

# Barrytown Critical Minerals Project

## Southern Block

### Appendix P2 - Wildlife Act Approval Conditions

#### SCHEDULE 1

1	Authorised activity (Schedule 2, clause 2)	Activity: a) Avian and lizard surveys to confirm individuals at risk due to the mining activity. b) Deterring birds prospecting for nests from the mining area in advance of mining and discouragement of breeding there. c) Where nests can proceed without impeding progress of the dredge, nest protection and monitoring. d) Fencing to exclude kororā from active mining areas. e) Handling of grounded or injured birds. f) Capture and relocation of lizards to remove them from clearance areas. g) Enhancement/augmentation of lizard habitat.
2	The Land (Schedule 2, clause 2)	Areas marked as Application Area within the Southern Block, Barrytown on Figure 1 within the Wildlife Act Authorisation Technical Report.
3	Personnel authorised to undertake the Authorised Activity (Schedule 2, clause 3)	The proposed holders of the Wildlife Approval Authorisation for lizards will be: a) Dr Graham Ussher b) Matt Charteris The proposed holders of the Wildlife Approval Authorisation for birds will be: a) Dr Gary Bramley b) Dr Sarah Withers c) Patrick Stewart d) Matt Charteris
4	Term (Schedule 2, clause 4)	[tbc]
5	Approval Holder's address for notices (Schedule 2, clause 8)	The Approval Holder's address is: Tāiko Critical Minerals Ltd Attn: Robert Brand C/- 100 Mackay Street Greymouth 7805 E: [REDACTED] P: [REDACTED]

6	Department's address for notices	<p>The Department's address is:</p> <p>Buller/Kawatiri Office 72 Russell Street Westport 7825 E: paparoavc@doc.govt.nz P: 0800 275 362</p>
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*NOTE: Interpretation*

- *References in this Approval to the “Department” are to the Department of Conservation.*
- *References in this Approval to the “Manager” are to the person holding the office of Operations Manager, Buller/Kawatiri Office of the Department of Conservation and includes any person authorised by the Operations Manager to act on their behalf in respect of this Approval.*

**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 2.
- 2.2. Any arrangements necessary for access over private land or leased land are the responsibility of the Approval Holder. The Department does not warrant that such access can be obtained.
- 2.3. The Approval Holder must advise the Manager prior to carrying out the Authorised Activity (where possible, one week prior).
- 2.4. The Approval Holder and Authorised Personnel must carry a copy of this Approval with them at all times while carrying out the Authorised Activity.
- 2.5. The Approval Holder must comply with any reasonable request from the Department for access to any wildlife.
- 2.6. The Approval Holder may publish research results.

3. Who is authorised?

- 3.1. Only the Approval Holder, its employees, contractors and agents and the Authorised Personnel described in Schedule 1, Item 3 are authorised to carry out the Authorised Activity, unless otherwise agreed in writing by the Manager, such agreement is not to be unreasonably delayed or withheld.

4. How long is the Approval for?

- 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 Department and the Department'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 Department against all claims, actions, losses and expenses of any nature which the Department may suffer or incur or for which the Department 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 Department'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 Department 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 Manager 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 Manager'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 Manager intends to terminate this Approval in whole or in part, the Manager must give the Approval Holder such prior notice as, in the sole opinion of the Manager, appears reasonable and necessary in the circumstances.
8. How are the notices sent and when are they received?
  - 8.1. Any notice to be given under this Approval by the Department is to be in writing and made by personal delivery, post, 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 post, on the 3rd working day after posting;
    - c) 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 Department 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 any 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 Department 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**

##### **Application**

1. These special conditions apply to the whole site, known as the Southern Block, encompassing the mining disturbance area, areas outside the mining disturbance area which may be subject to earthworks, rehabilitation areas and any associated buildings and roading.

##### **Consents**

2. All Activities authorised by this approval must be undertaken in accordance with the relevant conditions of the Consents for the Southern Block and with the relevant management and monitoring plans, or any amended versions:
  - a. Consent [X] (whole site).
  - b. The Lizard Management Plan that has been certified under condition 14.1 - 14.2 of the Consent.
  - c. The Avian Management Plan that has been certified under condition 13.7 – 13.9 of the Consent.
3. All Activities authorised by this Approval that are undertaken in accordance with the certified management plans listed in Condition 2 must also be undertaken in accordance with relevant current DOC approved herpetofauna and avifauna protocols or DOC SOPs. This includes the Department of Conservation ‘Herpetofauna inventory and monitoring toolbox’.
4. In accordance with Condition 6.5 of the Consent, the Approval Holder may make amendments to any of the management plans referred to in Condition 2 above at any time subject to any relevant certification requirements.

##### **Lizard Capture and Handling**

5. Lizards must only be handled by, or under the direct supervision of, Authorised Personnel named in this application.
6. Lizard capture and relocation must be undertaken between 1 October and 30 April when lizards are most active.

7. Capture and handling of lizards must involve only techniques that minimise the risk of infection or injury to the animal, following methods described in the Herpetofauna inventory and monitoring toolbox <http://www.doc.govt.nz/our-work/biodiversity-inventory-and-monitoring/herpetofauna/>.
8. The Approval Holder must ensure all live capture traps are covered to protect lizards from exposure and minimise stress.
9. The Approval Holder must ensure all live capture traps are checked daily within 12 hours of sunrise.
10. 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.
11. 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.

#### **Bird Capture and Handling**

12. Disturbance of avifauna via the use of deterrents must meet the requirements outlined in the Avian Management Plan.
13. Avifauna will not be handled unless in cases of accidental discovery of injured, grounded or dead wildlife as per the Avian Management Plan.
14. Handling of birds in the circumstances above requires minimal contact, placement in a lined dark box and immediate contact with the Department of Conservation for instruction on how to keep avifauna safe and where to transport avifauna for care by a suitably experienced and qualified handler.

#### **Ownership and holding of Absolutely Protected Wildlife**

15. 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.
16. Unless expressly authorised by the Manager 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**

17. If any protected wildlife is found dead; the Approval Holder must contact the Manager's Buller/Kawatiri Office at [paparoavc@doc.govt.nz](mailto:paparoavc@doc.govt.nz) (0800 275 362), with known details of the animal's history. Then, if the Manager requests it, the body must be sent to Massey University Wildlife Post Mortem Service for necropsy.

18. In that eventuality; the Approval Holder must, if requested by the Grantor:
  - a. Ensure that the body is to be chilled if it can be delivered within 24 hours, or frozen if it will take longer than 24 hours to deliver.
  - b. Ensure appropriate measures are taken to minimise further deaths.
  - c. Discuss with the Manager whether it is necessary to halt all further handling until full investigations of death(s) occur.
  - d. Pay for any costs incurred in investigation of the death.

#### **Records**

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

#### **Lizard Salvage Reporting**

20. Lizard Salvage Reporting must meet the requirements outlined in the Lizard Management Plan and conditions of Consent.

#### **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.