42); G.03 (pgs 2-4, 9-18, 20-49) <u>Other Invertebrates:</u> A.11 (pgs 921-925, 948-949); A.11A Schedule 1; B.01 Table 11	<u>Snails:</u> No <u>Other Invertebrates:</u> No	Interim relocation sites (i.e., temporary weka-free exclosures and designated release areas within the footprints of planned fenced areas) are not located, sized, counted, mapped or scheduled in the Lizard Management Plan, and no carrying capacity adequately determined/quantified for any of the relocation sites (G.04, p. 17). <u>Snails:</u> The application describes avoidance, minimisation, remediation, salvage, VDT, monitoring and compensation measures, but key supporting information is missing. The source reports relied on for assumptions about VDT, nocturnal searches, carrying capacity of fenced areas, habitat quality and snail information have not been provided. Without these reports, the basis for those assumptions is not available. <i>Missing source reports include Lloyd reports from 2021, 2023 and 2024 referenced in B.02 and B.03.</i> <u>Other Invertebrates:</u> The application does not clearly describe what measures, if any, are proposed to avoid, minimise, remediate, offset or compensate adverse effects on non-snail protected invertebrates, including Helm's stag beetle.

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		B.04 s.6		<u>General:</u> DOC notes that the proposed wildlife special conditions (A.11A Schedule 3) contain no conditions or detail on methods or management approach. It is unclear whether 04 Ecological Conditions are intended to apply to the wildlife approval.
(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953:	Yes	A.11 (pgs 956-957); B.01 Appendix G (pg 26)	Yes	Information present and sufficient
(m) state whether the applicant or any company	Yes	A.11 (pgs 956-957); B.01	Yes	Information present and sufficient

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director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:		Appendix G (pg 26)		
(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to	Yes	A.5 (pgs 361-372); A.11 (pgs 957-959); B.36 F.01; F.06; F.07; F.09	No	The application contains evidence of engagement with councils and iwi/hapū. The level of engagement specific to Wildlife Act matters is unclear.

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wildlife impacts:				
(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Yes	G.01; G.02; G.03; G.04; G.08; G.20; C.01; C.02; C.03; C.04	Yes	Information present and sufficient