

Barrytown Minerals Project (Southern Block) Project
Attachment D: Applicant responses to proposed comments seeking changes to conditions of wildlife approval (WA)

This document provides TCM's response to proposed wildlife approval conditions.

Department of Conservation

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
1		Authorised activity to be updated to include handling of uninjured kororā and incidental killing of protected bird species. (Refer 3.13 of the S51 Report).	Accept Refer Dr Bramley reply evidence at [71]-[72] which states: With respect to handling of uninjured kororā, the necessity to handle uninjured kororā remains unknown, but given the Department of Conservation's position, it makes sense to include this in the Wildlife Act Approval now in case it should later be required. With respect to the killing of protected bird species, I note that the AMP provides for deterring birds from nesting in advance of the mining area, but there is no guarantee that it will be effective. On that basis incidental killing of wildlife may occur and this does form part of the application. Schedule 1 of the proposed Wildlife Approval conditions has been amended to include the incidental killing of protected bird species and the handling of uninjured kororā.
New condition	N/A	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.	Accept in part for resource consent condition Refer to amendments and commentary to Condition 13.1 RC Condition, as amended in response to DOC's concern. This condition does not need to be incorporated into the proposed WA conditions because Condition 2 WA already requires the approved activity to be undertaken in accordance with the relevant conditions of the Southern Block Consents.
New condition	N/A	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.	Accept in part for resource consent condition Refer to amendments and commentary to Condition 13.1 RC Condition (Attachment C), as amended in response to DOC's concern. Note this condition does not need to be additional to the proposed WA condition, as Condition 2 of the WAA requires the approval to be undertaken in accordance with the relevant conditions of the Consents for the Southern Block.
New condition	N/A	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).	Reject This has been identified as unnecessary – refer Dr Bramley reply at [63] – [64] and [80(f)]

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
New condition	N/A	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.	Reject It is unclear how this is necessary to manage the effects of the activity on protected wildlife (Cl 6, Sch 7 FTAA). Dr Bramley at [80(g)] and [104] – [107] - refers to the wetland as remediation, not an offset or compensation required for adverse impacts on protected wildlife.
New condition	N/A	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.	Reject It is not always possible to secure the services of the penguin dog due to high demand and limited availability. Need to provide for human surveys as well in case the penguin dog is unavailable. Refer to Attachment C and response on Condition 13.5 of RC Conditions. If penguins are found within the application site, a specific Penguin Management Plan must be developed by a suitably qualified and experienced ecologist on behalf of the applicant in consultation with the Department of Conservation and the West Coast Penguin Trust. The West Coast Penguin Trust must be reimbursed for reasonable time and expenses associated with consultation on the Penguin Management Plan. Refer to Condition 13.5 of RC Conditions.
New condition	N/A	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.	Accept in part for resource consent conditions Refer to Condition 13.6 RC Conditions. Note this condition does not need to be additional to the proposed WA condition, as Condition 2 of the WAA requires the approval to be undertaken in accordance with the relevant conditions of the Consents for the Southern Block.
Special Condition 21	Bird Discovery Reporting 21. As per conditions of the consent and the Avian Management Plan, any interactions with absolutely protected wildlife are required to be notified to the Department of Conservation via: a. Immediate contact with the DOC hotline (0800 DOC HOT) in instances where injured avifauna or grounded tāiko are discovered. b. Immediate contact with the Buller/Kawatiri Department of Conservation office in the case of any deceased kororā or tāiko discovered within the site. c. Reporting of any interactions with wildlife identified through monitoring (including wildlife cameras) on a weekly basis from 1 October to 31 January and a monthly basis from 1 February to 30 September. d. An annual bird management report supplied each year by 30 June including details of mining activity, methods and results of avian surveys, any deterrents employed, nesting attempts and outcomes, any strikes/near misses/deaths of protected avifauna, autopsy outcomes, lighting audit findings, and revisions to the AMP	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.	Accept in part for resource consent conditions Dates have been amended to reflect Condition 13.4 RC Conditions. Refer to Condition 13.6 RC Conditions. Note this condition does not need to be additional to the proposed WA condition, as Condition 2 of the WAA requires the approval to be undertaken in accordance with the relevant conditions of the Consents for the Southern Block.
New condition	N/A	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.	Accept in part for resource consent conditions Refer to amendments accepted as requested by DOC to Conditions 6.1, 6.6, RC Conditions. AMP already required to be reviewed annually (Condition 13.9). A specific Penguin Management Plan is required to be prepared (13.5).

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
			Certification for these plans is not provided for by the DG. Given the context of the application (Coastal Environment with a project design to avoid and minimise effects on protected species), and the extensive engagement on the current draft plans. It's not considered necessary for a further approval process under the WAA. Noting also the conditions require compliance with all protocols and standard released by DOC. The Applicant would be happy for the Panel to certify the current LMP and AMP given these have been worked on with parties for numerous years and over multiple processes (refer Dr Bramley reply). WCRC had provided feedback to the Applicant in the early stages of the process that they were comfortable with the Panel certifying management plans.
New condition	N/A	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.	Reject (See above provisions).
New condition	N/A	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.	Accept to the extent it is consistent with Condition 13.3 RC.
New condition	N/A	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.	Reject It is unclear how this is necessary to manage the effects of the activity on protected wildlife (Cl 6, Sch 7 FTAA) Noting this is currently provided for in the AMP as per Dr Bramley reply evidence.
New condition	N/A	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.	Reject It is unclear how this is necessary to manage the effects of the activity on protected wildlife (Cl 6, Sch 7 FTAA)

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
New condition	N/A	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.	Accept New condition added to WA, Condition 22.
New condition	N/A	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 25 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.	Accept New condition added to WA, Condition 23.
New condition	N/A	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.	Accept in part for resource consent conditions Refer WA Conditions 5-11, and 20. RC Condition 14 provides for a LMP, and consultation with DOC on that plan. The proposed WA condition is not necessary as Condition 2 of the WAA requires the approval to be undertaken in accordance with the certified LMP. There is no scope for DOC to certify this plan. The LMP will be certified by the Consent Authority. DOC have had opportunity to provide feedback into the LMP through this process. The revised draft LMP (Attachment H1) addresses matters (a) to (g) as follows: a) A pre-mining survey of all potential lizard habitat, including the proposed release sites is required before any vegetation clearance, and the LMP is updated for each mining stage (LMP, Sections 2.2 and 3.0). b) Trapping effort has been increased to a minimum of five days (six days for Threatened species) with a contingency to continue where lizards are still being caught on the final day (Sections 2.3, 2.4 and 2.9). c) Species specific methods for West Coast green gecko are provided, including tree mounted ACOs and funnel traps, nocturnal spotlighting and release into arboreal habitat at Canoe Creek (Sections 2.2, 2.4 and 2.10). d) Canoe Creek is now the primary release site (Section 2.11). e) Dense rock stack refugia built to the specifications of Lennon (2023) and Herbert et al. (2023) will be constructed at each release site ahead of salvage (Section 2.10)

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
			f) Predator control is not accepted for the reasons set out in Dr Bramley’s reply at [22]-[24], although no rat- or mustelid-only control will be undertaken within or adjacent to release sites; g) Matt Charteris’s qualifications and experience are provided in Attachment C to Dr Bramley’s reply.
New condition	N/A	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.	Accept in part. RC Condition 14 has been updated to reflect the matter. The LMP will be revised for each mining stage, rather than at fixed intervals with DOC consulted on each revision (Condition 14.2 and LMP Section 3.0. Dr Bramley’s reply at [25]-[26]. The proposed WA condition, as Condition 2 of the WAA requires the approval to be undertaken in accordance with the certified LMP.