

Barrytown Minerals Project (Southern Block) Project

Attachment B: Applicant responses to relevant comments from other parties considered appropriate by the Expert Panel

This document contains relevant comments from other parties considered appropriate by the Expert Panel.

Out of Scope comments

This document does not respond to comments which are outside scope of the Application including: traffic, trucking and vehicle movements on State Highway 6, noise associated with the Wet Concentrator Plant, impacts of food security etc. in event of an Alpine Fault event

Other Parties

19. Barrytown Primary School
20. [REDACTED] (16 Cargill Road, Barrytown)
21. [REDACTED] (Lot 4 DP 352666)
22. [REDACTED] (2976A Coast Road, Barrytown)
23. Coast Road Resilience Group
24. [REDACTED] (26 Prospector Place)
25. [REDACTED] (52 Glen Road, Barrytown)
26. [REDACTED] (2828 Coast Road, Barrytown)
27. [REDACTED] (2626 State Highway 6, Barrytown)
28. [REDACTED] (13 Cargill Road, Barrytown)
29. [REDACTED] (15 Cargill Road, Barrytown)
30. [REDACTED] (3118 Coast Road, Barrytown)
31. Office of Radiation Safety
32. Parliamentary Commissioner for the Environment
33. [REDACTED] (12a Cargill Road, Barrytown)
34. Royal Forest and Bird Protection Society of New Zealand
35. [REDACTED] (Lot 4 DP 352666)
36. [REDACTED] (16 Cargill Road, Barrytown)
37. [REDACTED] (2790 State Highway 6)
38. West Coast Penguin Trust

39. Westland Petrel Conservation Trust

19. Barrytown Primary School

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
19.1	The Board has concerns related to the traffic management around the time that school bus operates within the catchment area especially between the times of 8:00-9:00 am in the mornings and 2:45 - 4:00 pm in the afternoon. The Board would like to see some form of traffic management implemented especially during the designated hours that would ensure the safety of the school population. The Board would also be seeking an absolute assurance from the Applicants that there would be no trucking operations undertaken on Cargill Road for the duration of the approved consent and any subsequent applications that may be lodged by the Applicants in relation to this or any other mining application(s) that TIGA Minerals and Metals Ltd may seek now or in the future.	-	Appendix H3 – Condition 78(b) and 79.	While this matter is out of scope of the application, trucking hours have been consented for the WCP to be undertaken outside of the hours that the school bus operates and in conjunction with a Traffic Management Plan. There are no heavy vehicle movements proposed for Cargill Road as part of this application or for the consented WCP.
19.2	The Board would be extremely concerned if dust caused because of any aspect the mining operations were to affect the quality of this important resource for both student learning, and community recreation were to be affected in any way.	-	Appendix P1 – Condition 25.0	The Applicant will operate the site in conjunction with a Dust Management Plan.
19.3	The Board would be concerned if noise levels and /or vibrations created by any aspects of the mining operation were to impact on the children's learning and their educational development. The Board would request that if consent is granted that noise and /or vibration monitoring equipment in relation to current and future mining operations, be installed near the school to ensure that challenges are easily identified and readily mitigated	-	-	Noise levels at the school are predicted to be very low at all times with vibration levels imperceptible outside the site boundary. Refer to reply statement by Jon Farren included at Attachment E.
19.4	The Board acknowledges that people are living in a changing world. However, the Board would be disappointed to observe that because of the mining operations any negative aspects associated with the mine resulted in families or staff leaving the community. The Board would be extremely disappointed should the mining operations have a negative impact on the number of students attending the school and the subsequent reduction in staffing that schools are subjected too as result of such student population changes	-	-	The site is currently used as an operational dairy farm. Mining activities are an anticipated activity within the Rural and General Rural Zones of the Grey District Plan and Te Tai o Poutini Plan. Conditions of consent will be imposed to manage adverse effects that could potentially affect adjacent properties. The project will provide employment opportunities that could attract additional families to the area, with the potential for a corresponding increase in the local school roll.
19.5	The Board would be extremely disappointed if the approval of the application had the potential to destroy the student's local habitat, the beach, the creeks or contaminate the soil or result in a decline in the water quality of this pristine part of our planet.	Ecology; Hydrology	Appendix L4A – Ecological Effects Assessment Appendix L3 – Hydrological Assessment	Statement of Dr Gary Bramley states that in the short term the effects of the project would be negligible, and for the medium – long term, the effects of the current project will be positive. The Hydrological Assessment confirms that no significant adverse effects are assessed as arising in the hydrology and water quality discipline areas.

20. (16 Cargill Road, Barrytown)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
20.1	My concern is whether this particular Project, in this particular location and at the scale proposed, has been demonstrated to be capable of proceeding without unacceptable environmental, health, amenity, ecological, infrastructure and long-term community consequences.	All		Appendices L1 – L10 Appendix P1	The Applicant considers that the Project has been demonstrated, through the Application and supporting technical assessments, to be capable of proceeding without unacceptable adverse effects. Potential environmental, amenity, ecological and infrastructure effects have been assessed, with measures proposed to avoid, remedy or minimise those effects. Conditions of consent will provide an enforceable framework for managing and monitoring potential adverse effects.
20.2	The Project involves a large-scale mineral sands operation within a sensitive coastal environment containing wetlands, shallow groundwater, waterways, rural residences, a school, significant landscape values and habitat associated with threatened and at-risk species	-	-	-	Ecological and hydrological assessments have not identified significant potential adverse effects as a result of this activity. Refer statements of reply from Jens Rekker and Dr Gary Bramley further reiterating the findings of their initial assessment included as Attachments G & H respectively.
20.3	What happens to the uranium, thorium, monazite and other naturally occurring radioactive materials when the Barrytown HMC is further concentrated and separated at Rapahoe, and what exactly is being returned (discharged) to Barrytown in the MSP tailings?	-	-	-	Refer comment 1.9. Tailings will comprise small sand fines, the material left over after certain minerals have been extracted from the Heavy Mineral Concentrate - ilmenite, garnet, zircon. Refer to reply statement provided by David Bougourd included at Attachment F.
20.4	Proposes that radiation is a matter requiring more scrutiny. The evidence before the Panel does not appear to provide a comprehensive radiological characterisation of the Rapahoe separation process and the resulting MSP tailings.	-	-	-	Refer to reply statement provided by David Bougourd included at Attachment F.
20.5	Independent assessment required of the radionuclide concentrations in HMC entering Rapahoe; the concentrations in each mineral product and each MSP waste/tailings stream; uranium, thorium and their decay products; radium and radon/thoron generation; dust and inhalation pathways; potential leaching into groundwater and surface water; radiation exposure to workers and nearby residents, especially once; the radiological characteristics of the material being returned to Barrytown; and the long-term implications on the environment and residents, of burying those materials within the Barrytown Flats	-	-	-	Conditions have been offered that require that the Consent Holder to undertake quarterly systematic testing of the heavy minerals concentrate from within the active mining area to confirm that the material remains below the acceptable level of radioactivity concentration limits as specified in Schedule 2 of the Radiation Safety Act 2016. The Consent Holder must also carry out all activities on site in accordance with the Compliance Guide: Management of Naturally Occurring Radioactive Material (NORM) in Mining and Mineral Extraction published by the Ministry of Health. The Guide requires that if radiation levels exceed 1 Bq/g, then the Director for Radiation Safety (the Director) should be notified and a comprehensive assessment carried out to determine the risk. If the results of this show the material above 1 Bq/g would give doses less than 1 millisieverts (mSv) per year, then the assessment should be provided to the Director, and no further regulatory action is required. If the results of this show the material above activity concentrations may exceed 10 Bq/g and/or it is likely the potential dose to people arising from the operations may exceed 1 mSv per year, operations may be subject to licensing under the Radiation Safety Act 2016 (the Act). Under these

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					circumstances, an application for a source licence under the Act should be made to the Director. Refer also to the reply statement by David Bougourd included at Attachment F.

21. [REDACTED] (Lot 4 DP 352666)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
21.1	Concerned about dust effects and the regulatory monitoring of dust. I consider the dust deposition gauges to be wholly inadequate. It is quite possible that dust deposition gauges at the mine site could be doing very little, and could just be empty because of under-sampling.	TPRL		Appendix M5 - Dust Management Plan	The Dust Management Plan provides for a combination of visual inspections and dust deposition monitoring, rather than relying solely on dust deposition gauges. Table 4 sets out a Dust Inspection Programme consisting of daily and weekly inspections, as well as additional inspections when works commence in new areas, providing an active means of identifying visible dust generation and triggering further dust management where required. While dust deposition gauges provide an indication of deposited particulate matter over the monitoring period, the visual inspection regime provides a means to identify short-duration or intermittent dust events that may not be captured by deposition monitoring alone.

22. [REDACTED] (2976A Coast Road, Barrytown)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
22.1	Benefits are provided for TCM's total operation rather than those that the Southern Block will provide.	Economics		Appendix L1A – Statement of Evidence – J Ballingall Footnote 1	The comments appear to misunderstand the scope and sequencing of the application. Mr Ballingall's evidence addresses the economic benefits of the wider Barrytown Minerals Project and notes that the Southern Resource Block would extend the life of the project by approximately 14 years and comprises approximately 87% of the overall economic benefit. The economic assessment for the wider Barrytown Minerals Project has been provided to demonstrate the economic benefits associated with the project, including those arising from the Central Block. These benefits would cease when the Central Block resource is exhausted in the absence of a further mining resource. The Central Block and Southern Block are not proposed to operate concurrently. Rather, the Southern Block is intended to provide the subsequent mining resource and enable the existing processing operation to continue beyond the life of the Central Block Refer to reply statement provided by John Ballingall included at Attachment K.
22.2	The model used as the basis for the benefits can not be relied on. The indirect job multiplier is over stated. Local spending assumes no leakage. Economic costs are dismissed rather than assessed. Commodity price, input costs, and exchange rate risk is unaddressed.	-		-	The Applicant advises that the Financial Model that reported the Project Economics was based on a mineral resource of 35.7Mt that was arrived at by carrying out a drill campaign in compliance with the JORC Code (2012). However, there had not been sufficient test work carried out to enable a Competent Person to sign off the Mineral Resource Statement. That work

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					has since been completed and the Mineral Resource Statement signed off by a Competent Resource has reported a mineral resource of 35.1Mt, validating the Project Economics reported by the Financial Model that informed the Senses Partners Economics Benefits report. Refer also reply statement provided by John Ballingall included as Attachment K.
22.3	General	-	-	-	The Applicant has actively engaged with the Ministry for Social Development Regional Labour Market team who have been undertaking significant work to prepare job seekers and others for the opportunities in this and other projects in the region. Due to the prominence of mining as an industry in the region the company has already received many job enquiries from local people looking for work and recently employed its Operations Manager who lives in Barrytown. The Ministry is working closely with the company to run training programmes utilising the facilities and technical expertise of the Mines Rescue Trust who operate a facility within 1km of the Mineral Separation Plant site at Rapahoe. During the first 3-5 years of operation there is a significant knowledge transfer that will occur taking the expertise from Western Australia and transferring these skills including training programmes into the project. The Applicant is committed to procuring everything it feasibly can within the West Coast region. The only equipment that is not available in New Zealand is the specialist separation equipment that will be procured from Australia. All other equipment, safety gear, building supplies etc will be procured locally and is commonly available in the region due to the significant mining sector that utilises similar equipment. The Applicant has underwritten housing developments to ensure sufficient housing is available for its employees who it expects will be immersed in the community. For a period of time expertise will be provided from Australia, however this is expected to be temporary as the company builds the knowledge base to run the operation in the long term. Most roles within the company are skilled, however for the most part can be trained with employees with transferable skills and knowledge.

23. Coast Road Resilience Group

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
23.1	Existing consents and consenting gap	Planning	Substantive Application – Section 6 Appendix N – Rules Assessment	Each of the applications (Wet Concentrator Plant, Mineral Separation Plant and Southern Resources Block) has clearly expressed that HMC is trucked to the MSP for processing before the tailings (or waste material) is returned to the WCP and pumped back to the mining void to be used in the rehabilitation. There are no further consents required, other than what has

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				been applied for in the application for the Southern Block required for this process. Section 6.84 of the Substantive Application sets out the project description including this process “...Any tailings from the WCP will also be pumped back into the rear of the mining void. Waste material from the MSP that has been transported back to the Southern Block will also be pumped back from the WCP to the mining void and deposited with the railings to assist with rehabilitating the landform...”. Resource consent is not required under the Grey District Plan for this activity as it is permitted. Resource consent is required under the TTPP as this activity falls within the broad Mineral Extraction definition. Resource Consent is required under the West Coast Regional Land and Water plan for discharges to the mining void. Refer to Appendix N (Rules Assessment) for a detailed assessment.
23.2	Naturally occurring radioactive materials (NORM), potential health effects and the need for a precautionary approach.	-	-	Refer comment 1.9 re radiation and the statement of reply provided by David Bougourd included at Attachment F.
23.3	Economics - costs to locality, economic assessment, comparison to other operations, impact on visitor numbers, financial projects, export figures.	Economics	Economic Impacts of Barrytown Minerals Project – Appendix L1	Refer to reply statement provided by John Ballingall included at Attachment K.
23.4	Westland Petrel / Taiko and other wildlife – effect on petrel from artificial light and industrial operation, omission of Central Block consent provisions, no predator control.	Ecology	Ecological Impact Assessment	This application is for a daytime activity (mining), undertaken between the hours of sunrise to sunset. As a result there would be very minimal, if any lighting required on site which is the reason the lighting provisions from the Central Block, which included the Wet Concentrator Plant, have not been carried over to this consent. Mining is an anticipated activity within the Rural and General Rural Zones of the West Coast and the activity is confined to a disturbed area of 16ha. This is not considered to be ‘industrialisation’ as proposed. The activity will be undertaken on privately owned land currently utilised for farming activities such as dairy sheds, milk tankers, tractors and paddock maintenance, as well as grazing stock. Tāiko will undertake wider biodiversity enhancement work that will include pest control activities to be developed in partnership with Ngāti Waewae. A new condition is proposed for pest control to be undertaken for the constructed wetland area as recommended by an appropriately qualified ecologist to ensure the ongoing functioning of the wetland. New condition 16.15 <u><i>The Consent Holder must establish predator control as recommended by a qualified ecologist to ensure the ongoing functioning of the constructed wetland.</i></u>
23.5	Wetlands and waterways – renaturalise all land post-mining, transfer of land to a community trust.	-	-	The site is privately owned and there is no proposal or requirement to renaturalise the entire block following mining. Post-mining land use will remain a matter for the landowner and be applied under the applicable planning framework. While the land may not return to dairy farming, it

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				could reasonably be used for other agricultural purposes, such as dry-stock grazing or animal wintering.
23.6	Climate breakdown impacts and carbon emissions, including coastal hazards	- Coastal Hazards	- Coastal Hazard Assessment – Appendix L10	Trucking, and the operation of the Wet Concentrator Plant, is not part of this proposal. Vehicle activities related to this proposal on site are permitted under the planning framework. Substantial planting will be undertaken on the site. The Coastal Hazard Assessment did not find that there was any risk to the project or the land as a result of the proposed activity. A 50m setback from MHWS has been proposed which is to be established at the start of mining in each section.
23.7	Transportation, increase in heavy traffic, highway and social licence, damage heavy vehicles cause to roads, seismic risk			The concerns of the CRRG are acknowledged but these matters are outside the scope of this application.
23.8	Noise and vibration	Noise	Noise Assessment – Appendix L7	Noise has been assessed across the site and confirmed that the activity will not result in adverse noise impacts. Vibration has been assessed and considered to be imperceptible outside the boundary of the site. Refer reply statement of Jon Farren included as Attachment G.
23.9	Dust	Dust	Dust Management Plan – M5	Refer comments 21.2. Westport meteorological data was used as a proxy noting there is no site at Barrytown at this stage. The approach taken to developing the Dust Management Plan was confirmed in the Erosion and Sediment Control Plan as a practical and effective approach based on other New Zealand operations (refer Appendix M8 – Erosion and Sediment Control Plan).
23.10	Rural character change, Pakiroa Beach, visual effects	Landscape	Landscape and Visual Assessment - Appendix L6	Overall, the application is considered to have a low to moderate (minor) adverse effect on landscape character and values during pre-mining, mining and post-mining activity and a low adverse (less than minor) effect on landscape character in the longer term. This is primarily due to the previous modification of the site, including through former mining activity and vegetation clearance, the active mining disturbance area being transient and limited at any one time, the setbacks and mitigation proposed, and the ability for progressive rehabilitation to occur. There will be positive effects on landcover due to the addition of planted bunds and buffers and a new large wetland and multiple riparian margins. It is considered that in the longer term; the benefits of large amounts of additional planting outweigh the short term disturbance. Refer also comments 26.4. The site is currently operated as an active dairy farm and includes activities such as earthworks, use of tractors and other large farm machinery, milking sheds and milk tankers. Mining is also an anticipated activity within the Rural and General Rural Zones of the Grey District Plan and Te Tai o Poutini Plan. The maximum area of disturbance for the activity is restricted to 16ha and will be a slow moving activity across the 280ha mining disturbance area.
23.12	Community Liaison Group and Community Agreement	-	-	A Community Liaison Group (CLG) has been established for activities on the Central Block. It is not the intent of the Applicant to duplicate this Group but for the avoidance of doubt, conditions have been included to have a CLG for activities on the Southern Block. There is no intent by the Applicant to pursue the community agreement proposed by the CRRG.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
23.13	Bonds and Liability Financing	-	-	Concern over the use of wording conflating potential issues ('radioactive waste'). The Regional Council has recently amended their bond policy. The Applicant will undertake an independent bond assessment of the activity prior to mining activities commencing. A new condition has been volunteered in relation to this (refer condition 4.5). As noted in 23.5, the site is privately owned and while a considerable amount of planting and restoration of habitat will take place post-mining there is no intent to 'renaturalise' the entire site. Conditions of consent post mining are to ensure that ecological values are obtained and will not be required once these have been achieved.
23.11	Uncertainty around applicant plans	-	-	The project has evolved over several years as further testing of sands has been undertaken. The Applicant can confirm that the minerals to be extracted through this process at the MSP are ilmenite, garnet, zircon.
23.12	Social licence	-	-	The Applicant has undertaken engagement directly with a range of residents in the Barrytown area, including residents immediately adjacent to the site and those located further afield. The Applicant has sought to engage with individuals and organisations with an interest in the proposal, offering to meet, and has attended all meetings as requested. The Applicant has also been working closely with the Barrytown School and the Paparoa Wildlife Trust, as well as engaging with the Westland Petrel Trust. Would note that not all Barrytown residents are members of the CRRG and it is important for the Application to understand and respond to a range of community and stakeholder perspectives, rather than relying solely on engagement through a single community group.
23.5	The Proposal does not address management of contaminated land and does not seek consents under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 (NESC).	-	-	The CRRG alleges the Applicant has failed to obtain consents required under the NESC because the site is subject to previous HAIL activities [1] (citing "Mining Industries" are listed [2]) and soil disturbance activities. The Applicant does not consider consent is required. Having an industry identified on that list does not mean that hazardous substances were used or stored on areas occupied by that activity or industry, nor that there is hazardous substances present in land. This is clearly explained in <i>Using the HAIL</i>. Further Guidance explains that the listing is intended to cover industries which would result in soil contamination (see pg 205-206 of the Guidance), and specially excludes activities such as gravel and boulder tailings deposited from sluicing, dredging of alluvial placer deposits (such tailings will not result in soil contamination), and quarries that extract and store limestone rock and clay and shale, because these materials are benign. The historic gold dredging is comparable. It is unclear what soil contamination is alleged from the historical gold mining that occurred across the majority of the farmed flats. It is noted that the Applicant is monitoring for metals and metalloids. [1] Mining industries (excluding gravel extraction) including exposure of faces or release of groundwater containing hazardous contaminants, or the storage of hazardous wastes including waste dumps or dam tailings.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				[2] CRRG Legal Submissions, at [64]-[66]. No consent was sought under the Resource Management (National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health) Regulations 2011 as the activity does not trigger these provisions.

4. [REDACTED] (26 Prospector Place)

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
24.1	Negative impact on indigenous flora and fauna.	Ecology	Appendix L4A – Ecological Effects Assessment	The application site is a highly modified rural environment, having been subject to historic dredging and subsequently developed for pastoral farming (note that 98% of vegetation on site is grazed pasture). It is currently used as an operational dairy farm characterised by open pasture, artificial drainage networks, and modified creek systems, including straightened and managed channels. Statement of Dr Gary Bramley states that in the short term the effects of the project would be negligible, and for the medium – long term, the effects of the current project will be positive.
24.2	Negative impact on community. Sustained disturbance for neighbours and local residents. Adverse well-being effects from noise, dust, haulage, and light pollution.	Noise TPRL	Appendix L7 – Assessment of Noise Effects Appendix M5 – Dust Management Plan	Refer comment 1.1 re noise and reply statement provided by Jon Farren included at Attachment E. Refer comment 19.2 re dust. Refer comment 1.2 re light.
24.3	Serious public health and safety risks and likely release of dangerous levels of radiation. Atmospheric release of elevated levels of radioactive thorium, uranium and radon. Do not believe company adequately understands risk and potential impact on human health. No satisfactory mitigation measures in place.	-	-	Refer comment 20.5 and to reply statement provided by David Bougourd included at Attachment F.
24.4	Long-term impact on waterways, streams and water table.	Hydrology	Appendix L3 – Hydrological Assessment (Section 7.19 p. 85)	No significant adverse effects are assessed as arising in the hydrology and water quality discipline areas.
24.5	Mining activity will speed up coastal erosion. Mitigation measures not sufficient to protect fragile ecosystem. Proposed mining operation will sufficiently reduce average land elevation potentially exacerbating climate impacts.	Coastal Hazards	Appendix L10 – Coastal Hazard Assessment (Section 9.0)	The proposed activity will not affect natural beach processes. A setback of 50m from MHWS is proposed as a condition of consent. MHWS will be reestablished at the commencement of mining in each section of the activity. The western side of the mining disturbance area will be rehabilitated to the existing land level.
24.6	Sufficient mitigation will not be adequately policed by local bodies.	-	-	The Applicant will comply with the conditions of consent. Monitoring of the consent is the responsibility of the Consent Authority.
24.7	Impact of mining on adjacent Canoe Creek lagoon and wide range of bird life.	Ecology	Appendix L4 – Ecological Effects Assessment (p.106)	The Canoe Creek Lagoon is located approximately 500m to the north of the application site and on the northern side of Canoe Creek. There is no hydrology linkage between the application site and the Lagoon. The site is as active dairy farm with 98% of the terrestrial vegetation comprising grazed pasture. The level of effect on activity on avifauna has been assessed as ‘very low’ (with mitigation).

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24.8	Impact on sand plain forest.	Ecology		Appendix L4 – Ecological Effects Assessment (p.105)	The site is an active dairy farm with 98% of the terrestrial vegetation comprising grazed pasture. The level of effect from the loss of indigenous coastal shrubland is considered to be 'Very low – Net gain' due to the riparian planting proposed as part of the overall site rehabilitation.
24.9	Concerned about impact of strip mining on peat beds.	-		Substantive application (Section 5.4)	The majority of the mining disturbance area has been previously mined with material homogenised below the topsoil.
24.10	Impact on Westland Petrel, which is endemic and extremely vulnerable. Effects on breeding colony. Impacts of light on distraction threats. Inconsistent with section 11(a) of NZCPS.	Ecology/planning		Appendix L4 – Ecological Effects Assessment	This application is for a daytime activity (mining), undertaken between the hours of sunrise to sunset. The technical evidence supporting the Application confirms that there will be no material harm to Threatened and At Risk species (i.e. avoidance), and that the proposal is consistent with Policy 11 (refer EEA, page 15).
24.11	Adverse effects on wetland and coastal lagoons, which are important habitats for threatened and at-risk species.	Ecology		Appendix L4 – Ecological Effects Assessment (p.107)	The proposed activity will not affect coastal lagoons (refer comment 18.7). Mining is undertaken in small sections. The northern component of the constructed wetland area will be developed during years 1 and 2 of the activity providing additional habitat for avifauna species. The effect (with mitigation) of the removal of wetlands has been assessed as 'Very low – Net gain' due to the construction of large amounts of wetland habitat prior to removal as mining moves across the site.
24.12	Mining in adjacent areas will compromise QEII covenant in Paparoa foothills.	-		-	The proposed activity is located on the western side of the state highway and well away from the QEII covenant referred to by the commenter up Prospector Place.
24.13	Industrial scale mining operation would compromise natural-justice right to peaceful existence.	-		-	The site is currently used as an operational dairy farm. Mining activities are an anticipated activity within the Rural and General Rural Zones of the Grey District Plan and Te Tai o Poutini Plan. Conditions of consent will be imposed to manage adverse effects that could potentially affect adjacent properties.
24.14	Rapid and sustained decline in property values.	-		-	Refer comment 2.5.

25. (52 Glen Road, Barrytown)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
25.1	My objection is not sentiment alone — the law already recognises that mining activity should not be permitted where it causes a prejudicial effect on the use and enjoyment of neighbouring land by its owner or occupier. Section 57 of the Crown Minerals Act 1991 withholds authorisation for mining that is likely to have such a prejudicial effect on an adjoining owner or occupier's use and enjoyment of their land. Section 55(2) of the same Act separately protects specified classes of land — including smaller landholdings — from imposed mining access, reflecting Parliament's clear view that the settled, everyday enjoyment of a home by its neighbours is not something to be waved aside for mineral extraction. I ask the Panel to give these protections real weight.	-		-	These sections relate to access arrangements under the Crown Minerals Act 1991 and are not relevant to the Application. TCM currently hold all requisite access arrangements or otherwise owns the land subject to mining in the application.

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25.2	No approval be granted without an independent, site-specific assessment of noise and radiological effects at properties along Glen Road adjoining the Southern Block.	Noise		Appendix L7 – Noise Assessment	Noise Assessment has been undertaken across the site. Refer also to reply statement by Jon Farren included at Attachment E. Refer comment 1.9 and reply statement by David Bougourd at Attachment F.
25.3	No approval be granted without real enforceable protection for the coastal birdlife.	-		Appendix P1 – Resource Consent Conditions	The activity will be subject to enforceable consent conditions, an Avian Management Plan, and the requirements of the relevant Wildlife Authority, which will collectively establish the measures and controls required to avoid, minimise and manage potential effects on coastal birdlife. These will determine how the activity is to be undertaken and provide an enforceable framework for the protection and monitoring of avian species throughout the operation.

26. (2828 Coast Road, Barrytown)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
26.1	There has been confusion about exactly what minerals are to be targeted and what they intend to do with them. TCM mention Ilmenite, Garnet, Zircon and gold, with scant, if any, mention of monazite and other radioactive constituents. Although TCM mention 'critical minerals' and REE's on their own website and in media releases, they don't in resource consent applications. The only exception I found was a very brief mention in the Fast Track substantive application where 'trace monazite' was mentioned. Interestingly, the Resources Minister very clearly mentions monazite in an interview referenced here, much more lucrative for doing 'deals' with the Americans than ilmenite, garnet or zircon.	-		-	The project has evolved over several years as further testing of sands has been undertaken. The Applicant can confirm that the minerals to be extracted through the MSP process from the Heavy Mineral Concentrate are ilmenite, garnet and zircon.
26.2	The bond of \$300,000 is very low and needs to be increased. When we had the recent meeting at Rapahoe with the visiting Director for Radiation Safety and two other scientists from PHF science on 11 August 2026, it was said we 'should add an extra zero' to that bond amount.	-		-	The Applicant will commission an independent bond assessment to be undertaken by an appropriately qualified person prior to any disturbance activity commencing on site. Refer amended condition 4.5.
26.3	On a more personal level, my partner and I spend a lot of time outside working and enjoying the property and the view. Along with the fact that we would eventually be directly overlooking mining operations.	Landscape		Appendix L6 – Landscape and Visual Assessment (12.10)	There is no requirement to retain an uninterrupted private view over adjoining or surrounding land. Landowners can undertake activities on their property that are permitted by the relevant planning framework, which may include planting vegetation or establishing buildings or other structures which may restrict another's view, subject to any applicable rules and restrictions. The site is currently operated as two privately owned dairy farms where heavy machinery is used, pasture turned over and developed, winter grazing and standoff pads occur, and farms roads and dairy sheds constructed. Given the distance to the application area, intervening vegetation, and the short duration of visible mining activity (most notably in years 10 and 11), there is deemed to be a very low to low (less than minor) adverse effect on dwellings located near the centre of Coast Road/SH6.
26.4	The enjoyment of Pakiroa/Barrytown beach is also a big part of living here. It is 17 km long, inviting lengthy walks and recreation	Landscape		Appendix L6 – Landscape and Visual Assessment (12.5)	Views of the site from Pakiroa Beach will vary depending on the location along the beach. The visual effects are assessed as ranging from very low

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
	along its span. The presence of ongoing mining operations would upset this nature-rich experience and be intrusive in a major way: visible and heard by locals and visitors in the landscape for decades to come				(less than minor) to low-moderate (minor) and will occur for approximately 3-4 years as mining progresses through the relevant area. A 50m setback from MHWS will be maintained, providing separation between the beach and the mining activity. The activity will also be temporary and progressive, moving across the site rather than remaining in one location. The site is currently an operational dairy farm, where machinery, vehicles and routine paddock maintenance already occur within the surrounding landscape. In addition, the beach environment is characterised by the prominent and continuous sound of the surf, which is substantially closer to beach users than the proposed mining activity.
26.5	Many people in the community host visitors or otherwise depend on tourism financially and it is an unknown how tourist perceptions may be affected by large scale long term mining operations.	-	-	-	The site is currently operated as an active dairy farm and includes activities such as earthworks, use of tractors and other large farm machinery, milking sheds and milk tankers. Mining is an anticipated activity within the Rural and General Rural Zones of the Grey District Plan and Te Tai o Poutini Plan. The maximum area of disturbance for the activity is restricted to 16ha and will be a slow moving activity across the 280ha mining disturbance area. Refer to reply statement provided by John Ballingall included at Attachment K.
26.6	Many in our community have an extremely close bond with nature in general and the precious and at risk Westland Petrel/tāiko in particular. The concern is that increased levels of industrialisation might add to the large list of threats they face; maybe just enough to alter their breeding behaviour that is already fraught with challenges.	Ecology		M2 – Avian Management Plan (5.2.2)	The site is currently operated as an active dairy farm and includes activities such as earthworks, use of tractors and other large farm machinery, milking sheds and milk tankers. The proposed operation is a day-time activity. Any risk to the Westland Petrel as a result of using lighting for health and safety reasons at night is considered very low. Refer statement of reply of Dr Gary Bramley included at Attachment H.
26.7	We have purchased a radon monitor for our home, and the fact that in some weathers and atmospheric conditions, it records unsafe 'keep away' levels indoors, demonstrates that levels of NORM are high here even without mining. We worry about how negative effects from radiation might be amplified by mining and play out in the future. Radon gas can be managed through ventilation with the build up dissipating quickly (if you know about it, and thanks to the CRRG, more people do); but even more concerning is the effects from the concentrated and separated solids transmitting through the air in the form of dust in storage and transportation, or long term contamination concerns with the return to the mine void. And the potential for increased radon gas levels accumulating in any building that might be built on previously mined land in the future	-	-	-	Refer comment 20.5 and reply statement provided by David Bougourd included at Appendix F.
26.8	We have concerns regarding dust inhalation and adverse radioactive effects on us and those even closer to the mining operations, particularly on women and children as the more severely affected.	-	-	-	Concerns are acknowledged. Refer comments 19.2 and 26.7.

27. (2626 State Highway 6, Barrytown)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
27.1	The proposal is fundamentally incompatible with the environmental, economic, cultural, and landscape values of the Barrytown–Punakaiki area. Inappropriate location of activity, immediately beside Paparoa National Park, State Highway 6. Is not a remote industrial zone, open cast mine would cause irreversible brand damage.	Landscape		Substantive Application section 5.6 – 5.14 Appendix L6 Landscape Assessment - section 8.2	The application area is zoned Rural under the Grey District Plan and General Rural under the TTPP. Mining is an accepted and ongoing activity within the rural area. The land is privately owned and operated as two dairy farms. The site is not immediately adjacent to Paparoa National Park, with a number of rural residential dwellings and State Highway 6 providing separation between the application area and the National Park.
27.2	Landscape and visual effects - Our property's 180-degree coastal outlook would be replaced by a view directly over an open-cast mine for 9–14 years. The Glasson Huxtable report's claim of "less than minor" effects on nearby residents is untenable. The visual impact is major, prolonged, and incompatible with residential and tourism values. We would not want to stay here ourselves and it would make it unrentable and unsaleable.	Landscape		Appendix L6 Landscape Assessment – section 12.12	The application is deemed to have effects ranging from no effect through to very low adverse (less than minor) from predicted viewing during years 12–14. For dwellings located to the east of Coast Road/SH6, mining activity may be visible for short durations at a distance of at least 600m away, receding into the Barrytown flats landscape. The site is currently an operational dairy farm, where machinery, vehicles and routine paddock maintenance already occur within the surrounding landscape. Refer comment 2.5 re property values.
27.3	Noise effects - The Marshall Day report focuses on decibel limits rather than the character of mining noise. Continuous mechanical noise from excavators, trucks, dredges, and long processing hours is not comparable to natural ambient sounds such as surf or birds. Starting heavy truck movements in the very early morning until late evening is unreasonable for residents and visitors. Hearing the surf sound readily means I have no doubt the mining sound will carry, and whilst they may not be over technical limits, will be very unpleasant compared to normal sounds of nature in this location	Noise		Appendix L7 – Assessment of Noise Effects	Restrictions are proposed in the conditions to ensure that appropriate controls are in place to meet the noise limits set in the District Plan. Where these cannot be met, mitigations such as bunding and/or operating hour restraints have been proposed. Note that the commenter is located approximately 500m from the edge of the wider consent area on the eastern side of State Highway 6. Refer to reply statement by Jon Farren included at Attachment E.
27.4	Economic assessment - The Sense Partners report overstates mining benefits and understates tourism impacts; no surveys of behavioural evidence that tourism will not be affected, incorrect assumption that tourism losses are acceptable because mining revenue compensates; failure to recognise that royalties flow to central govt, while tourism revenue stays in the region. Damage to Untamed Natural Wilderness Brand and harm the wider South Island tourism network.	-		-	Refer to reply statement provided by John Ballingal included at Attachment K.
27.5	Ecological risks - The site is close to the only known breeding colony of Tāiko (Westland Petrel). The application does not adequately address cumulative risks from noise, light, vehicle movements, and habitat disturbance.	Ecological		Appendix M2 Avian Management Plan - section 5	Mining is undertaken during daylight hours, vehicle speeds onsite are restricted to 15km/h. The application site is an active dairy farm and not part of the Tāiko habitat or breeding colony area. Any noise generated from mining activities on site will not affect the breeding colony.

28. (13 Cargill Road, Barrytown)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
28.1	Additional traffic in our area and down Cargill Road will potentially cause damage to local roads and state highway. Who pays for costs of repairs.	-		-	There will be no additional traffic travelling down Cargill Road relating to the activity.
28.2	Operational times for start and finish and 6 days a week are too long, detrimental to peacefulness of area, create stress, interfere with sleep, disturb own animals.	Noise		Appendix L7 – Assessment of Noise Effects	Refer comment 2.3
28.3	Additional dust from digging, traffic movement, contamination will potentially pollute water supply and food supply (garden and fruit trees).	Erosion and Sediment Control		Appendix M8 – Erosion and Sediment Control Plan (s.4.9) Appendix M5 – Dust Management Plan	As set out in the application documents substantial and ongoing monitoring will be undertaken in regards to dust.
28.4	Adverse effect on wildlife in area, birds, penguins, petrels wetlands. Activity will drive them away and cause irreparable damage to the coastline.	Ecological		Appendix L4 – Ecological Effects Assessment Appendix L4A – Statement of Evidence Dr Gary Bramley	The technical assessments confirm that the short term effects of the project are considered to be negligible given the species and habitats present, the specific location, nature and duration of the activity and the actions proposed to avoid, remedy and minimise any effects. In the medium – long term, the effects of would be positive, in that there will be a substantial increase in the extent and value of wetland, shrubland and forest habitats and better connection across the site due to the riparian vegetation connecting habitats.
28.5	Coast is so wet the sea wall could be compromised from excavation occurring on farmland. What happens to excess water and mud? Will this be allowed to run off onto the beach and into the ocean making beach uninhabitable and unusable by humans.	Erosion and Sediment Control		Appendix M8 - Erosion and Sediment Control Plan	A 50m buffer from MHWS will be observed for mining activity ensuring that the coastal scarp is maintained as is. Sediment and erosion controls will be implemented across the site as set out in application document M8. There is no excess water. Water is pumped in a loop from the mine pond with the mined material and returned to the pond with the tailings.
28.6	Barrytown beach is a popular and safe swimming area, used year round. It will be affected by excavation and extra traffic movements.	-		-	A 50m buffer from MHWS will be observed for mining activity avoiding effects on Pakiroa Beach. Note there are small scale sand mining activities already consented and occurring in this area. There are no traffic movements down Cargill Road. When mining occurs on Section 3 of the site vehicles will cross Cargill Road avoiding travelling past the school or residences at the eastern end of the road.
28.7	Concerned at radioactivity of process and how it may affect health in the long term. How is this going to be managed properly and by professionals to ensure there is no danger.	-		-	Refer comment 1.9 and reply statement provided by David Bougourd included at Attachment F.
28.8	Concerned that property will be devalued from the activity on the Flats and will affect the whole Coast.	-		-	Refer comment 2.5.
28.9	Concerned the Coast Road tourist trail will be compromised. Should remain as a pristine drive. Tourism is a major part of the Coast income.	Landscape		Appendix L6 – Landscape Assessment Section 12.8	Views of the mining activity from Coast Road/SH6 will be limited, distant and intermittent due to intervening vegetation, viewing angles and the transient nature of road users. Overall, the visual effects on Coast Road/SH6 users are expected to be very low (less than minor). The site is currently an operational dairy farm, where machinery, vehicles and routine paddock maintenance already occur within the surrounding landscape. Refer also to reply statement provided by John Ballingal included at Attachment K.

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
28.10	If mining turns out not to be as valuable or easy as company believes will be left with rubbish land worthless and damaged and no one to take responsibility for the outcome.	-		-	The activity is undertaken progressively across the site, with the active mining disturbance restricted to 16ha at any one time, and areas progressively rehabilitated as mining advances. While the concern regarding the potential for the activity to cease before completion of rehabilitation is noted, the consent framework provides for a financial bond, commensurate with the area disturbed and the rehabilitation liability, to be held by the consent authority. The bond provides financial security for the completion of required rehabilitation should the Consent Holder fail to meet its obligations. The progressive nature of the operation, together with the rehabilitation requirements and financial security, provides for the site to be progressively returned to an appropriate post-mining landform rather than leaving the full area disturbed at the end of the operation.
28.11	Concerned will end up like mineral mining in Westport, where Council will end up with large debt and ratepayers end up being liable for incurring rate increases.	-		-	Refer comment 28.10.

29. [REDACTED] (15 Cargill Road, Barrytown)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
29.1	The profits will all go offshore, (with the exception of minimal taxes), and if we are lucky, the West Coast will get 40 full time driving jobs out of it.	Economics		Appendix L1 - Economic Impacts of Barrytown Minerals Project	The positive effects of the proposed activity are clearly detailed in the Economic Assessment and the statement of reply by John Ballingall included as Attachment K.
29.2	Concerned that if something happens to Taiko community would be responsible for remediation of the site.	-		-	Refer comment 28.10.

30. [REDACTED] (3118 Coast Road, Barrytown)

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
30.1	Mr Meehan said that radiation in minerals from the sand was not an issue, and that it would only be at 'background' levels. He offered no further explanation. He said that the company was only interested in extracting ilmenite, garnet and gold. He did not explain that the company was also interested in removing 'rare earth element minerals' as indicated a few months later on their website and in press releases. Neither did he mention that a 'pre-feasibility study' report received by the company in June 2023 and posted on the investor section of the Taiko website in 2026 contains results from a trial mineral magnetic separation ¹ showing estimated levels of radioactivity in the 'non-magnetic concentrate' (~13Bq/g) that exceeds the threshold for radioactive material in the NZ Radiation Safety Act and would require licensing by the Office of Radiation Safety. Under the current proposal, this 'waste' material will be returned to the mine site for backfilling. This needs to be carefully planned and executed to avoid the creation of	-		-	The resource consent conditions proposed for the Application have been amended and are consistent with the Compliance Guide: Management of Naturally Occurring Radioactive Material (NORM) in Mining and Mineral Extraction (refer amended condition 8.5). Refer comment 20.5. Refer also to reply statement provided by David Bougourd included at Appendix F.

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
	radiation 'hot spots' as has occurred in sand mines in Australia, where sand mines similar to this have been in operation for many decades. I think it is a reasonable request to ask that in the event that the mine is consented, the mine company (whatever their future name may be) is required to install radon and radiation measuring devices at my property and to have them inspected, serviced and results interpreted at regular intervals by qualified professionals. I also suspect that there are many other dwellings on the Barrytown Flats that are in a similar or worse position than myself regarding risk from radon gas and radiation from dust particles. Consent conditions should in my opinion request that the mining company, in consultation with appropriate qualified experts (e.g. health physicist and geophysicist), develop a monitoring programme for all dwellings on the Barrytown Flats that are potentially at risk from elevated radon and/or radiation (and dust) levels as a result of mining activities.				
30.2	Management of dust over the lifetime of the project will be critical for minimising exposure to radiation and other potential harmful effects of dust inhalation	-	-	-	Refer comments 20.5 and 19.2, and reply statement provided by David Bougourd included at Attachment F .
30.3	I therefore request that in the event that consent is granted, my property be added to those listed in section 6.114 of the substantive application requiring the company not to undertake any activities adjacent to the property between 0600 and 0700. I also request that the 500m limit for this restriction of operating hours be increased to 1 km. The company to pay for sound-proofing (e.g. double glazing) to windows at my property that face west towards the mine site.	-	-	-	The Commenter's property is located on the eastern side of, and immediately adjacent to, State Highway 6. The edge of the consent area is approximately 240m from the property, while the mining disturbance area is approximately 640m away. These distances, together with the proposed setbacks and noise controls, provide substantial separation between the property and the mining activity. The requested extension of the 500m restriction on activities between 0600 and 0700 to 1km is therefore considered unnecessary to manage potential noise effects at the property. The proposal also includes controls on the timing and location of mining activities and requirements to manage noise effects in accordance with the consent conditions. There is no basis for requiring the Consent Holder to fund double glazing or other acoustic upgrades to the Commenter's property. Refer to reply statement provided by Jon Farren included at Attachment E.
30.4	The establishment of a community liaison group and provision for that community group to have a voice for key decision-making during consent condition implementation should be a part of the conditions. Community-company liaison meetings should be independently chaired. Interactions between community and company would be facilitated by having a community website. I request that as a condition of consent, the company be asked to pay for the development and upkeep of a community website which would act as a forum for community issues relating to the mine and have independent editorial oversight. Correctly done, this would greatly facilitate dialogue within the community and between the community and the company.	-	-	-	The establishment of a separate community liaison group, independently chaired meetings and a dedicated community website is not considered necessary as a condition of the Southern Block consent. The Consent Holder already has established community engagement mechanisms associated with the Central Block, which provide an existing avenue for communication between the company and the community. Those mechanisms can continue to be utilised as the Southern Block progresses, avoiding duplication and the establishment of a separate governance and communications structure for what is a continuation of the wider Barrytown Minerals Project. The Consent Holder will also remain subject to the consultation, monitoring and reporting requirements imposed through the consent conditions. It is

Comment Number	Comment	Applicant Input	Technical	Where Addressed in the Application Documents	Response
					considered more appropriate that ongoing community engagement arrangements remain flexible and proportionate to the effects of the activity.

31. Office of Radiation Safety

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
31.1	Expectation is that the Compliance Guide is followed by the operator, and the consenting authorities should ensure that it is followed.	-	-	The resource consent conditions proposed for the Application are consistent with, and reference, the Compliance Guide. They require: - the Consent Holder to carry out all activities on site in accordance with the Compliance Guide now available (as at June 2026) (Conditions 8.5 and 8.6). - quarterly testing and compliance with the Radiation Safety Act (Condition 8.4); - The Consent Holder must maintain radiation monitoring devices in the locations specified in the Dust Management Plan. Data from the radiation monitoring devices must be collected and analysed once every three months. Copies of the test results must be submitted to the Consent Authorities with 10 working days of receipt of the results (Condition 8.6a) The Compliance Guide confirms: - The internationally accepted level for defining the scope of regulatory oversight for NORM containing uranium and thorium (and their decay products) is 1 becquerel per gram (Bq/g). At activity concentrations below 1 Bq/g, these materials are considered inherently safe (Section 2 of the Guide). If the analysis determines that NORM activity concentrations will not exceed 1 Bq/g, no special controls are indicated, and the operations are not of regulatory concern (Section 3.1 of the Guide) - If the analysis determines that NORM activity concentrations may exceed 1 Bq/g, then the Director for Radiation Safety (the Director) should be notified and a comprehensive assessment carried out to determine the risk. If the results of this show: - the material above 1 Bq/g would give doses less than 1 millisieverts (mSv) per year, then the assessment should be provided to the Director, and no further regulatory action is required - activity concentrations may exceed 10 Bq/g and/or it is likely the potential dose to people arising from the operations may exceed 1 mSv per year, operations may be subject to licensing under the Act. Under these circumstances, an application for a source licence under the Act should be made to the Director before operations start.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				- Assessments should be carried out a number of times throughout the life cycle of the operation as radiological conditions could change as operations change (Section 3.1 of the Guide). - Effective dust suppression and extraction will reduce exposure to NORM through inhalation. It is important to identify all areas and activities that generate dust such as drilling, excavation, roads, stockpiles, and process operations. Examples of control measures include... (Section 3.2.2. of the Guide). - For operations where the safety assessment indicates activity concentrations may exceed 10 Bq/g and/or it is likely that, due to the operations, people may potentially receive a dose above 1 mSv per year, a NORM management plan should be developed as part of an overall site health, safety, and environment management plan (Section 4 of the Guide). - The IAEA Transport Regulations do not apply when NORM is below 10 Bq/g.

32. Parliamentary Commissioner for the Environment

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
32.1	There are two main aspects of this project I recommend the Panel pay particular attention to. The first one relates to the impact of the sand mining activity and potential adverse effects on and from naturally occurring radioactive material (NORM). Of primary concern to me is the risk associated with source material known to contain NORM. I am concerned there may be an increase in ionising radiation as a result of heavy metals in the mined sand being concentrated at the mineral separation plant (MSP) and then being returned in the tailings (waste materials) to the mining site after processing.	-	-	Refer to comment 20.5 and reply statement provided by David Bougourd include as Attachment F.
32.2	The second aspect is ambiguities in the proposal that could lead to unanticipated effects due to confusion about the activities that are consented or otherwise taking place at Barrytown. While investigating the concerns about ionising radiation from the sand mining at Barrytown, I have become concerned that interested parties may be conflating issues related to different projects. The role of the Panel is to assess the substantive application lodged by Tāiko Critical Minerals Ltd for the Barrytown Minerals Project – Southern Block, lodged under the FTAA. However, the Panel also needs to be cognisant of other activities in the Barrytown Flats that are directly related to the current application. This includes those that are discussed as being subject to a further application in future and those already consented. I observe that there is	-	-	Each of the applications (Wet Concentrator Plant, Mineral Separation Plant and Southern Resources Block) has clearly expressed that HMC is trucked to the MSP for processing before the tailings is returned to the WCP and pumped back to the mining void to be used in the rehabilitation. There are no further consents required, other than what has been applied for in the application for the Southern Block required for this process. Section 6.84 of the Substantive Application sets out the project description including this process "...Any tailings from the WCP will also be pumped back into the rear of the mining void. Waste material from the MSP that has been transported back to the Southern Block will also be pumped back from the WCP to the mining void and deposited with the railings to assist with rehabilitating the landform..."

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	some ambiguity regarding the return or disposal of the ‘tailings’ to the mine void following processing of the material from the Southern Block at the WCP (and the MSP). Specifically, there is ambiguity as to whether this activity is being consented as part of this FTAA project or has otherwise already been consented.			Resource consent is not required under the Grey District Plan for this activity as it is permitted. Resource consent is required under the TTPP as this activity falls within the broad Mineral Extraction definition. Resource Consent is required under the West Coast Regional Land and Water plan for discharges to the mining void. Refer to Appendix N (Rules Assessment) for a detailed assessment.
32.3	The implications of extracting REE from the mined sand at Barrytown flat, should it be an intended activity, should be made very clear.	-	-	Refer to reply statement provided by David Bougourd included as Attachment F.

33. (12a Cargill Road, Barrytown)

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
33.1	Epidemiological studies, worldwide, have identified a higher risk of cancer, circulatory and respiratory diseases, congenital anomalies and perinatal disorders in mining regions.	-	-	The concerns are acknowledged. The Application will comply with the NZ Compliance Guide recently released by Ministry of Health.
33.2	Presently, land in question, are in as much a natural state being “vegetated” at all times or water bodies; native and exotic, except for erosion events. Hence, the increased exposure of dust contaminants and un-natural acceleration of the radioactive form of elements must be mitigated in robust methods by the business concerned if the mining proceeds and before the mining proceeds.	-	Appendix M5 – Dust Management Plan	This site is not currently vegetated at all times as suggested as it is operated as two active dairy farms who undertake activities such as earthworks for paddock maintenance, standoff pads and winter grazing, use of tractors and other large farm machinery, application of lime fertilizer, construction and use of farm tracks/roads. As set out in the application documents substantial and ongoing monitoring will be undertaken in regards to dust. As noted above, refer to reply statement provided by David Bougourd included as Attachment F.

34. Royal Forest and Bird Protection Society of New Zealand

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
34.1	Forest & Bird is concerned that the FTAA application will not avoid adverse effects on Westland petrels and other avifauna. Forest & Bird is particularly concerned that the proposed light management provisions fall short of what is required to avoid adverse effects on Westland petrels. The proposed conditions for the mining activities at the southern block are weaker than the mediated conditions for the central block.	-	-	The proposed measures are consistent with the scale and intensity of the activity, which is a daytime mining activity and does not include any buildings or fixed lighting. Refer to reply statement provided by Dr Gary Bramley included as Attachment H.
34.2	It is Forest & Bird’s expectation, that if the Panel is of the mind to grant FTAA permission for the mining activity at the southern site, then the consent conditions will need to be at least as robust as (if not more) than those established through mediation for the	Ecology	Appendix L4 – Ecological Effects Assessment	The proposed measures have been developed to reflect the scale and intensity of the activity and the ecological characteristics of the site and are considered appropriate to manage the identified effects. The activity is a daytime mining operation, using a different mining technique to the Central

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	central site, considering the larger scale mine and the longer duration. As currently proposed the conditions will not avoid adverse effects on threatened or at-risk indigenous taxa.			Block, operating across a disturbed area of 16ha at any one time. It does not include any buildings or fixed lighting. The site is currently operated as an active dairy farm with 98% of the vegetation classified as grazed pasture. The ecological assessments have considered the potential effects on threatened and at-risk indigenous taxa and have informed the proposed avoidance and management measures. The proposed conditions, including the requirements of the Avian Management Plan and Wildlife Authority, provide an enforceable framework for managing these effects. Refer also to reply statement provided by Dr Gary Bramley included as Attachment H.
34.3	Evidence of Dr. Susan Mary Micol on the effects of the proposed activities on Westland petrels and other avifauna.	-	-	Refer to reply statement provided by Dr Gary Bramley included as Attachment H.
34.4	Forest & Bird is also concerned about the impacts of climate change, the risk of coastal erosion and inundation by the sea because of sand mining on the coastal plain and because of extreme weather events. The FTAA application does not appear to have adequately assessed the risk of climate change impacts, particularly regarding the impact of sea water inundation.	Coastal Hazards	Appendix L10 – Coastal Hazard Assessment (Section 9.0) Appendix M6 – Rehabilitation Management Plan (4.3)	The proposed activity will not affect natural beach processes. A setback of 50m from MHWS is proposed as a condition of consent. MHWS will be reestablished at the commencement of mining in each section of the activity. The western side of the mining disturbance area will be rehabilitated to the existing land level (refer final landform cross sections – Figures 5-8).
34.5	The adverse effects of the mining activity on the area's natural character and as a buffer to Paparoa National Park appear to have been downplayed by the applicant at best and at worst largely ignored, and the benefits of mining, inflated.	Landscape	Appendix L6 – Landscape Assessment Appendix L6A – Statement of Evidence – N. Crawford	The application area is zoned Rural under the Grey District Plan and General Rural under the TTPP. Mining is an accepted and ongoing activity within the rural area. The land is privately owned and operated as two dairy farms (the predominant vegetation on site is 98% grazed pasture). The site is not immediately adjacent to Paparoa National Park, with a number of rural residential dwellings and State Highway 6 providing separation between the application area and the National Park. The Landscape Assessment concluded that the project will avoid significant adverse effects. It will result in a low (less than minor) adverse effect during pre mining, mining and post-mining activity. Longer term, there will be a low to moderate (minor) positive effect on natural character. This is because the currently declining natural character of the application area is able to be reversed by the creation of a new large wetland and the rehabilitation of multiple riparian margins. Refer also reply statement of John Ballingall included as Attachment K.

35. [REDACTED] (Lot 4 DP 352666)

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
35.1	I oppose the application for its multitude of environmental and social impacts, including the economic costs of these impacts.	Ecology Hydrology	Appendix L4 Appendix L3	The concerns regarding the potential environmental and social effects of the proposal are acknowledged. Potential effects have been assessed in the technical reports and supporting documentation provided with the Application, and measures have been proposed to avoid, remedy or minimise identified adverse effects. Conditions of consent are proposed to ensure that the relevant effects are appropriately managed and that the mitigation measures are implemented and monitored throughout the life of the activity.

36. [REDACTED] (16 Cargill Road)

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
36.1	The proposed Southern Block would bring mining activity significantly closer to my home. It has the potential to change the landscape I look out upon, alter the soundscape I live within, introduce artificial lighting and machinery into what is currently a predominantly rural and natural environment, and affect the wildlife and wetlands that contribute so much to the character of Barrytown.	Landscape	Appendix L6 – Landscape Assessment (12.3)	Views from this property toward the application area are generally distant, intermittent or filtered by existing vegetation and proposed planted bunds. Any visible mining activity will be temporary, occurring for approximately three years north of Cargill Road and a further three years south of Cargill Road. Given the distance, transient nature of the activity and proposed mitigation, the visual effects on these properties are assessed as very low (less than minor) to low (less than minor). The site is currently operated as a dairy farm with machinery and heavy vehicles (milk tankers) accessing the area from Cargill Road. The proposed activity will be undertaken during daylight hours only. Mining is an anticipated activity within the Rural Zone of the Grey District Plan and General Rural Zone of the Te Tai o Poutini Plan. Refer comment 34.6. Refer to reply statement provided by Dr Gary Bramley at Attachment H.
36.2	I am particularly concerned that, despite the considerable volume of material accompanying the application, there remain important unanswered questions about wildlife, wetlands, landscape, noise, amenity and radiation. Some of these gaps have also been identified by the Department of Conservation in its statutory advice to the Panel.	-	-	Refer to reply statement provided by Jon Farren included as Attachment E and Dr Gary Bramley at Attachment H and the responses provided within Attachment A and B.
36.3	The questions around Westland petrels are especially important to me because I have seen the consequences personally. I do not believe that the potential effects of artificial lighting can be treated as an insignificant or purely localised matter without properly understanding how it could affect these birds and the community's ongoing efforts to protect them	Ecology	M2 – Avian Management Plan (5.2.2)	The activity is undertaken during daylight hours. Any lighting on site at night would be using head lamps and hand held torches and has been assessed as being of very low risk. Refer to reply statement provided by Dr Gary Bramley included at Attachment at H. Refer comment 26.6.
36.4	Concerned about significant information gaps on wildlife. Lizards Gap – no adequate baseline has been established. Protected birds gap – the full range of species using the site is uncertain. Nesting birds gap – proposed deterrence does not adequately address	-	-	Refer to reply statement provided by Dr Gary Bramley included at Attachment at H.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	failure. Westland petrels (Tāiko) gap – lighting effects require particular attention. Gap - Adequacy of proposed camera monitoring. Wildlife effects cannot be confined to the mining footprint. The Panel should not rely on future monitoring to fill fundamental baseline gaps. Wetlands and temporary loss of habitat. The Panel should give particular weight to DOC's September 2026 statutory assessment, which identifies significant gaps and uncertainties in the applicant's ecological information, including lizard surveys and relocation, threatened and at-risk birds, nest protection, Westland petrel management, and wetland loss.			
36.5	Landscape and visual effects. Cumulative landscape effects require closer examination.	Landscape	Appendix L6 – Landscape Assessment (12.3)	Refer comment 36.1
36.6	Noise concerns. Noise should be assessed as an integrated and cumulative effect. Short-duration peak effects should not be obscured by averages.	Noise	Appendix L7 – Noise Assessment	Refer to reply statement provided by Jon Farren included at Attachment E para 14 which states that cumulative noise is assessed within Scenario 6 of the Noise Assessment.
36.7	Radiation. Baseline environmental radiation and public exposure should be demonstrated. Radiation conditions and monitoring.	-	Appendix P1 – Conditions 8.4 - 8.6 Appendix H3 Appendix H4	Refer comment 1.9 and reply statement provided by David Bougourd included at Attachment F. Conditions of consent relating to radiation are included from 8.4 – 8.6 which includes monitoring. Activities undertaken at the WCP and MSP also have conditions of consent imposed for radiation monitoring.

37. (2790 State Highway 6, Barrytown)

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
37.1	<i>All comments refer to heavy vehicles and speed limits on State Highway 6.</i>			These comments are outside the scope of this application.

38. West Coast Penguin Trust

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
38.1	No provision for control of stoats, cats or rats appears in the draft AMP or draft conditions. Our records show loose dogs are the second largest identified cause of kororā mortality (after vehicle strike) in the Barrytown area. We support the complete prohibition on dogs at the site (Condition 13.2) but ask that predator control be included consistent with DOC's own recommendation in its pre lodgement consultation response.	-	-	The site is currently operated as an active dairy farm comprised of 98% grazed pasture. Tāiko will undertake wider biodiversity enhancement work that will include pest control activities to be developed in partnership with Ngāti Waewae. A new condition is proposed for pest control to be undertaken for the constructed wetland area as recommended by an appropriately qualified ecologist to ensure the ongoing functioning of the wetland. New condition 16.15 <u>The Consent Holder must establish predator control as recommended by a qualified ecologist to ensure the ongoing functioning of the constructed wetland.</u>

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
38.2	Condition 13.9(d) requires the Avian Management Plan and any amendments be provided to DOC 'for comment' only, with certification resting with Council. WCPT raised this exact concern in both our 2023 submission and 2024 hearing statement on the Central Block: given how much of the effective protection for these species sits in the detail of an evolving management plan rather than the high-level conditions, we believe and ask that DOC will have an approval role — not merely a right to comment — over any amendment to the AMP.	-	-	Dual certification by both DOC and Council is considered inappropriate as it would create overlapping approval roles and uncertainty as to the respective responsibilities of each agency. The approach proposed through the conditions appropriately provides for DOC's technical input through review and consideration of its feedback, while retaining a single, clear certification pathway through the relevant consent authority. These management plans have been formed after multiple inputs from DOC (and other interest groups), over multiple processes now.
38.3	The Central Block process was informed by WCPT evidence that approximately 55% of recorded kororā deaths in the Barrytown area were vehicle strikes, the great majority on State Highway 6 / the Coast Road. The current draft conditions address on-site vehicle speed (15km/h) and headlights, as well as a requirement to report number, dates and location of any mining operation vehicle strikes or near misses with kororā or Westland petrels. It may be difficult for mine vehicle drivers on SH6 to know if they have hit a penguin or petrel. The best measure will be to reduce speeds when driving at night on Coast roads.	-	-	The proposed conditions relate to vehicle speeds and notification of strikes or near misses on the application site. Speed limits on the state highway are set by NZTA and are outside the scope of this application.
38.4	As in our 2023 and 2024 submissions on the Central Block, we ask that provision for a standalone Penguin Management Plan — rather than a subsection of a combined Avian Management Plan — be retained as the trigger response if kororā are confirmed using the Southern Block, consistent with Condition 13.5(c)(iv) as currently drafted.	-	Appendix P1 - Condition 13.5(c)(iv)	If Condition 13.5(c)(iv) as currently drafted is triggered then a standalone Penguin Management Plan will be developed as stated in the conditions.
38.5	No standalone Lighting Management Plan requirement, no ground-search provision for tāiko, and no requirement for DOC input into the AMP's preparation. Whether trucking movements from the site under lights are prohibited.	-	-	No lighting plan has been prepared as the application provides for daylight-only operations, with no fixed lighting proposed. Artificial lighting would only be used in limited circumstances for health and safety purposes, such as equipment breakdowns or emergency repair works, and would be limited to headlamps or handheld torches. The draft conditions have also been amended to require increased ground searching for grounded seabirds where artificial lighting is used, providing an additional safeguard for avian species. Refer statement of reply from Dr Gary Bramley included as Attachment H. Trucking is outside the scope of this Application however it is noted that there are restrictions around truck movements to daylight hours.

39. Westland Petrel Conservation Trust

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
39.1	Westland Petrel behaviour will be affected by artificial lighting arising from mining operations close by, as proposed by Tāiko Critical Minerals Ltd on the Barrytown Flats.	-	-	No lighting plan has been prepared as the application provides for daylight-only operations, with no fixed lighting proposed. Artificial lighting would only be used in limited circumstances for health and safety purposes, such as equipment breakdowns or emergency repair works, and would be

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
				limited to headlamps or handheld torches. The draft conditions have also been amended to require increased ground searching for grounded seabirds where artificial lighting is used, providing an additional safeguard for avian species. Refer statement of reply from Dr Gary Bramley included as Attachment H.
39.2	We are concerned with the 24hr operation of the Wet Concentration Plant (WCP) and the loadout area (already consented) which means that truck movements will be continuous (i.e. 24hrs per day.). Regardless of what side of the building the trucks are loaded, light spill will occur and will impact the petrels negatively as they fly out from their breeding areas on the east side of the building and can be attracted by the artificial light source to their south. It would seem appropriate then that to avoid the possibility of fallout all mining and trucking operations be limited to civil daylight hours ie. half an hour before sunrise to half an hour after sunset.	-	Appendix H3 – Wet Concentrator Plant Conditions	Acknowledge the concern raised. While truck movements are outside scope of this application, the movement of trucks are restricted to daylight hours only.
39.3	The NZ expert outdoor lighting consultant Mike Geddis has pointed out in his very detailed Expert Witness Report that it is impossible for the EPA Panel to judge the efficacy of the proposed light mitigation measures in the absence of a detailed Lighting Plan from the Applicant. We consider that the present Application be rejected by the EPA Panel and the Minister until this Plan is fully documented and ready for implementation. The Applicants plan must be based on the published Australian standards, which are the only ones available globally which consider the impact of lighting on wildlife. These standards were extensively updated on 12 May 2026.	-	-	Refer statement of reply from Dr Gary Bramley included as Attachment H.
39.4	Our evidence above shows that the project will likely cause serious and permanent harm to the Westland petrel population. We believe that the Australian guidelines are correct in recommending that any structure [such as the processing plant and associated mine and new roading] must not be situated adjacent to the Westland Petrel Specially Protected Area but at least 20 km distant.	-	-	The WCP and access road are outside the scope of this application. However, it is noted that under LU3473/25 and LU3489/25 they are now located further away from the colony than their previously consented location on the Central Block.
39.5	Best solution is to employ an expert to advise them. This should be an independent and mature person fully familiar with the surprisingly 10 considerable relevant seabird scientific literature on avoidance creating light and diesel generator attraction of petrels. A studentship is not appropriate. Currently no DOC scientist can provide a sufficient level of familiarity with the issues. Professional expertise found in Hawaii or Réunion Island, should be sought, or an Australian seabird biologist experienced in this field may be suitable.	-	-	This comment is acknowledged.
39.6	Specific conditions need to be applied to the type of shielding, colour temperature and intensity of fixed lighting for all lighting present at the mining and processing plant sites. A light spill of 2	-	-	Refer response to 39.1.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	Lux at the boundary for a light source 50 m from that boundary would likely be a very bright light regardless of shielding. To avoid this the conditions should specify a colour temperature of no more than 2000 degrees Kelvin. Indeed, it appears that the 2 Lux condition primarily concerns mitigation of effects on humans in a built environment and should not be used as an indicator of effects on petrel			
39.7	The Avian Management Plan statement ‘... on the eastern side of the building via roller doors which can be closed when not loading. These actions are expected to reduce visible light from the processing plant.’ (4.3.1 Fixed Lighting, p18, para. 5, & 5.2.1 Fixed Lighting, p23, para.1) are misleading, given that the birds have an aerial view and amenity directions are irrelevant to them	-	-	Acknowledge the concern raised. The WCP is outside of the scope of this Application.
39.8	The use of such words as “minimised”, “lowest intensity lighting possible”, or “as close to the ground as practicable” provide insufficient detail and certainty by which fallout risk may be avoided. See 5.2 Lighting Management - 5.2.1 Fixed Lighting ‘... including but not limited to pointing all fixed lighting downwards, shielding to avoid light spill, screening bunds, and use of the yellow-orange spectrum.’ 5.2.2 Dredge Pond Lighting – lights will be deployed close to the ground, directed and shielded to avoid light spill as required; The lowest intensity lighting appropriate for the task will be used	-	-	Refer comment 39.1 and statement of reply from Dr Gary Bramley included as Attachment H.
39.9	The Avian Management Plan at 5.3.1– Detecting Grounded Tāiko makes conflicting/contradictory statements re the mining operation hours. It states that ‘Mining will only take place during daylight hours, year-round within the SB and so lighting activity presents a low risk of grounding for Tāiko. The most likely location for the Tāiko to be grounded is near any area where lights are being used (the processing plant and the load out area, the internal road within the site and along State Highway 6.)’	-	-	Mining activity and processing are two separate activities. The mining component is sought under the Fast-track application. The processing component has consent granted.
39.10	If ‘mining will only take place during daylight hours’ (Avian Management Plan 5.3.1 – p.23, para.5), then there is no need for the lighting to be on at ‘the processing plant and the load out area, the internal road within the site and along State Highway 6.’(Avian Management Plan 5.3.1 – (p.24, para.1) and 5.2.2 Dredge Pond Lighting. If the dredge pond was adequately fenced to Health and Safety standards, the area would not require lighting for ‘health and safety reasons ...’ 5.2.2 (p23, para.2).	-	-	Mining activity and processing are two separate activities. The mining component is sought under this Fast-track application. The processing component has had consent granted.
39.11	The Avian Management Plan at 5.3.1– Detecting Grounded Tāiko states (p24, para. 8) ‘Live birds seen on the road at any time day/night, should be reported to 0800 DOC HOT (0800 362 468) as soon as possible.’ This is an impractical solution for the wellbeing/survival of the grounded tāiko as the bird needs to be immediately retrieved from the road to prevent it from wandering off and not being located at a later time, or worse, struck by a	-	-	This comment is acknowledged.

Comment Number	Comment	Applicant Technical Input	Where Addressed in the Application Documents	Response
	vehicle. For this solution to succeed, all mining vehicles, (including workers vehicles, if p.22, para.5, is to be genuinely applied to the Detecting Grounded Tāiko policy 5.3.1) should carry the appropriate equipment for rescuing a bird, i.e. leather gloves, secure pet box and a towel/or similar cloth to put over the bird when relocating into pet box. Please note 'a sturdy net' is not the appropriate equipment for 'catching grounded birds', indeed it is more likely to harm the bird.			
39.12	The Avian Management Plan at 5.3.2 – Accidental Discovery Protocol for Grounded Tāiko – also offers scenarios that do not support a positive outcome for a grounded bird. '5.3.2 (p. 24, para. 2) 'In the event that a live grounded tāiko is discovered within the site, a person with the appropriate qualifications 12 and permits will catch the bird, place...' Again, this is an impractical solution for the wellbeing/survival of the grounded tāiko as the bird needs to be immediately retrieved from where it has been found, in order to prevent it from wandering off and not being located at a later time, or worse, struck by an on-site vehicle	-	-	Amendment has been made to the AMP to reflect this information – refer statement of reply from Dr Gary Bramley included as Attachment
39.13	The Avian Management Plan at 5.3.2 – Accidental Discovery Protocol for Grounded Tāiko – '5.3.2 (p.24, para. 2) '...and call the Department of Conservation line 0800 DOC HOT (0800 362 468) as soon as possible for advice on care and relocation.' This knowledge should already be known by all mining personal and a manual, located in a central, known location be consulted, if necessary.	Ecology	Appendix M2 – Avian Management Plan	Information is included within the AMP and consent conditions.
39.14	The Avian Management Plan at 5.3.2 – Accidental Discovery Protocol for Grounded Tāiko – '5.3.2 (p24, para. 2), '...If the bird is to be transferred to a care facility, it should be moved as quickly as practicable to the local (Māwhera/Greymouth Department of Conservation office (or as advised by the DOC hot line.' This procedure is unnecessary, as there are pet boxes stored behind the Punangairi (Punakaiki information centre) for the placement, at any time, of downed petrels, and it is closer to the mining operation than the Greymouth DOC offices which do not have a 24-hour collection point for birds.	-	-	Amendment has been made to the AMP to reflect this information – refer statement of reply from Dr Gary Bramley included as Attachment H.
39.15	Section 5.3.3 (p.26, para.2) 'If, after any necessary amendments to the site management and this management plan are implemented, a second bird (alive or dead) is found within 50m of the dredge pond or WCP and load out area within four weeks of the first finding, operations and use of external lights at the pond and processing plant will cease. This procedure is dependent on actually finding the second petrel, which may have been grounded for some days and has been wandering about trying to find a launch site. One fallout victim should provide sufficient alarm that there is a problem and likely that other such victims	-	-	A cumulative trigger applied across all mining operation on the Barrytown Flats is not considered workable and should be applied to the activities authorised by the approval. Refer to statement of reply of Dr Gary Bramley included at Attachment H.

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	have not been found because of a lack of search effort, and a black bird is hard to see at night, or because of their habit of hiding up during the day after failing to get airborne again after fallout.			
39.16	Similarly, the provision in Section 5.3.3 Discovery of a Dead Tāiko (p. 25-26) fails to recognise that the petrels fly in or out of the breeding grounds at any time during darkness. Night time operations and the use of external lighting should cease from the moment of a fallout discovery and if the cause cannot be discovered then all night-time operations should cease permanently. This should apply to the recovery of one petrel, not wait until a second bird is found.	-	-	
39.17	At 5.2.2 Dredge Pond Lighting (p.23, para.3) it states 'While the possibility remains that Tāiko might be grounded by lighting at the pit this risk is considered very low.' The Trust maintain that such is not the case, that fallout may be much higher than anticipated due to the dredge pond lighting.	-	-	Refer comment 39.1 and statement of reply from Dr Gary Bramley included as Attachment H.
39.18	This is also inconsistent with the New Zealand Coastal Policy Statement (2010) Policy 11 (a) where such activities are required to "avoid adverse effects of activities on: (i) indigenous taxa that are listed as threatened or at risk in the New Zealand threat classification system", which includes the Westland petrel. Therefore, the lighting regime at the loading/processing plants and mine pit must "avoid" any fallout, which means that it must be designed in such a way that it will categorically not contribute to fallout. However, the AMP does not demonstrate confidence that this will be the case. It is not appropriate that the AMP be modified when it is found to be lacking, but must be fully compliant with the Coastal Policy Statement from the start.	-	-	