

BENDIGO-OPHIR GOLD PROJECT

PROPOSED WILDLIFE ACT APPROVAL AND CONDITIONS

SCHEDULE 1

1	Authorised activity (including the species, any approved quantities and collection methods) (Schedule 2, clause 2)	A. <u>Activity:</u> a) Catch, salvage and relocate native lizard species listed in Schedule 4 prior to disturbance and vegetation clearance within the Direct disturbance Footprint (DDF) at the Bendigo-Ophir Gold Project Site (see Map 1). b) Hold wildlife for up to 12 hours for the purpose of relocation after salvage. c) Undertake biodiversity monitoring of native lizards. d) Physically mark protected lizards listed in Schedule 4 using toe clipping methodology. e) To undertake works affecting the habitat of wildlife listed in Schedule 4 and Schedule 5. f) To disturb, injure or kill the wildlife species listed in Schedule 4 and Schedule 5 when unavoidable. g) Any accidental / unintentional harm to wildlife that could arise from any of the activities undertaken in relation to the Bendigo-Ophir Gold Project. B. <u>Methodology:</u> a) Methods set out in: > B.08 Assessment of Ecological Effects, > G.03 Habitat Impact Management Plan, > G.04 Avifauna Management Plan, > G.05 Lizard Management Plan, > G.07 Landscape and Ecological Rehabilitation Management Plan, > G.08 Ardour Restoration Area Management Plan, > G.09 Matakanaui Sanctuary Management Plan; and > G.10 Mammalian Pest Management Plan; included in Part G of the application documents. This includes: I. For Lizards: i. Catch alive using artificial cover objects ii. Timed manual searches
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		iii. Manual search of artificially created habitat iv. Handle to take measurements v. Pre-habitat clearance manual searching vi. Construction-assisted salvaging vii. Habitat destruction II. For Birds: i. Pre-habitat clearance surveys to demarcate nests ii. Habitat destruction
2	The Land (Schedule 2, clause 2)	Areas marked on Map 1 and Map 2 in Schedule 6.
3	Personnel authorised to undertake the Authorised Activity (Schedule 2, clause 3)	In accordance with Schedule 2, clause 3.
4	Term (Schedule 2, clause 4)	[insert date of approval] to [insert date 35 years from date of approval]
5	Approval Holder's address for notices (Schedule 2, clause 8)	Physical: 15A Chardonay Street Cromwell Postal: PO Box 316, Cromwell Phone: 021 990 963 Email: [REDACTED]
6	Grantor's address for notices	The Grantor's address for all correspondence is: Permissions Team Level 4 73 Rostrevor Street Hamilton, 3204 Email: [REDACTED]



SCHEDULE 2

STANDARD TERMS AND CONDITIONS OF THE APPROVAL

1. Interpretation

- 1.1. The Approval Holder is responsible for the acts and omissions of its employees, contractors or agents. The Approval Holder is liable under this Approval for any breach of the terms of the Approval by its employees, contractors or agents as if the breach had been committed by the Approval Holder.
- 1.2. Where obligations bind more than one person, those obligations bind those persons jointly and separately.

2. What is being authorised?

- 2.1. The Approval Holder is only allowed to carry out the Authorised Activity on the Land described in Schedule 1, Item 1.
- 2.2. The Approval Holder must advise the Department of Conservation's local Operations Manager(s) ("Manager") prior to carrying out the Authorised Activity (where possible, one week prior).
- 2.3. The Approval Holder and Authorised Personnel must carry a copy of this Approval with them at all times while carrying out the Authorised Activity.
- 2.4. The Approval Holder must comply with any reasonable request from the Grantor for access to any wildlife.
- 2.5. The Approval Holder may publish authorised monitoring or research results.
- 2.6. The Approval Holder must immediately notify the Grantor of any taxa found which are new to science. In addition, the Approval Holder must lodge holotype specimens and a voucher specimen of any new taxa with a recognised national collection.

3. Who is authorised?

- 3.1. The Authority Holder shall ensure that those carrying out the lizard salvage, relocation and monitoring are suitably qualified. Matt Baber, Graham Ussher and Keith Barber are the Authorised Personnel for lizard salvage, relocation and monitoring and will take a technical lead. Supporting ecologists shall be suitably experienced in lizard surveys and will act under the supervision of the Authorised Personnel. Additional people may become Authorised with the Written permission of the Grantor.



4. How long is the Approval for - the Term?

- 4.1. This Approval commences and ends on the dates set out in Schedule 1, Item 4.

5. What are the liabilities?

- 5.1. The Approval Holder agrees to exercise the Approval at the Approval Holder's own risk and releases to the full extent permitted by law the Grantor and the Grantor's employees and agents from all claims and demands of any kind and from all liability which may arise in respect of any accident, damage or injury occurring to any person or property arising from the Approval Holder's exercise of the Authorised Activity.
- 5.2. The Approval Holder must indemnify the Grantor against all claims, actions, losses and expenses of any nature which the Grantor may suffer or incur or for which the Grantor may become liable arising from the Approval Holder's exercise of the Authorised Activity.
- 5.3. This indemnity is to continue after the expiry or termination of this Approval in respect of any acts or omissions occurring or arising before its expiry or termination.

6. What about compliance with legislation and Grantor's notices and directions?

- 6.1. The Approval Holder must comply with all statutes, bylaws and regulations, and all notices, directions and requisitions of the Grantor and any competent authority relating to the conduct of the Authorised Activity. Without limitation, this includes the Conservation Act 1987 and the Acts listed in the First Schedule of that Act and all applicable health and safety legislation and regulation.

7. When can the Approval be terminated?

- 7.1. The Grantor may terminate this Approval at any time in respect of the whole or any part of the Land, and/or the whole or any part of the Authorised Activity if:
- (a) the Approval Holder breaches any of the conditions of this Approval; or
 - (b) in the Grantor's opinion, the carrying out of the Authorised Activity causes or is likely to cause any unforeseen or unacceptable effects in relation to protected wildlife.
- 7.2. If the Grantor intends to terminate this Approval in whole or in part, the Grantor must give the Approval Holder such prior notice as, in the sole opinion of the Grantor, appears reasonable and necessary in the circumstances.

8. How are notices sent and when are they received?

- 8.1. Any notice to be given under this Approval by the Grantor is to be in writing and made by personal delivery or email to the Approval Holder at the physical or email address specified in Schedule 1, Item 5. Any such notice is to be deemed to have been received:
- (a) in the case of personal delivery, on the date of delivery;

- (b) in the case of email, on the date receipt of the email is acknowledged by the addressee by return email or otherwise in writing.

- 8.2. If the Approval Holder's details specified in Schedule 1, Item 5 change then the Approval Holder must notify the Grantor within 5 working days of such change.

9. What about the payment of costs?

- 9.1. The Approval Holder must pay the standard Department of Conservation charge-out rates for any staff time and mileage required to monitor compliance with this Approval and to investigate any alleged breaches of the terms and conditions of it.

10. Are there any Special Conditions?

- 10.1. Special conditions are specified in Schedule 3. If there is a conflict between this Schedule 2 and the Special Conditions in Schedule 3, the Special Conditions will prevail.

11. Can the Approval be varied?

- 11.1. The Approval Holder may apply to the Grantor for variations to this Approval in line with clause 7(2) of Schedule 7 of the Fast-track Approvals Act 2024.

SCHEDULE 3

SPECIAL CONDITIONS

Management and Monitoring Plans

1. All Activities authorised by this Wildlife Act Approval must be undertaken in accordance with the following management and monitoring plans included in Part G of the application documents, or any amended versions that may be made under Condition 3:
 - i G.03 Habitat Impact Management Plan
 - ii G.04 Avifauna Management Plan
 - iii G.05 Lizard Management Plan
 - iv G.07 Landscape and Ecological Rehabilitation Management Plan
 - v G.08 Ardour Restoration Area Management Plan
 - vi G.09 Matakanui Sanctuary Management Plan
 - vii G.10 Mammalian Pest Management Plan
 - viii G.12 Biodiversity Outcome Monitoring Plan
2. The objective of each plan listed in 1(i-viii) is to outline ecological management actions designed to appropriately minimise and mitigate the potential ecological effects associated with the disturbance and killing of native wildlife and their habitats at the BOGP.
3. In accordance with Condition C17 of the Common Conditions in Schedule 1 to the Resource Consents granted for the BOGP within the administrative jurisdiction of the Central Otago District Council and the Otago Regional Council, the Approval Holder may make amendments to any of the management plans referred to in Special Condition 1 at any time, provided that:
 - a. The Approval holder must invite the Manager to participate in a collaborative workshop with the Approval holder to discuss the proposed amendments.

Advice Note: The collaborative workshop may occur as a standalone workshop, or it may be combined with other collaborative workshops required by this Authority if practical.
 - b. If the Manager agrees to participate in a workshop:
 - i The Approval Holder must provide a copy of the amended management plan to the Manager at least 15 working days before the workshop;

- ii The Approval Holder must circulate a record of the workshop discussions to the Manager within 5 days of the completion of the workshop; and
 - iii The Manager must be given an opportunity to provide written feedback to the Approval Holder on the management plan amendments within 15 working days of the completion of the workshop.
- c. If the Manager declines the opportunity to participate in a collaborative workshop, the Approval Holder must provide a copy of the amended management or monitoring plan to the Manager and give the Manager 15 working days to provide written feedback to the Approval holder on the proposed amendments.
 - d. If the Manager has not, within 15 Working Days of receipt of the amendment, advised the Approval Holder that Condition 3(e) applies, any Works associated with the amendment may proceed.
 - e. Except where Condition 3(b) applies, until an amendment is approved, any work must be conducted in accordance with the existing management or monitoring plan.

In the instance that there is disagreement between the Approval Holder and the Department of Conservation at the conclusion of the collaborative workshop, the process in Conditions 19 and 20 (Dispute Resolution) is to be implemented.

Advice Note: The collaborative workshop may occur as a standalone workshop, or it may be combined with other collaborative workshops required by this Authority if practical.

Lizard Capture and Handling

- 4. All lizard handling must be undertaken by Suitably Experienced and Qualified Ecologists acting under Authorised Personnel specified in Schedule 2, clause 3.1.
- 5. Lizard capture and relocation must be undertaken between the 1st October and 30 April when lizards are most active, when temperatures are above 12 degrees Celsius.
- 6. Capture and handling of lizards must involve only techniques that minimise the risk of infection or injury to the animal and are outlined in the applicable management plans (outlines in Special Condition 1).
- 7. The Approval Holder must sterilise any instruments that come in contact with the lizards and/or are used to collect or measure lizards between each location. A separate holding bag must be used for each animal. All gear should be thoroughly cleaned and dried between sites.
- 8. The Approval Holder must ensure lizards are temporarily held individually in a suitable container (e.g. breathable cloth bag) and held out of direct sunlight to minimise the risk of overheating, stress, and death.

Ownership and holding of Absolutely Protected Wildlife

9. This Approval gives the Approval Holder the right to hold absolutely protected wildlife for no longer than 12 hours in accordance with the terms and conditions of the Approval, but the wildlife remains the property of the Crown. This includes any dead wildlife, live wildlife, any parts thereof, any eggs or progeny of the wildlife, genetic material and any replicated genetic material.
10. Unless expressly authorised by the Grantor in writing, the Approval Holder must not donate, sell or otherwise transfer to any third party any wildlife, material, including any genetic material, or any material propagated or cloned from such material, collected under this Approval.

Death of wildlife associated with activities covered by the approval

11. If, in the course of undertaking the Activities, all reasonable effort has been made to meet all of the conditions expressed and implied in this approval; and wildlife is killed by the Approval Holder, then that will be permitted under this approval.

Euthanasia

12. The Approval Holder must not euthanize any wildlife unless the Approval Holder:
 - a. Obtains the recommendation of a veterinarian where euthanasia is on animal welfare grounds; or
 - b. Carries out the euthanasia under direction from the Grantor and in consultation with a veterinarian (as applicable).

Records

13. All survey, salvage, and release records must be made available for inspection at reasonable times by officers of the Grantor.

Lizard Salvage Reporting

14. The Approval holder must engage a Suitably Experienced and Qualified Ecologist to prepare an annual Lizard Compliance Monitoring Report which will sit within the overarching Ecology Annual Monitoring Report, which must include:
 - a. Confirmation that lizard effects avoidance and minimisation protocols were followed in accordance with the HIMP and LMP and associated proposed conditions, including:
 - i A description of methods and results relating to lizard salvaging operations;
 - ii Confirmation that salvage targets were met for each species; and
 - iii Maps illustrating where avoidance or minimisation measures were undertaken.

- b. Confirmation that relocation site habitat restoration and enhancement measures were achieved prior to release of lizards for relocation.
 - c. Recommendations for potential changes to improve the effectiveness of lizard management in relation to the LMP scope.
 - d. Representative photos showing evidence of effects avoidance and minimisation measures being undertaken along with evidence of release and relocation site restoration and enhancement measures.
- 15. Annual lizard monitoring reporting will cease once lizard salvage is complete, and all captured lizards have been relocated to the release site.
- 16. The Regulator/Grantor will be notified as soon as practicable but no more than five working days after an unscheduled event associated with habitat clearance. Such events include a notable compliance failure that results in adverse ecological effects, or an event that causes vegetation damage on a scale that requires an urgent remedy according to the SEQE to return to compliance with any section of the BOGP ecological management plans and planting programmes. A subsequent investigation report will be provided to the Regulator/Grantor within 30 working days and include the following information:
 - a. The causes of the incident, the emergency response measures (if applicable), and the response proposed to avoid a recurrence of the issue;
 - b. An assessment undertaken by a SEQE which details any adverse effects of the exceedance; and
 - c. Proposed measures to address effects.
- 17. Lizard capture and relocation data will also be compiled, summarised and submitted to the Grantor's national data repository for lizard records (the Bioweb Herpetofauna database) annually (in August each year). As a minimum, the report will include the following information:
 - a. DOC Wildlife Act Authority number and Project name and location;
 - b. A summary of the species, numbers and age/sex classes of lizards captured and relocated;
 - c. Locations of lizards captured and relocated; and
 - d. Summary of salvage methodologies, effort and success.
- 18. Should any novel lizard species be recorded, the Suitably Experienced and Qualified Ecologist will be engaged to submit the record to the DOC Amphibian and Reptile Distribution Scheme (ARDS), to undertake a follow up survey and make recommendations (if any), and to review relevant aspects of this LMP accordingly.



Dispute Resolution

19. The parties agree to negotiate in good faith to resolve any differences which arise in connection with this Approval.
20. Failing resolution in accordance with Condition 19, any differences and disputes between the parties concerning this Approval, its interpretation, effect or implementation or any act or thing to be done in pursuant thereof (except as otherwise expressly provided) is to be referred to arbitration in New Zealand by a single arbitrator who is to be mutually agreed upon and, failing agreement, is to be appointed by the President of the New Zealand Law Society. In all other respects the provisions of the Arbitration Act 1996 shall apply.



SCHEDULE 4:

Common Name	Scientific Name	NZ Threat Classification
Kawerau gecko	<i>Woodworthia Cromwell</i>	At Risk-Declining
Tussock Skink	<i>Oligosoma chionocholes</i>	At Risk-Declining
McCann's skink	<i>Oligosoma maccanni</i>	Not Threatened

SCHEDULE 5:

Māori Name	Common Name	Scientific Name	NZ Threat Classification	Regional threat status
Kārearea*	New Zealand falcon – eastern form*	<i>Falco novaeseelandiae</i>	Threatened, nationally vulnerable	Threatened, regionally vulnerable
Mātātā/Kōtātā	South Island fernbird	<i>Bowdleria punctata punctata</i>	At Risk, declining	Regionally At Risk, declining
Pīhoihoi*	New Zealand pipit*	<i>Anthus novaeseelandiae novaeseelandiae</i>	At Risk, declining	Regionally not threatened
Māpunga*	Black shag*	<i>Phalacrocorax carbo</i>	At Risk, relict	Threatened, regionally endangered
Tauhou*	Silvereye*	<i>Zosterops lateralis</i>	Not threatened	Regionally At Risk, declining
Miromiro*	Tomtit*	<i>Petroica macrocephala</i>	Not threatened	Not threatened (but locally uncommon)
Tōrea*	South Island Pied Oystercatcher*	<i>Haematopus finschi</i>	At Risk, declining	Threatened, regionally vulnerable
Kawau paka	Little shag	<i>Phalacrocorax sulcirostris</i>	At Risk, relict	At Risk, relict
Tarapiroe	Black-fronted tern	<i>Chlidonias albastriatus</i>	Threatened, nationally endangered	Threatened, regionally endangered

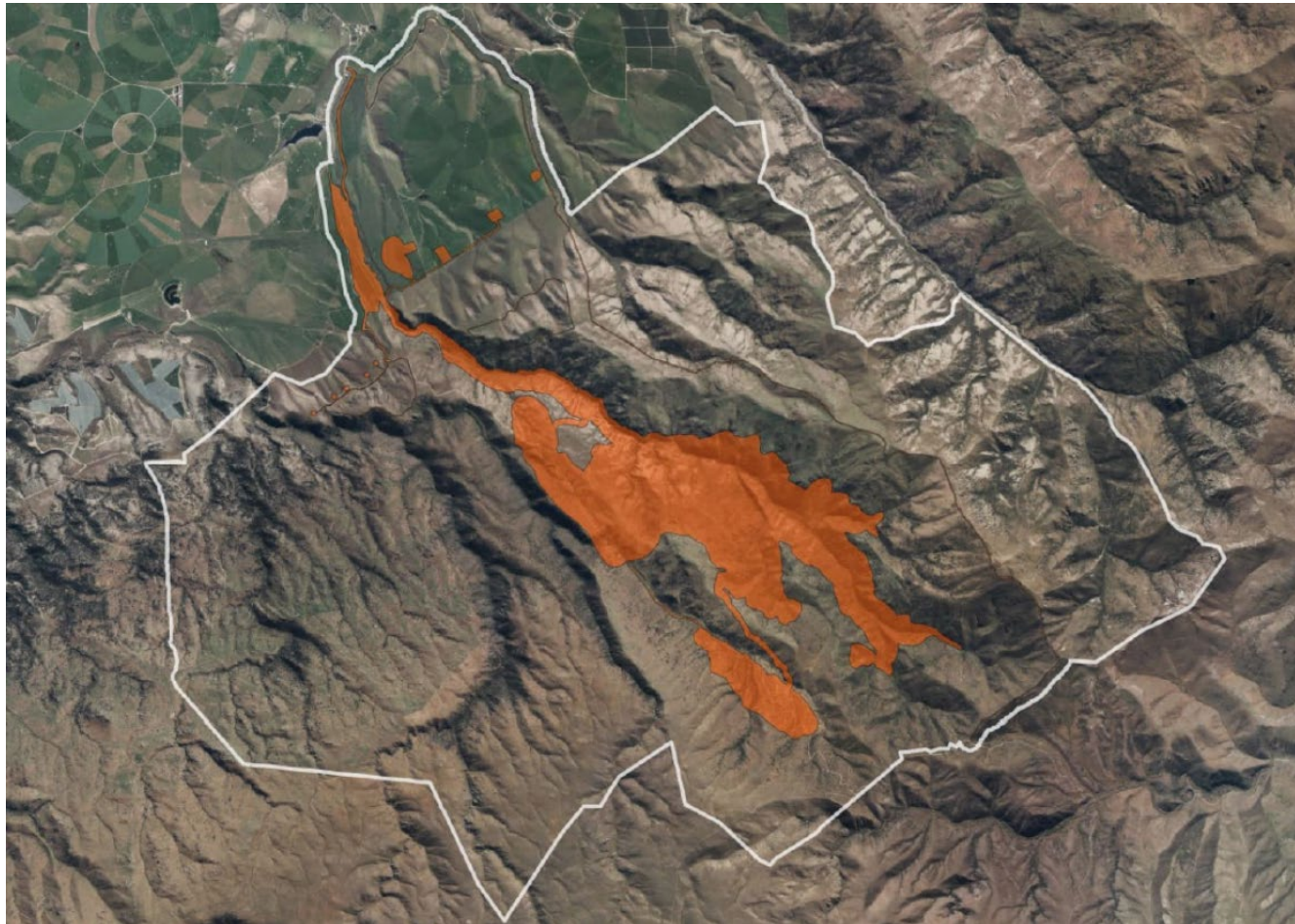


Tarāpuka	<i>Black-billed gull</i>	<i>Chroicocephalus bulleri</i>	At Risk, declining	Threatened, regionally vulnerable
Kāhu	<i>Australasian harrier*</i>	<i>Circus approximans</i>	Not threatened	Not threatened
Kuruwhengi	<i>Australasian shoveler</i>	<i>Anas rhynchos</i>	Not threatened	Not threatened
Korimako	<i>Bellbird</i>	<i>Anthornis melanura</i>	Not threatened	Not threatened
Kakiānau	<i>Black swan</i>	<i>Cygnus atratus</i>	Not threatened	Not threatened
Riroriro	<i>Grey warbler</i>	<i>Gerygone igata</i>	Not threatened	Not threatened
Tētē-moroiti	<i>Grey teal</i>	<i>Anas gracilis</i>	Not threatened	Not threatened
	<i>Mallard x grey duck hybrid*</i>	<i>Anas platyrhynchos x Anas superciliosa</i>	Not threatened	Not threatened
Pīwakawaka	<i>New Zealand fantail</i>	<i>Rhipidura fuliginosa</i>	Not threatened	Not threatened
Kererū	<i>New Zealand pigeon</i>	<i>Hemiphaga novaeseelandiae</i>	Not threatened	Not threatened
Pāpango	<i>New Zealand scaup</i>	<i>Aythya novaeseelandiae</i>	Not threatened	Not threatened
Pūtangitangi	<i>Paradise shelduck</i>	<i>Tadorna variegata</i>	Not threatened	Not threatened
Poaka	<i>Pied stilt</i>	<i>Himantopus leucocephalus</i>	Not threatened	Not threatened
Pūkeko	<i>Pukeko</i>	<i>Porphyrio melanotus</i>	Not threatened	Not threatened
Kōtare	<i>Kingfisher</i>	<i>Todiramphus sanctus vagans</i>	Not threatened	Not threatened
Karoro	<i>Southern black-backed gull</i>	<i>Larus dominicanus dominicanus</i>	Not threatened	Not threatened
	<i>Spur-winged plover</i>	<i>Vanellus miles novaehollandiae</i>	Not threatened	Not threatened
Warou	<i>Welcome swallow</i>	<i>Hirundo neoxena</i>	Not threatened	Not threatened
Matuku moana	<i>White-faced heron</i>	<i>Egretta novaehollandiae</i>	Not threatened	Not threatened

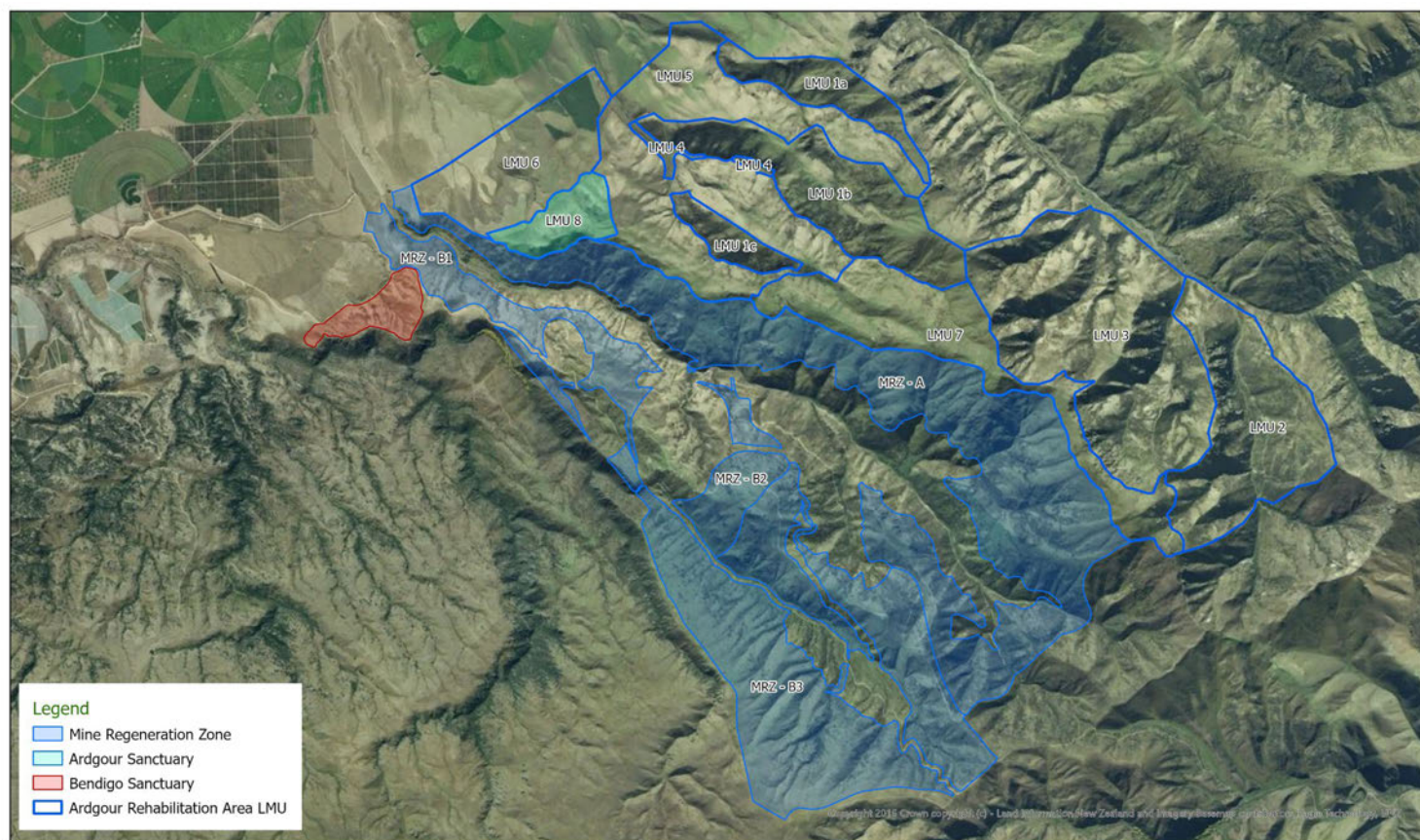
*Detected in the DDF in surveys



SCHEDULE 6:



Map 1 The Direct Disturbance Footprint (DDF) (orange polygon) within the Ecological Study Area (ESA) (white border)



Map 2 Mine Regeneration Zone (MRZ), Ardgour Restoration Area (ARA), and Sanctuaries for the Bendigo-Ophir Gold Project

Attachment 1: Amphibian and Reptile Distribution System (ARDS) card

ARDS CARD		NEW ZEALAND AMPHIBIAN/REPTILE DISTRIBUTION SCHEME Herpetofauna Administrator, RD&I, Department of Conservation, P.O. Box 10420, Wellington.				Card No:	
Observer: Initials Surname			Date:		Locality Name:		
Address:			Alt (m):				
Affiliation:			GPS		Easting		
			Series		Northing		
			Map No.		Easting		
			Northing		Northing		
Area Office:			Conservancy:		Ecol. District:		

Species name	No.	Time	Habitat	Weather	Weather	Major Habitat Types
e.g. <i>Hoplodactylus maculatus</i>	6	18:00	16, D, E	6,2,1	Light 1 Fine/Sunny 2 Part Cloudy 3 Overcast 4 Showers 5 Rain 6 Night 7 0-½ Moonlit 8 ½-1 Moonlit	1 Beech Forest 2 Podocarp forest 3 Broadleaf forest 4 Exotic forest 5 Scrub 6 Sub-alpine 7 Alpine 8 Undeveloped tussock land 9 Developed farmland 10 River terrace 11 Fresh water
Voucher specimen(s)	Yes/No	Specify:				
Photograph(s)	Yes/No					
Extra notes on reverse side	Yes/No					
Notes:					Temperature 1 Hot 2 Warm 3 Moderate 4 Cool 5 Cold	12 Wet land 13 Coastal 14 Scree 15 Bare rocks 16 Beach 17 Urban 18 19 20
Identified by:						
Authority used:						

Micro habitats A Foliage B Trunk C Branches D Under stones E Under wood F Open ground G Crevices H
