

Barrytown Minerals Project (Southern Block) Project

Attachment C: Applicant responses to proposed comments seeking changes to conditions of resource consent

This document provides TCM's response to proposed resource consent conditions by parties invited to comment. No changes have been requested to the Archaeological Authority conditions by parties invited to comment (including NZHPT). Responses to proposed wildlife approval conditions are provided in Attachment D.

Department of Conservation

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
6.1	At least 40 working days prior to undertaking any activities authorised by these consents, the Consent Holder must submit the following management plans to the respective Consent Authorities for certification: - Noise Management Plan - Avian Management Plan - Lizard Management Plan - Native Freshwater Fish Capture and Relocation Plan - Dust Management Plan - Rehabilitation Management Plan - Water Management Plan - Erosion and Sediment Control Plan Advice Notes: - These are collectively referred to as 'Management Plans'. - Where a plan requires the input of an appropriately qualified professional, the Consent Authorities may engage an appropriately qualified person to peer review the plan as part of the certification process. The cost of any required peer reviews will be met by the Consent Holder.	[Note: The Lizard Management Plan and Avian Management Plan will also require certification by DOC under the Wildlife Approval. Ten days prior to submitting the Native Freshwater Fish Capture and Relocation Plan, Rehabilitation Management Plan and/or the Water Management Plan to Council for certification, the applicant shall provide draft copies to DOC for comment] At least 40 working days prior to undertaking any activities authorised by these consents, the Consent Holder must submit the following management plans to the respective Consent Authorities for certification: a. Noise Management Plan b. Avian Management Plan c. Lizard Management Plan d. Native Freshwater Fish Capture and Relocation Plan e. Dust Management Plan f. Rehabilitation Management Plan g. Water Management Plan h. Erosion and Sediment Control Plan Any comments received from DOC shall be submitted to the Council's with the associated Management Plan.] Advice Notes: - These are collectively referred to as 'Management Plans'. - Where a plan requires the input of an appropriately qualified professional, the Consent Authorities may engage an appropriately qualified person to peer review the plan as part of the certification process. The cost of any required peer reviews will be met by the Consent Holder.	Accept in part The Applicant can provide copies of the plans to the Department prior to Council. Comments received from the Department can be provided to the Council. <u>Ten days prior to submitting the management plans identified in (a) – (h) to the Consent Authority, these will be submitted to the Department of Conservation for comment. Any comment received from the Department will be provided to the Consent Authority when submitted for certification.</u> - At least 40 working days... - Noise Management Plan - Avian Management Plan ...
6.2	- The purpose of the Management Plans is to implement the relevant conditions of these consents. All Management Plans must include (where relevant): - The purpose/objective of the plan; - Reference to the conditions of these consents that the management plan implements; - How each of the relevant conditions have been given effect to; - Procedures for implementing the relevant plan; - Plan auditing check lists; - Monitoring programmes and/or monitoring protocols; - Feedback mechanisms for adaptive management, including circumstances in which a material change to the management plan would be required; - An organisational chart showing staff and contractor positions and responsibilities for plan implementation; - Relevant training and induction procedures and training schedules for staff and contractors; and - Reporting procedures and format for providing the results of any monitoring or surveys required by the plan. - Where plans require the input of an appropriately qualified professional, the Consent Holder must engage an appropriately qualified person to prepare the Plan.	The purpose of the Management Plans is to implement the relevant conditions of these consents. All Management Plans must ~~include (where relevant):~~ i. The purpose/objective of the plan; ii. Reference to the conditions of these consents that the management plan implements; iii. How each of the relevant conditions have been given effect to; iv. Procedures for implementing the relevant plan; v. Plan auditing check lists; vi. Monitoring programmes and/or monitoring protocols; vii. Feedback mechanisms for adaptive management, including circumstances in which a material change to the management plan would be required; viii. An organisational chart showing staff and contractor positions and responsibilities for plan implementation; ix. Relevant training and induction procedures and training schedules for staff and contractors; and x. Reporting procedures and format for providing the results of any monitoring or surveys required by the plan. b. Where plans require the input of an appropriately qualified professional, the Consent Holder must engage an appropriately qualified person to prepare the Plan. [This should not be optional for the lizard and bird management plans]	Accept Delete words "(where relevant)".
6.6	Any amended management plan must be provided to the Consent Authorities within 20 working days of its review, for recertification in accordance with Condition 6.1. Advice Note: The Consent Authorities may engage an appropriately qualified person to peer review the amendments.	Any amended management plan must be provided to DOC ten days prior to the Consent Authority for an opportunity to comment and then provided to the Consent Authorities within 20 working days of its review, for recertification in accordance with Condition 6.1. Advice Note: The Consent Authorities may engage an appropriately qualified person to peer review the amendments.	Accept The Applicant is happy to provide any amended Management Plan to the Department for comment prior to their submission for recertification. <u>Ten days prior to submitting any amended management plan to the Consent Authority, these will be submitted to the Department of Conservation for comment. Any comment received from the</u>

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			<u>Department will be provided to the Consent Authority when submitted for certification.</u>
7.6	Within the mining disturbance area and outside of the mining path, existing wetland areas will be protected, as far as practicable, until the proposed wetland has been constructed.	Outside of the mining path, existing wetland areas (as per schedule X) will be ~~maintained and protected~~ , as far as practicable ~~protected~~ , until the proposed wetland has been constructed <u>and planting established as per the 'Rehabilitation Management Plan'</u> .	Accept in part This has been discussed with the Department. While the wording may be slightly different to what is proposed, the intent is considered to be the same. It is noted that this condition is not considered to be necessary by Dr Gary Bramley (refer statement of reply para [64]). <u>Within the mining disturbance area and outside of the mining path, existing wetland areas will be protected, as far as practicable, until the proposed wetland has been constructed.</u>
11.2	Mining shifts must operate only during the hours of daylight. For the purpose of this condition, hours of daylight are between and sunset.	Mining shifts must operate only during the hours of daylight. For the purpose of this condition, hours of daylight are between <u>sunrise</u> and sunset.	Accept Corrects the omission of a word.
13.1	a. Prior to and during each breeding season, the Consent Holder shall undertake regular surveys of all areas scheduled for mining to identify any bird breeding or nesting activity. Where surveys indicate that nesting is likely to occur, the Consent Holder shall implement appropriate deterrence measures, including grazing, walkovers, visual cues, audio bird scarers, and strategic placement and movement of machinery, to discourage birds from establishing nests. Advice Note: Conditions relating to the Avian Management Plan are Conditions 13.7 – 13.9.	a. Prior to and during each breeding season, the Consent Holder shall undertake regular surveys of all areas scheduled for mining to identify any bird breeding or nesting activity. Where surveys indicate that nesting is likely to occur, the Consent Holder shall implement appropriate deterrence measures, including walkovers, visual cues, audio bird scarers, and strategic placement of machinery, to discourage birds from establishing nests. <u>b. Protection shall be provided for all Threatened or At Risk species nests detected within the area to be mined over the breeding season. Protection to remain in place until the chicks have fledged or the nest is abandoned</u> Advice Note: Conditions relating to the Avian Management Plan are Conditions 13.7 – 13.9.	Accept in part Mining of the dredge cannot stop or manoeuvre around nests. While this protection cannot be committed to in all instances, the Applicant has proposed at least three separate deterrence measures to deter birds. <u>b. Where practicable, protection shall be provided for all Threatened or At Risk species nests detected within the area to be mined over the breeding season. Protection to remain in place until the chicks have fledged or the nest is abandoned.</u>
13.3	a. The Consent Holder must deploy wildlife cameras at suitable locations to detect target wildlife (particularly Kororā and Tāiko) including low spots and creek mouths along the coastal edge of the mine disturbance area and other locations likely to detect activity as determined by a suitably qualified ecologist and set to record for at least 10 nights every month. b. The cameras must be equipped with passive infrared receptors (or other mechanisms to enable night vision capability and motion detection) and be installed by a suitably qualified ecologist. c. Imagery must be reviewed for wildlife interactions at least weekly by a suitably qualified ecologist, retained for a minimum of 6 months, and be made available to the Consent Authority or the Department of Conservation on request. d. The Consent Holder shall undertake precautionary ground searches for grounded taiko within those parts of the site where activities have the potential to give rise to grounding for the first three months of operation, and throughout the fledging season of 14 November to 14 January each year. Ground searches shall be limited to: - The active mining footprint, being the area of active disturbance (not exceeding 16 areas at any one time); - A 50m buffer surrounding the active mining void; and - A 20m corridor on either side of the internal haul roads in active use.	a. The Consent Holder must deploy wildlife cameras at suitable locations to detect target wildlife (particularly Kororā and Tāiko) including low spots and creek mouths along the coastal edge of the mine disturbance area and other locations likely to detect activity as determined by a suitably qualified ecologist and set to record for at least 10 nights every month. b. The cameras must be equipped with passive infrared receptors (or other mechanisms to enable night vision capability and motion detection) and be installed by a suitably qualified ecologist. c. Imagery must be reviewed for wildlife interactions at least weekly by a suitably qualified ecologist, retained for a minimum of 6 months, and be made available to the Consent Authority or the Department of Conservation on request. d. The Consent Holder shall undertake precautionary ground searches for grounded taiko within those parts of the site where activities have the potential to give rise to grounding for the first three months of operation, ~~and~~ throughout the fledging season of 14 November to 14 January each year, <u>and on any nights when artificial lighting is required</u>. Ground searches shall be limited to: - The active mining footprint, being the area of active disturbance (not exceeding 16 areas at any one time); - A 50m buffer surrounding the active mining void; and - A 20m corridor on either side of the internal haul roads in active use.	Accept d. The Consent Holder shall undertake precautionary ground searches for grounded taiko within those parts of the site where activities have the potential to give rise to grounding for the first three months of operation, ~~and~~ throughout the fledging season of 14 November to 14 January each year, <u>and on any nights when artificial lighting is required</u>. Ground searches shall be limited to:
13.4	a. Any interactions with wildlife recorded as a result of the monitoring requirements in the Avian Management Plan including the wildlife cameras required by Condition 13.3, must be reported to the Consent Authority and the	a. Any interactions with wildlife recorded as a result of the monitoring requirements in the Avian Management Plan including the wildlife cameras required by Condition 13.3, must be reported to the Consent Authority and the Department of Conservation on a weekly basis from <u>14 September</u> ~~+~~	Accept While extending the period for the provision of weekly data is not anticipated to result any material outcome, the Applicant can do so.

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	Department of Conservation on a weekly basis from 1 November to 31 January each year, and on a monthly basis from 1 February to 31 October. b. Footage must be made available to the Department of Conservation and the consenting authority as set out in Condition 13.3. c. Any grounded taiko discovered must be reported to the Department of Conservation via their 0800 DOC HOT line as soon as possible. The Consent Holder must then follow the procedures set out in the AMP, including ensuring any live birds are transferred to Department of Conservation case as soon as the Department of Conservation is able to receive them. d. In the event that a grounded seabird is discovered, a lighting audit will be undertaken to ensure lighting at the site complies with the requirements set out in the Avian Management Plan and the latest version of the Australian Government National Light Pollution Guidelines for Wildlife.	~~November~~ to 31 January each year, and on a monthly basis from 1 February to 31 October. b. Footage must be made available to the Department of Conservation and the consenting authority as set out in Condition 13.3. c. Any grounded taiko discovered must be reported to the Department of Conservation via their 0800 DOC HOT line as soon as possible. The Consent Holder must then follow the procedures set out in the AMP, including ensuring any live birds are transferred to Department of Conservation case as soon as the Department of Conservation is able to receive them. d. In the event that a grounded seabird is discovered, a lighting audit will be undertaken to ensure lighting at the site complies with the requirements set out in the Avian Management Plan and the latest version of the Australian Government National Light Pollution Guidelines for Wildlife. [see avifauna advice -recommend timeframe stipulated to complete audit. Also cease works with artificial lighting if more than 1 grounding within 3 months (until further review in consultation with DOC). Consider the conditions in the Central Block consent with these requirements]	a. Any interactions with wildlife recorded as a result of the monitoring requirements in the Avian Management Plan including the wildlife cameras required by Condition 13.3, must be reported to the Consent Authority and the Department of Conservation on a weekly basis from ~~14 September~~ ~~1 November~~ to 31 January each year, and on a monthly basis from 1 February to ~~13 September~~ ~~31 October~~....
13.5	a. The Consent Holder must engage a suitably qualified expert to carry out annual penguin surveys of Pakiroa beach and the mine area within 500m of the mining disturbance area to detect the presence of Kororā. If available, the Consent Holder must use a certified conservation dog. If a certified conservation dog is unavailable or unable to complete the survey, human surveys and increased camera monitoring will be undertaken in accordance with the advice of a suitably qualified ecologist. b. The first survey must be conducted within the first 12 months of the commencement date of the resource consent, and at least two annual surveys must be completed before mining commences. c. If penguins or burrows are detected the GPS location must be recorded and the Consent Holder must undertake the following management actions: i. If penguins are detected using the mining area to access other habitats, any existing access ways must be maintained and/or works affecting that accessway must be completed in the period April – June (outside the breeding and moult period). ii. Any potential penguin burrows identified must be investigated, including use of a burrowscope, to determine whether Kororā are using them. iii. Where any penguin burrows are compromised by mining (i.e. there are direct effects), replacement artificial burrows or nest boxes must be installed at a rate of 2:1. Any additional nest boxes provided must be located within the vegetated coastal foreshore habitat associated with any identified accessways. iv. If penguins are found within the application site, a specific Penguin Management Plan must be developed by a suitably qualified and experienced ecologist on behalf of the applicant in consultation with the <u>Department of Conservation and the West Coast Penguin Trust</u>. The West Coast Penguin Trust must be reimbursed for reasonable time and expenses associated with consultation on the Penguin Management Plan.	~~a. The Consent Holder must engage a suitably qualified expert to carry out annual penguin surveys of Pakiroa beach and the mine area within 500m of the mining disturbance area to detect the presence of Kororā. If available, the Consent Holder must use a certified conservation dog. If a certified conservation dog is unavailable or unable to complete the survey, human surveys and increased camera monitoring will be undertaken in accordance with the advice of a suitably qualified ecologist.~~ b. The first survey must be conducted within the first 12 months of the commencement date of the resource consent, and at least two annual surveys must be completed before mining commences. c. If penguins or burrows are detected the GPS location must be recorded and the Consent Holder must undertake the following management actions: i. If penguins are detected using the mining area to access other habitats, any existing access ways must be maintained and/or works affecting that accessway must be completed in the period April – June (outside the breeding and moult period). Barrytown Minerals Project – Southern Block – Appendix P1 Date: 14 September 2026 12 ii. Any potential penguin burrows identified must be investigated, including use of a burrowscope, to determine whether Kororā are using them. iii. Where any penguin burrows are compromised by mining (i.e. there are direct effects), replacement artificial burrows or nest boxes must be installed at a rate of 2:1. Any additional nest boxes provided must be located within the vegetated coastal foreshore habitat associated with any identified accessways. iv. If penguins are found within the application site, a specific Penguin Management Plan must be developed by a suitably qualified and experienced ecologist on behalf of the applicant in consultation with the West Coast Penguin Trust. The West Coast Penguin Trust must be reimbursed for reasonable time and expenses associated with consultation on the Penguin Management Plan. v. Any deceased penguins found on or near the mine site must be provided to the Department of Conservation for necropsy.	Reject It is not always possible to secure the services of the penguin dog due to high demand and limited availability. Need to provide for human surveys as well in case the penguin dog is unavailable.

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	v. Any deceased penguins found on or near the mine site must be provided to the Department of Conservation for necropsy.		
13.6	a. The Consent Holder must erect and maintain a penguin fence for each section of mining identified in the Avian Management Plan to deter Kororā from entering hazardous areas. b. The penguin fence must be comprised of geosynthetic mesh to a height of at least 900mm above ground and buried at least 300mm below the ground and with posts no greater than 4m apart. c. The fence installation must be certified by a suitably qualified ecologist as preventing the ingress of Kororā to the active mine disturbance area. d. The certification must be supplied to the Consent Authority prior to mining commencing. e. The fence must be maintained to exclude penguins until the completion of mining in that area. f. The fence adjoining the southern side of Cargill Road must not be constructed until the fence along the northern side of Cargill Road is removed to avoid penguins being forced to use the road to access areas inland. g. Upon completion of all mining activities and associated site rehabilitation, all penguin fencing must be removed. Advice Note: <i>The requirement to erect a penguin fence only applies if Kororā are detected within 500m proximity of the active mining disturbance area during pre-mining surveys. If no Kororā are detected within 500m of the active mine disturbance area a penguin fence is deemed unnecessary.</i>	a. The Consent Holder must erect and maintain a penguin fence for each section of mining identified in the Avian Management Plan to deter Kororā from entering hazardous areas. b. The penguin fence must be comprised of geosynthetic mesh to a height of at least 900mm above ground and buried at least 300mm below the ground and with posts no greater than 4m apart. <u>c. The penguin fence must be maintained until the works within the fenced area are complete.</u> d. The fence installation must be certified by a suitably qualified ecologist as preventing the ingress of Kororā to the active mine disturbance area. e. The certification must be supplied to the Consent Authority prior to mining commencing. f. Upon completion of all mining activities and associated site rehabilitation, all penguin fencing must be removed. Advice Note: The requirement to erect a penguin fence only applies if Kororā are detected within 500m proximity of the active mining disturbance area during pre-mining surveys. If no Kororā are detected within 500m of the active mine disturbance area a penguin fence is deemed unnecessary	Accept in part New conditions e and f. Note that do not want to force potential penguin movement up Cargill Road, therefore the fence on the northern side will be removed prior to the fence established for Section 3. a. The Consent Holder must erect and maintain a penguin fence for each section of mining identified in the Avian Management Plan to deter Kororā from entering hazardous areas. b. The penguin fence must be comprised of geosynthetic mesh to a height of at least 900mm above ground and buried at least 300mm below the ground and with posts no greater than 4m apart c. The fence installation must be certified by a suitably qualified ecologist as preventing the ingress of Kororā to the active mine disturbance area. d. The certification must be supplied to the Consent Authority prior to mining commencing. e. <u>The fence must be maintained to exclude penguins until the completion of mining in that area.</u> f. <u>The fence adjoining the southern side of Cargill Road must not be constructed until the fence along the northern side of Cargill Road is removed to avoid penguins being forced to use the road to access areas inland.</u> g. Upon completion of all mining activities and associated site rehabilitation, all penguin fencing must be removed.
13.11	An annual bird management report must be provided to the Consent Authority, Te Rūnanga o Ngāti Waewae, the Buller/Kawatiri office of the Department of Conservation in Westport, the West Coast Penguin Trust and Waka Kotahi NZ Transport Agency Environment and Sustainability Team (via: environment@nzta.govt.nz), no later than 30 June each year. The report must include the following matters: a. The timing and duration of any mining within 100m of the proposed SNA Site PUN-049; b. Results of seasonal bird surveys at the site; c. Timing of nest detection surveys and observations relating to nesting or other behaviours observed within the area to be mined; d. Efforts to deter any attempts at nesting within the area to be mined and the outcome of those efforts; e. Species attempting to nest within the area to be mined (including threatened and at risk species);	An annual bird management report must be provided to the Consent Authority, Te Rūnanga o Ngāti Waewae, the Buller/Kawatiri office of the Department of Conservation in Westport, the West Coast Penguin Trust and Waka Kotahi NZ Transport Agency Environment and Sustainability Team (via: environment@nzta.govt.nz), no later than 30 June each year. The report must include the following matters: a. The timing and duration of any mining within 100m of the proposed SNA Site PUN-049; <u>b. The location of mining activities carried out;</u> c. Results of seasonal bird surveys at the site; d. Timing of nest detection surveys and observations relating to nesting or other behaviours observed within the area to be mined; [The wording here and below is “to be mined” (i.e., indicates future) but this should be past tense (as covers mining activities over past year)] e. Efforts to deter any attempts at nesting within the area to be mined and the outcome of those efforts; f. Species attempting to nest within the area to be mined (including threatened and at risk species); g. Date of first nesting attempts (if any) for threatened and at risk species within the area to be mined; h. Number and location of nesting attempts by threatened and at risk species within the area to be mined;	Accept Provides context of works. Include new condition (c) b. <u>The location of mining activities carried out;</u>

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	f. Date of first nesting attempts (if any) for threatened and at risk species within the area to be mined; g. Number and location of nesting attempts by threatened and at risk species within the area to be mined; h. Outcome of individual nesting attempts by threatened and at risk species within the area to be mined; i. Results of annual Kororā surveys on Pakiroa Beach, the implications for mine operations and any management actions undertaken; j. Number and location of any grounded tāiko and any tāiko found dead on site; k. Management undertaken and the outcome for any grounded tāiko collected; l. Number, dates and location of any mining operation vehicle strikes or near misses involving the Westland Petrel or Kororā; m. Autopsy outcomes for any dead Westland Petrel or Kororā collected; n. The findings of any lighting audits undertaken during the year and steps taken to resolve any issues identified; o. A summary of any revisions made to the AMP and the reasons for the changes; and p. The date and duration of any operational shut-downs.	i. Outcome of individual nesting attempts by threatened and at risk species within the area to be mined; j. Protection measures implemented for nests within the mined area; k. Results of annual Kororā surveys on Pakiroa Beach, the implications for mine operations and any management actions undertaken; [annual surveys are proposed for the beach, the mine area and within 500m of disturbance area (see Condition 13.5), hence deleted beach specificity here] l. Number and location of any grounded tāiko and any tāiko found dead on site; m. Management undertaken and the outcome for any grounded tāiko collected; n. Number, dates and location of any mining operation vehicle strikes or near misses involving the Westland Petrel or Kororā; o. Autopsy outcomes for any dead Westland Petrel or Kororā collected; Barrytown Minerals Project – Southern Block – Appendix P1 Date: 14 September 2026 14 p. The findings of any lighting audits undertaken during the year and steps taken to resolve any issues identified; q. A summary of any revisions made to the AMP and the reasons for the changes; and r. The date and duration of any operational shut-downs.	
15.2	This NFFCRP must detail how native fish will be salvaged and relocated prior to creekworks commencing and must include but not be limited to: a. Methodologies to capture fish within the impacted creeks and wetland habitats, or justification there is no habitat for native fish present at the time of earthworks; b. Fishing effort; c. Details of the relocation site(s) including a description and assessment of the quantum and availability of suitable aquatic habitat at the relocation site; d. Storage and transport measures including prevention of predation and death during capture; e. Euthanasia methods for diseased individuals or pest species f. Reporting.	This NFFCRP must detail how native fish will be salvaged and relocated prior to creekworks commencing and must include but not be limited to: <u>a. A list of fish species potentially present in the waterways, with their threat status.</u> <u>b. Permits from MPI, DOC, and Fish and Game required for the capture and relocation of aquatic fauna.</u> <u>c. Biosecurity measures, i.e. measures to ensure that fish management does not result in the spread of pest plants or animals.</u> d. Methodologies to capture fish within the impacted creeks and wetland habitats, or justification there is no habitat for native fish present at the time of earthworks; e. Fishing effort; f. Details of the relocation site(s) including a description and assessment of the quantum and availability of suitable aquatic habitat at the relocation site; g. Storage and transport measures including prevention of predation and death during capture; h. Euthanasia methods for diseased individuals or pest species i. Reporting.	Accept in part While these items are in the NFFCRP these amendments can be repeated within the condition set, with an amendment to the wording of (b). ...limited to: <u>a. A list of fish species potentially present in the waterways, with their threat status.</u> <u>b. Any permits required for the capture and relocation of aquatic fauna.</u> <u>c. Biosecurity measures, i.e. measures to ensure that fish management does not result in the spread of pest plants or animals....</u>
16.8	The Rehabilitation Management Plan must include details of a final wetland design: a. A final wetland design that, when the planting required in Condition 16.7 achieves an area of at least 50 ha with the following habitats: i. At least 5.2ha of shallow marsh with an average depth of 0.4m ii. At least 2.8ha of mid-depth water with an average depth of 1m iii. At least 5.3ha of deep open water with an average depth of 2m iv. At least 15.3ha of flaxland and dry edge vegetation v. At least 5.3ha of Carex Rushlands vi. At least 15.6ha of Raupo	The Rehabilitation Management Plan must include details of a final wetland design: a. A final wetland design that, when the planting required in Condition 16.7 achieves an area of at least ~~50~~<u>53.1</u> ha with the following habitats: [The numbers listed below don't match the Plan] i. At least 5.2ha of shallow marsh with an average depth of 0.4m ii. At least 2.8ha of mid-depth water with an average depth of 1m iii. At least 5.3ha of deep open water with an average depth of 2m iv. At least 15.3ha of flaxland and dry edge vegetation v. At least 5.3ha of Carex and Rushlands [this wording comes from the landscape planting plan but is a	Accept in part Update wetland component figures to be consistent with Appendix M9, and for readability: a. A final wetland design that, when planting required in Condition 16.7 <u>is completed</u>, achieves an area of at least ~~50~~<u>53.1</u>ha with the following habitats i. At least ~~5.2~~<u>3.2</u>ha of shallow marsh with an average depth of 0.4m

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	vii. At least 4.1ha of raised islands b. Site preparation requirements for the wetland and riparian planting; c. Planting methodology for planting and establishment of the wetland and riparian areas; d. Monitoring and maintenance requirements to ensure the survival and ecological functioning of the constructed wetland, including pest and weed control.	~~misnomer]~~ vi. At least 15.6ha of Raupo vii. At least 4.1ha of raised islands of XXXX vegetation ~~[should these be planted – or is there benefit in not planting (e.g. bird nesting?)]~~ b. Site preparation requirements for the wetland and riparian planting; c. Planting methodology for planting and establishment of the wetland and riparian areas; d. Monitoring and maintenance requirements to ensure the survival and ecological functioning of the constructed wetland, including pest and weed control.	ii. At least 2.8ha of mid-depth water with an average depth of 1m iii. At least ~~4.85~~ 3ha of deep open water with an average depth of 2m iv. At least ~~16.815~~ 3ha of flaxland and dry edge vegetation v. At least 5.39ha of Carex Rushlands vi. At least ~~14.315~~ 6ha of Raupo vii. At least 3.241ha of raised islands At this time , the Applicant does not consider it necessary to determine whether the islands are planted or not. The Department can provide comment at the time of the management plan being lodged with Council.
16.14	The existing mature flax and raupo located within the site will be utilised where possible for direct vegetation transfer associated with the constructed wetland.	~~The existing mature flax and raupo located within the site will be utilised where possible for direct vegetation transfer associated with the constructed wetland. [This contradicts condition 7.6 'protection of existing wetland areas (as per schedule X)' as far as practicable... Therefore, suggest it is deleted]~~	Reject This vegetation would be removed immediately prior to the dredge moving through this area. Instead of discarding it, the vegetation would be scooped up and placed in areas being rehabilitated behind the mine pond.
21.2	A Site Specific Erosion and Sediment Control Plan (SSESCP) must be prepared and reviewed annually (or updated as required) and submitted to the Consent Authority with the Annual Work Programme, reflecting the water management measures proposed for construction and mining for the following 12 months, and adhering to the objective and outcomes of the Erosion and Sediment Control Plan in Condition 21.1 above. The SSESCP must include: a. Location of the work including mining and rehabilitation borrow areas; b. Contour information; c. Erosion and Sediment Controls (ESCs); d. Details of all non structural erosion and sediment control measures and methodologies (including sequencing of works) to be implemented to ensure the ESCP outcomes are achieved; e. Internal catchment boundaries; f. Details of earthworks and ESC construction methods; g. Contingency measures; h. ESC design details; i. Design details and criteria for all permanent creek diversions; j. A programme for managing non-stabilised areas; k. The identification staff who will manage ESCs; l. The identification of staff who monitor compliance with consent conditions; m. A chain of responsibility for managing erosion and sediment control issues; n. A programme of water monitoring and sampling for turbidity which includes weekly and rainfall-event turbidity monitoring (≥25 mm in 24 hours) using field meters or grab samples upstream and downstream of mining activities in the	A Site Specific Erosion and Sediment Control Plan (SSESCP) must be prepared and reviewed annually (or updated as required) and submitted to the Consent Authority with the Annual Work Programme, reflecting the water management measures proposed for construction and mining for the following 12 months, and adhering to the objective and outcomes of the Erosion and Sediment Control Plan in Condition 21.1 above. The SSESCP must include: a. Location of the work including mining and rehabilitation borrow areas; b. Contour information; c. Erosion and Sediment Controls (ESCs); d. Details of all non structural erosion and sediment control measures and methodologies (including sequencing of works) to be implemented to ensure the ESCP outcomes are achieved; e. Internal catchment boundaries; f. Details of earthworks and ESC construction methods; g. Contingency measures; h. ESC design details; i. Design details and criteria for all permanent creek diversions; j. A programme for managing non-stabilised areas; k. The identification staff who will manage ESCs; l. The identification of staff who monitor compliance with consent conditions; m. A chain of responsibility for managing erosion and sediment control issues; n. A programme of water monitoring and sampling for turbidity which includes weekly and rainfall-event turbidity monitoring (≥25 mm in 24 hours) using field meters or grab samples upstream and downstream of mining activities in the creeks, and daily and rainfall-event turbidity monitoring downstream of creek diversions and any borrow cut locations; o. <u>Trigger levels (thresholds) for turbidity in streams and drains, and actions required if turbidity exceeds the specified trigger levels</u> and p. Methods and procedures for decommissioning ESCs (if applicable).	Neutral Water quality monitoring in condition 24 includes turbidity.

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	creeks, and daily and rainfall-event turbidity monitoring downstream of creek diversions and any borrow cut locations; and o. Methods and procedures for decommissioning ESCs (if applicable).		
21.3	The sediment and erosion controls at the site of the works must be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. A record must be maintained of the date, time and any maintenance undertaken in association with this condition which must be forwarded to the Consent Authority on request.	The sediment and erosion controls at the site of the works must be inspected on a regular basis and within 24 hours of each rainstorm event that is likely to impair the function or performance of the erosion and sediment controls. <u>For the avoidance of doubt, the size of rainfall event (in millimetres) should be specified, e.g. 25 millimetres in 24 hours as in 21.2 n</u> A record must be maintained of the date, time and any maintenance undertaken in association with this condition which must be forwarded to the Consent Authority on request.	Accept in part Wording consistent with Condition 21.2(n). The sediment and erosion controls at the site of the works must be inspected on a regular basis and within 24 hours of each rainstorm event <u>(≥25mm in 24 hours)</u> that is likely to impair the function or performance of the erosion and sediment controls...
22.1	The Consent Holder must operate the mine in accordance with a Water Management Plan (WMP) which includes a Monitoring and Effects Management Plan (MEMP) prepared by a suitably qualified hydrologist. The objectives of the WMP are to avoid adverse hydrological effects by: - The flows in Granite Creek or Canoe Creek not being reduced by more than 10% of the MALF in long-term operation (i.e., over more than 7 days). - The quality of water discharged to receiving waters will not cause adverse impacts on creek ecology or visual clarity. - Potential adverse water quality (including ecological) impacts associated with discharge of naturally present toxic metals and phosphorus in downgradient surface waters are avoided where practicable, or minimised. - The pre-mining surface drainage patterns are restored such that the catchment areas for Clark Creek, Granite Creek and other smaller creeks are not changed to any significant extent, albeit the constructed wetland is established across these catchments. The objectives of the MEMP are: - The rate of take of water from Canoe Creek gallery is not greater than 10% of Canoe Creek's MALF, and mining will be set back from Canoe Creek and Granite Creek - The groundwater level in the mining void will not be manipulated to materially lower or raise pond water levels beyond 20% of baseline dredge pond water depth. - Pumping of groundwater will be minimised by avoiding dewatering and associated water table lowering while excavating saturated material within the void down to the economic mineral grade limit or maximum reach depth of the dredge, not exceeding 10m. - Water pumped from the void will be conveyed to the WCP. Water will be ordinarily pumped back to the dredge pond tailings zone to achieve the hydrological effect goals of the WMP. - The quality of any groundwater that could enter surface water or coastal water or Wasabi Springs will be monitored to confirm that it meets standards which are consistent with hydrological effects goal of the WMP (condition 22.1c).	The Consent Holder must operate the mine in accordance with a Water Management Plan (WMP) which includes a Monitoring and Effects Management Plan (MEMP) prepared by a suitably qualified hydrologist. The objectives of the WMP are to avoid adverse hydrological effects by: - The flows in <u>any creek</u> ~~Granite Creek or Canoe~~ Creek not being reduced by more than 10% of the MALF in long-term operation (i.e., over more than 7 days). <u>X. [For Canoe Creek, include a cease-take level, i.e. a river flow at which the water take must cease in order to reduce the risk of adverse effects on ecological values in Canoe Creek]</u> - The quality of water discharged to receiving waters will not cause adverse impacts on creek ecology or visual clarity. <u>[particular metrics, such as Macroinvertebrate Community Index (MCI) and ASPM (Average Score per Metric) for macroinvertebrates, and species richness or Fish Index of Biotic Integrity for fish. Trigger levels (thresholds) that define “adverse effect” for each metric and for water clarity must be specified. The monitoring locations and methods also need to be specified.]</u> - Potential adverse water quality (including ecological) impacts associated with discharge of naturally present toxic metals and phosphorus in downgradient surface waters are avoided where practicable, or minimised. <u>[As above, “potential adverse water quality” must be defined by identifying specific contaminants and ecological metrics, and specifying a trigger level for each. Reference to Tables A and B in Condition 23.1 would be sufficient, but noting concerns with Table A described below. The phrase “where possible, or minimised” should be removed. Meeting the specified guideline values in watercourses should be a condition of consent.]</u> - The pre-mining surface drainage patterns are restored such that the catchment areas for Clark Creek, Granite Creek and other smaller creeks are not changed to any significant extent, albeit the constructed wetland is established across these catchments. <u>[It is not sufficient to restore the catchment areas of the natural watercourses, as changes to surface topography and subsurface hydrology may result in significant changes to water flows in the watercourses. This condition should require water flows (measured in litres per second) in all natural watercourses to be restored to not less than 10 percent below pre-mining flows.]</u> The objectives of the MEMP are: - The rate of take of water from Canoe Creek gallery is not greater than 10% of Canoe Creek's MALF, and mining will be set back from Canoe Creek and Granite Creek - The groundwater level in the mining void will not be manipulated to materially lower or raise pond water levels beyond 20% of baseline dredge pond water depth.	Accept in part The matters raised in b and c are accepted. The Applicant has proposed specific amended conditions of consent which measure these matters: - Creek ecology – Condition 24.5, 24.6 & 28.3 - Visual Clarity – Condition 23.1 and 24 - Water Quality – Condition 23.1 The Applicant will accept this as an advice note if considered necessary. In regards to the comments made in relation to a, X and d reject as per reply statement of Jens Rekker included as Attachment G.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	vi. Detailed design information for the water management system shall be issued to WCRC for review and comment at least 16 weeks prior to the start of mining operations. vii. The rate of take of water will be monitored in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations and the pumping rate will be restricted to 63 L/s instantaneous rate, and 5,400 m³/d or 62.5 L/s on a daily basis. viii. The rehabilitated mine area will provide for the establishment of a wetland complex in excess of 50ha in the east of the former mining areaFive creeks will be restored with realignment and riparian plantings. Advice Note: • <i>All Management Plans are required to adhere to the requirements of Condition 6.0.</i> • <i>The maximum rate of take is anticipated to be required for infrequent periods of up to 7 days. It is also anticipated that the long-term abstraction rate would be less at 9.5 L/s.</i> • <i>With respect to 21.1vii usage will be measured at 15-minute intervals and data reported electronically to the respective consent authority daily. Data Storage: Systems must be capable of storing records. If using telemetry, dataloggers should store at least one month of data; standalone loggers require 12 months of storage. Verification: Meters must be verified (calibrated) by a qualified person to ensure accuracy. If no water is taken, reports must indicate zero usage.</i>	iii. Pumping of groundwater will be minimised by avoiding dewatering and associated water table lowering while excavating saturated material within the void down to the economic mineral grade limit or maximum reach depth of the dredge, not exceeding 10m. Barrytown Minerals Project – Southern Block – Appendix P1 Date: 14 September 2026 19 iv. Water pumped from the void will be conveyed to the WCP. Water will be ordinarily pumped back to the dredge pond tailings zone to achieve the hydrological effect goals of the WMP. v. The quality of any groundwater that could enter surface water or coastal water or Wasabi Springs will be monitored to confirm that it meets standards which are consistent with hydrological effects goal of the WMP (condition 22.1c). vi. Detailed design information for the water management system shall be issued to WCRC for review and comment at least 16 weeks prior to the start of mining operations. vii. The rate of take of water will be monitored in accordance with the Resource Management (Measurement and Reporting of Water Takes) Regulations and the pumping rate will be restricted to 63 L/s instantaneous rate, and 5,400 m³/d or 62.5 L/s on a daily basis. viii. The rehabilitated mine area will provide for the establishment of a wetland complex in excess of 50ha in the east of the former mining areaFive creeks will be restored with realignment and riparian plantings. Advice Note: • All Management Plans are required to adhere to the requirements of Condition 6.0. • The maximum rate of take is anticipated to be required for infrequent periods of up to 7 days. It is also anticipated that the long-term abstraction rate would be less at 9.5 L/s. • With respect to 21.1vii usage will be measured at 15-minute intervals and data reported electronically to the respective consent authority daily. Data Storage: Systems must be capable of storing records. If using telemetry, dataloggers should store at least one month of data; standalone loggers require 12 months of storage. Verification: Meters must be verified (calibrated) by a qualified person to ensure accuracy. If no water is taken, reports must indicate zero usage.	
General comment		The proposed width of riparian buffers is insufficient to achieve the expected benefits to instream ecology and to resist invasion by weeds. The buffers on each side of the watercourses should be five metres wide. Conditions for maintaining the buffers also require some improvement.	Accept As addressed by Richard Montgomerie included as Attachment I, Applicant accepts a 5m riparian buffer for the planting of the five creeks.
General comment		The consent conditions for the water take on Canoe Creek should specify a cease-take level.	Reject Refer reply statement of Jens Rekker included as Attachment G.
General comment		Consent conditions are lacking performance measures and remedial actions in a number of places. For example, conditions associated with erosion and sediment control should include threshold values for turbidity and remedial actions if they are breached.	Accept in part Particular matters raised have been considered and responded to separately by the reply statements of Richard Montgomerie and Jens Rekker.
General comment		Conditions for restored watercourses should specify the metrics to be used for monitoring their ecological condition (specifically macroinvertebrates, fish, physical habitat, flow and riparian condition) and performance standards to be achieved.	Refer amended conditions 24.5.
General comment		Recommends that further work is required to ensure that the rehabilitation package is commensurate with the loss of wetland extent and values, and that conditions are modified to ensure that existing wetlands are retained while they can be and that the bond is adequate to cover the ecological rehabilitation.	Accept in part Refer amended bond condition 4.5 for West Coast Regional Council.

West Coast Regional Council

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
General Structure		Council would prefer WCRC and GDC consents to be separated and for general conditions to be included in the relevant specific consent.	Neutral TCM have followed the same structure as was adopted for the Central Block condition set but are not opposed to the separation of the relevant provisions should the Panel prefer this approach. This could also be completed separately by the Councils should resource consents be granted.
1.1	The Consent Holder must carry out the mineral sand mining and associated activities in general accordance with the application made through the Fast-track Approvals process, the Site Plan enclosed as Schedule 1 prepared by Tai Poutini Resources Ltd and the following management plans [to be inserted].	Condition to go at the start of each specific consent.	Accept
1.2	The Consent Holder must ensure all staff and contractors are made aware of, and have access to, and comply with, the resource consent conditions prior to the commencement of mining. A copy of the resource consent conditions must also be readily available on-site.	While this is good practice it doesn't relate to any specific environmental effect and therefore is not enforceable so should be deleted.	Accept Delete condition
1.3	All actual and reasonable costs incurred by the Consent Authorities in monitoring, enforcement and administration of this resource consent must be met by the Consent Holder.	To go at the end of each specific condition.	Accept Addition to be included at the end of relevant conditions
2.1	For monitoring purposes, the Consent Holder must notify the Consent Authorities of the following by email (wcrccompliance@wrc.govt.nz and planning@greydc.govt.nz): a. The intended commencement date of works on-site at least 15 working days prior to commencement of works on-site; and b. The intended completion of final mine closure rehabilitation activities at least 15 working days prior to works ceasing on-site.	~~For monitoring purposes, the~~ the Consent Holder must notify the Consent ~~Authorities~~ <u>Authority</u> of the following: a. The intended commencement date of works on-site at least 15 working days prior to commencement of works on-site; and b. The intended completion of final mine closure rehabilitation activities at least 15 working days prior to works ceasing on-site.	Accept Minor wording change ~~For monitoring purposes, the~~ the Consent Holder must notify the Consent ~~Authorities~~ <u>Authority</u> of the following:...
4.5	a. The bond quantum must be \$300,000. b. The method for arriving at the bond quantum does not limit the scope of the bond, which is set by Condition 4.1.	Not sure how this was calculated or if it is appropriate. Need to have workings shown and agreement with the Consent Authority.	Replace condition WCRC has a new bond policy. Applicant has suggested alternative wording to provide certainty as to how the amount is to be assessed and confirmed. <u>4.5 Prior to any disturbance activity commencing, the Consent Holder shall obtain an independent assessment of the bond required under this consent from an appropriately qualified person and provide the assessment to the Consent Authority.</u>
4.8	The Consent Holder must not exercise these consents: a. Until the bond required by Condition 4.1 has been fully executed by the Consent Holder and guarantor; or b. In respect of any inflation adjusted bond referred to in Condition 4.7, after 30 working days have expired from the date the Consent Holder was notified of the terms of the inflation adjusted bond by the Consent Authorities unless the inflation adjusted bond has been executed with the Consent Authorities by the Consent Holder and guarantor;; or c. In respect of any bond sum changed or reviewed pursuant to Sections 127 or 128 of the Act, after thirty 30 working days have expired from the date the Consent Holder was notified of the decision of the changed or reviewed bond by the Consent Authorities unless the changed or reviewed bond has been executed with the Consent Authorities by the Consent Holder and guarantor; or d. If, during the term of these consents, the whole or any part of the bond is required to be used for the carrying out and completion of all obligations of the Consent Holder under the bond, unless the full bond has been executed with the Consent Authorities by the Consent Holder and guarantor.	The Consent Holder must not ~~exercise these consents~~ <u>undertake any mining activity</u> : a. Until the bond required by Condition 4.1 has been fully executed by the Consent Holder and guarantor, or has been deposited with the Consent Authorities, or b. In respect of any inflation adjusted bond referred to in Condition 4.7, after 30 working days have expired from the date the Consent Holder was notified of the terms of the inflation adjusted bond by the Consent Authorities unless the inflation adjusted bond has been executed with the Consent Authorities by the Consent Holder and guarantor, or has been deposited with the Consent Authority; or c. In respect of any bond sum changed or reviewed pursuant to Sections 127 or 128 of the Act, after thirty 30 working days have expired from the date the Consent Holder was notified of the decision of the changed or reviewed bond by the Consent Authorities unless the changed or reviewed bond has been executed with the Consent Authorities by the Consent Holder and guarantor, or has been deposited with the Consent Authorities, or d. If, during the term of these consents, the whole or any part of the bond is required to be used for the carrying out and completion of all obligations of the Consent Holder under the bond, unless the full bond has been executed with the Consent Authorities by the Consent Holder and guarantor, or has been deposited with the Consent Authorities.	Accept 4.8 The Consent Holder must not ~~exercise these consents~~ <u>undertake any mining activity</u> :...
5.1	At least 40 working days prior to mining activities commencing and thereafter on or before the anniversary date of the mining activities commencing, the Consent Holder	At least 20 working days prior to mining activities commencing and thereafter on or before the anniversary date of the mining activities commencing, the	Accept Proposed changes to 5.1(c)

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	must submit a programme of work (“Annual Work Programme”) by email (wcrccompliance@wcrcc.govt.nz) for approval detailing: - The proposed works to be carried out over the next 12 months including: - Equipment to be used; - Areas of topsoil and overburden stripping ; - New areas of land disturbance that will be mined; - Access tracks; - Drilling or prospecting sites and other tracks to be constructed; and - Any other site works within the consent area. - The approximate open volume of the mining void at the start of the year including the depth of excavations and the area of the mining void. - Extent of creek diversions and reclamations. - The progressive rehabilitation works to be carried out over the next 12 months including: - Areas of unrestored land (i.e. any land not finally topsoiled and revegetated) at the beginning of the 12-month period; - The area that will be fully rehabilitated during the forthcoming 12-months; - Maximum slope angles, bench heights and widths of recontoured ground, if applicable; - Rehabilitation methods and techniques including replacement of topsoil and vegetation cover ; - Description of measures to prevent adverse effects on natural waterbodies, including drainage works within the consent area, and the collection and treatment of site run-off; - Measures to ensure soil conservation; - A description and analysis of any unexpected adverse effects that have arisen as a result of activities within the last 12 months, the steps taken to address those adverse effects and measures implemented to avoid a repeat occurrence of them.	Consent Holder must submit a programme of work (“Annual Work Programme”) for certification by the Consent Authorities detailing: - The proposed works to be carried out over the next 12 months including: - Equipment to be used; - Areas of topsoil and overburden stripping and stockpile locations; - New areas of land disturbance that will be mined; iv. Access tracks; - Drilling or prospecting sites and other tracks to be constructed; - Native freshwater fish capture and relocation plan and any other wildlife management required (~~lizards and birds~~); Comment: If separated for individual Councils, remove areas of GDC responsibility. - Proposed location, and relocation, of the penguin fence; and - Any other site works within the consent area. - The approximate open volume of the mining void at the start of the year including the depth of excavations and the area of the mining void. <u>Location and</u> Extent of ~~creek~~ <u>waterbody</u> diversions and reclamations. - The progressive rehabilitation works to be carried out over the next 12 months including: - Areas of unrestored land (i.e. any land not finally topsoiled and revegetated) at the beginning of the 12-month period; - The area that will be fully rehabilitated during the forthcoming 12-months; - Maximum slope angles, bench heights and widths of recontoured ground, if applicable; - Rehabilitation methods and techniques including replacement of topsoil and vegetation cover with seed collection and plant procurement details; - Description of measures to prevent adverse effects on natural waterbodies, including drainage works within the consent area, and the collection and treatment of site run-off; - Measures to ensure soil conservation; - A description and analysis of any unexpected adverse effects that have arisen as a result of activities within the last 12 months, the steps taken to address those adverse effects and measures implemented to avoid a repeat occurrence of them.	c. <u>Location and</u> Extent of ~~creek~~ <u>waterbody</u> diversions and reclamations
6.1	At least 40 working days prior to undertaking any activities authorised by these consents, the Consent Holder must submit the following management plans to the respective Consent Authorities for certification: - Noise Management Plan - Avian Management Plan - Lizard Management Plan - Native Freshwater Fish Capture and Relocation Plan - Dust Management Plan - Rehabilitation Management Plan - Water Management Plan - Erosion and Sediment Control Plan Advice Notes: - These are collectively referred to as ‘Management Plans’. - Where a plan requires the input of an appropriately qualified professional, the Consent Authorities may engage an appropriately qualified person to peer review the plan as part of the certification process. The cost of any required peer reviews will be met by the Consent Holder.	At least 20 working days prior to undertaking any activities authorised by these consents, the Consent Holder must submit the following management plans to the Consent Authorities for ~~certification~~ <u>approval</u>: ~~a. Noise Management Plan~~ ~~b. Avian Management Plan~~ ~~c. Lizard Management Plan~~ Comment: Again, if separated, remove reference to GDC only plans. d. Native Freshwater Fish Capture and Relocation Plan e. Dust Management Plan f. Rehabilitation Management Plan g. Water Management Plan h. Erosion and Sediment Control Plan i. Landscape Planting Plan j. Lighting Management Plan Advice Notes: - These are collectively referred to as ‘Management Plans’. - Where a plan requires the input of an appropriately qualified professional, the Consent Authorities may engage an appropriately qualified person to peer review the plan as part of the <u>certification approval</u> process.	Reject Case law requires conditions to be certified (refer para 56 Legal Considerations Memorandum 24 April 2026 provided with the application). Separating the District Council and Regional Council consent components is at the discretion of the Panel, or could be completed separately by the Councils should resource consents be granted.
6.3	Site activities must not commence until the Management Plans listed in Condition 6.1 have been certified by the Consent Authorities.	Site activities must not commence until the Management Plans listed in Condition 6.1 have been <u>certified approved</u> by the Consent Authorities.	Reject As per first comment to condition 6.1.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
6.4	Within 20 working days of the date of submission of a management plan under Condition 6.1, the Consent Authority must: a. Confirm to the Consent Holder that the management plan is certified; or b. Respond that they are not able to certify the management plan and provide reasons and recommendations to the Consent Holder. Advice Note: • <i>If a Consent Authority does not certify a management plan under Condition 6.4b, the Consent Holder will need to resubmit the management plan under Condition 6.1.</i>	~~a. If the Consent Holder has not received a response from the Consent Authorities within 20 working days of the date of submission of a management plan under Condition 6.1, the management plan must be deemed certified.~~ a. If the response from the Consent Authorities is that they are not able to certify the management plans, the Consent Holder must consider any reasons and recommendations provided by the Consent Authorities, amend the management plan accordingly, and resubmit the management plan to the Consent Authorities.	Reject The consent holder needs certainty of timeframe. Council has the ability under condition 6.4(b) to ask for further information or amendments which would restart the time frame.
6.6	Any amended management plan must be provided to the Consent Authorities within 20 working days of its review, for recertification in accordance with Condition 6.1. Advice Note: • <i>The Consent Authorities may engage an appropriately qualified person to peer review the amendments.</i>	Any amended management plan must be provided to the Consent Authorities within 20 working days of its review, for ~~recertification~~ <u>re-approval</u> in accordance with Condition 6.1. Advice Note: • The Consent Authorities may engage an appropriately qualified person to peer review the amendments.	Reject As per first comment to condition 6.1.
6.10 *Note that this is numbered 6.9 in WCRC set of conditions	Subject to any other conditions of these consents, all activities must be undertaken in accordance with the latest version of the certified Management Plans.	Subject to any other conditions of these consents, all activities must be undertaken in accordance with the latest version of the ~~certified~~ <u>approved</u> Management Plans.	Reject As per first comment to condition 6.1.
7.1	a. The mine boundaries must be clearly marked on the ground as per Schedule 1 before any earthworks take place, with the following setbacks applied: i. 20m from the consent boundary; ii. 20m from Granite Creek iii. 20m from Fagan Creek; iv. 50m from the mean high water spring v. 20m from the proposed SNA PUN-049; vi. 20m from all private property boundaries not within the consent area as shown on Schedule 1; vii. 200m from dwellings other than where noise bunds are proposed.	a. The mine boundaries must be clearly marked on the ground as per Schedule 1 before any earthworks take place, with the following setbacks applied: i. 20m from the consent boundary; ii. 20m from Granite Creek iii. 20m from Fagan Creek; Commented iv. 50m from the mean high water spring v. 20m from the proposed SNA PUN-049; vi. 20 from all private property boundaries not within the consent area as shown on Schedule 1; vii. 200m from dwellings other than where noise bunds are proposed Comment: Should also include setbacks to legal roads.	Accept in Part Have added relevant road. The Applicant holds a Licence to Occupy across the road reserves within the application site. <u>viii 20m from Cargill Road.</u>
8.4	The Consent Holder must 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. Copies of the independent test results must be submitted to the Consent Authority within 10 working days of receipt of the results. Advice Note: • <i>If material meets the criteria in Schedule 2 of the Radiation Safety Act 2016, the extraction, processing and transport of heavy minerals concentrate will require a Source Licence under this Act, and may possibly require a radiation safety plan as per section 18 of the Act.</i>	The Consent Holder must undertake quarterly systematic testing of the heavy minerals concentrate from within the active mining area to confirm that the concentrate remains below the acceptable level of radioactivity concentration limits as specified in Schedule 2 of the Radiation Safety Act 2016. Copies of the independent test results must be submitted to the Consent Authority within 10 working days of receipt of the results. Advice Note: • <u>Nothing in this consent affects, limits, or discharges the Consent Holder from any obligation or responsibility under the Radiation Safety Act 2016, or any legislation that amends, replaces, or supersedes that Act.</u> • If material meets the criteria in Schedule 2 of the Radiation Safety Act 2016, the extraction, processing and transport of heavy minerals concentrate will require a Project: Tāiko Critical Minerals Date: March 2026 9 Source Licence under this Act, and may possibly require a radiation safety plan as per section 18 of the Act.	Accept The Applicant will comply with the Radiation Safety Act 2016, or any legislation that amends, replaces or supersedes that Act. <u>Nothing in this consent affects, limits, or discharges the Consent Holder from any obligation or responsibility under the Radiation Safety Act 2016, or any legislation that amends, replaces, or supersedes that Act.</u>
8.6	a. The Consent Holder must maintain radiation monitoring devices in the locations specified in the Dust Management Plan. Data from the radiation	a. The Consent Holder must <u>engage a suitably qualified and independent person to install and</u> maintain radiation monitoring devices in the locations	Accept

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	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. b. If the radiation monitoring devices record radiation levels exceeding the equivalent of 1 mSv (millisievert) above background levels over 12 months (i.e., the sum of results from the past four device readings at each location minus background levels established prior to the activity commencing), then the Radiation Safety Act 2016 applies, and the Consent Holder must: i. inform and consult the Office of Radiation Safety, New Zealand Ministry of Health; and ii. 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.	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. b. If the radiation monitoring devices record radiation levels exceeding the equivalent of 1 mSv (millisievert) above background levels over 12 months (i.e., the sum of results from the past four device readings at each location minus background levels established prior to the activity commencing), then the Radiation Safety Act 2016 applies, and the Consent Holder must: i. inform and consult the Office of Radiation Safety, New Zealand Ministry of Health; and ii. carry out all activities on site in accordance with the Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing Code of Practice and Safety Guide published by the Australian Radiation Protection and Nuclear Safety Agency (or any subsequent revision).	The Consent Holder must <u>engage a suitably qualified and independent person to install and maintain radiation...</u>
Grey District Council Conditions Heading		Remove	Neutral TCM have followed the same structure as was adopted for the Central Block condition set but are not opposed to the separation of the relevant provisions should the Panel prefer this approach.
15.0 Native Freshwater Fish Management Heading		This is a WCRC function and should remain in the consent.	Accept
15.3	Creekworks must not commence until the Consent Authority has certified the NFFCRP.	Stream_ works must not commence until the Consent Authority has ~~certified~~ approved the NFFCRP	Reject As per first comment to condition 6.1.
General Conditions to Apply to all West Coast Regional Council Consents		Should be incorporated into specific conditions in s9 land use consents etc.	Neutral Not material to the Applicant.
22.3	The WMP must be updated on an annual basis and must be submitted to the Consent Authority for certification in accordance with condition 6.0. The annual update is required to: a. reflect the proposed mining operations for the following 12 months; and b. provide any additional or amended monitoring and mitigation requirements in order to reduce the potential for adverse hydrological and/or water quality effects.	The WMP must be updated on an annual basis and must be submitted to the Consent Authority for ~~certification approval~~ in accordance with condition 6.0. The annual update is required to: a. reflect the proposed mining operations for the following 12 months; and Project: Tāiko Critical Minerals Date: March 2026 24 b. provide any additional or amended monitoring and mitigation requirements in order to reduce the potential for adverse hydrological and/or water quality effects.	Reject As per first comment to condition 6.1.
23.1	During mining, treated mine water is only permitted to be discharged directly to the mining void, and from the Mine Water Facility, if: a. metal and metalloid water quality parameters in Table A below are complied with at the sites shown in Schedule 3; and b. the non-metal water quality parameters in Table B below are complied with at the sites shown in Schedule 3 (as required by Condition 23.2) and the locations defined in Table B. [...]	During mining, treated mine water is only permitted to be discharged directly to the mining void, and from the Mine Water Facility, if: Comment: This condition is not clear and perhaps the two discharges need to be separate conditions. I am uncertain if the monitoring parameters are applicable to both water directed to the void and from the Mine Water Facility or just the Mine Water Facility. a. metal and metalloid water quality parameters in Table A below are complied with at the sites shown in Schedule 3; and b. the non-metal water quality parameters in Table B below are complied with at the sites shown in Schedule 3 (as required by Condition 23.2) and the locations defined in Table B.	Accept Acknowledge this condition is unclear. There is one discharge. Whether it is from the MWF or the WCP, all discharges are to the mining void. During mining, treated mine water is only permitted to be discharged directly to the mining void, ~~and from the Mine Water Facility, if:~~

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
24.5	a. The Consent Holder must engage a suitably qualified aquatic ecologist to carry out annual instream and riparian habitat, macroinvertebrate and fish surveys in Northern Creek, Central Creek, Clarke Creek, Granite Creek, Wasabi Creek and Southern Creek. b. The proposed survey methodology, including the locations where instream and riparian habitat, macroinvertebrate and fish sampling will be undertaken, the timing of the sampling, the methods that will be used to undertake the sampling, the name of the authorised person who will undertake the monitoring and reporting methods must be submitted to the Consent Authority 20 working days prior to the survey being undertaken, for the Consent Authority to certify the survey methodology. Advice Note: <i>If the Consent Authority refuses to certify the survey methodology, it is expected to give reasons in writing.</i> <i>If the Consent Authority refuses certification the Consent Holder must resubmit the survey methodology for certification addressing any concerns of the Consent Authority.</i> <i>Surveys must not be undertaken until certification is achieved.</i> <i>The results of the survey must be submitted to the Consent Authority within 10 working days of the results being received.</i> <i>The surveys required by this condition are to collect baseline information about aquatic biota present within the waterbodies around the consent area and monitor long term trends in aquatic ecological health.</i>	a. The Consent Holder must engage a suitably qualified aquatic ecologist to carry out annual macroinvertebrate and fish surveys in Northern Creek, Central Creek, Clarke Creek, Granite Creek, Wasabi Creek and Southern Creek. b. The proposed survey methodology, including the locations where macroinvertebrate (taxa number and composition) and fish sampling will be undertaken, the timing of the sampling, the methods that will be used to undertake the sampling, the name of the authorised person who will undertake the monitoring and reporting methods must be submitted to the Consent Authority 20 working days prior to the survey being undertaken, for the Consent Authority to ~~certify~~ approve the survey methodology. Advice Note: Comment: These should be conditions of consent, not an advice note - If the Consent Authority refuses to ~~certify~~ approve the survey methodology, it is expected to give reasons in writing. - If the Consent ~~Holder Authority?~~ refuses ~~certification approval~~ the Consent Holder must resubmit the survey methodology for ~~certification approval~~ addressing any concerns of the Consent Authority. - Surveys must not be undertaken until ~~certification approval~~ is achieved. - The results of the survey must be submitted to the Consent Authority within 10 working days of the results being received. - The surveys required by this condition are to inform baseline information about aquatic biota present within the waterbodies around the consent area and monitor long term trends in species diversity and prevalence.	Reject Changes have been made to this condition in response to the Department's freshwater ecologist which includes a survey methodology and makes redundant the need for the WCRC to certify this.
28.1	The consent holder must not commence any creekworks activity until it has obtained certification from the West Coast Regional Council for the Rehabilitation Management Plan. Advice Note: <i>The Rehabilitation Management Plan is to include information on the finalised creekworks for the site. The Native Freshwater Fish Capture & Relocation Plan is to provide information on native fish relocation.</i>	The consent holder must not commence any stream works activity until it has obtained ~~certification approval~~ from the West Coast Regional Council for the Rehabilitation Management Plan. Advice Note: The Rehabilitation Management Plan is to include information on the finalised stream works for the site. The Native Freshwater Fish Capture & Relocation Plan is to provide information on native fish relocation.	Reject As per first comment to condition 6.1.
New condition *referred to as 28.4 in WCRC set of conditions		<u>Prior to any waterbody being interfered with, a survey must be completed of the channel invert level and regular cross-sections, at a minimum of 100 metre intervals. This survey must commence at least 100 metres upstream of the proposed new channel and terminate 100 metres downstream of the channel and the survey results supplied to the Consent Authority.</u>	Accept Included as 28.6
New condition *referred to as 28.5 in WCRC set of conditions		<u>Prior to commencing these works, the estimated channel capacity of the existing stream channels must be reliably calculated and the information supplied to the Consent Authority in writing.</u>	Accept Included as 28.7
New condition *referred to as 28.6 in WCRC set of conditions		<u>The constructed channel slope and dimensions must be surveyed to confirm compliance with the required dimensions determined by Condition 28.5.</u>	Accept Included as 28.8

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
New condition *referred to as 28.7 in WCRC set of conditions		<u>The stream channels constructed to convey the streams during mining must have at least the same channel capacity as the natural stream channels.</u>	Accept Included as 28.9
New condition *referred to as 28.8 in WCRC set of conditions		<u>Fish passage must be maintained at all times.</u>	Reject Already included at Condition 28.2
New condition *referred to as 28.9 in WCRC set of conditions		<u>At all bends on the newly constructed channel that are in place during mining, or the rehabilitated channel post-mining, the banks and streambed must be capable of withstanding, without damage, velocities in a 20-year (5% AEP) flood.</u>	Accept Included as 28.10
New condition *referred to as 28.10 in WCRC set of conditions		<u>Any erosion resulting from the exercise of this consent must be remedied within 10 working days of the damage occurring.</u>	Accept Included as 28.11
28.6 *referred to as 28.13 in WCRC set of conditions	a. Upon two years following permanent diversion of creek to the new channel and completion of riparian planting, fish and macroinvertebrate surveys will be undertaken to confirm recolonisation. b. Where monitoring concludes that a pre-works equivalent state of ecological health has not been achieved (refer to Condition 24.5), a specific creek diversion and development plan shall be prepared and submitted to the Consent Authority within 2 months following the monitoring undertaken. c. The Consent Holder must implement any additional works required by the specific creek diversion and development plan within 6 months following the approval by the Consent Authority or during the next planting season (whichever is appropriate to the measure adopted).	a. Upon two years following permanent diversion of creek or drain flow to the new channel and completion of riparian planting, fish and macroinvertebrate surveys will be undertaken to confirm recolonisation. b. Where monitoring concludes recolonisation has not occurred, a Further Offset Works Plan shall be prepared and submitted to the Consent Authority <u>for approval</u> within 2 months following the monitoring undertaken. c. The Consent Holder must implement any additional works required by the Further Offset Works Plan within 6 months following the approval by the Consent Authority or during the next planting season (whichever is appropriate to the measure adopted).	Accept Note that there have been additional changes to Condition 28.6 from the statement of reply of Richard Montgomerie included as Attachment I. Condition b does not highlight all of the changes sought by WCRC. The Applicant has reviewed these and considers that these should be included. b. Where monitoring concludes <u>recolonisation has not occurred, a Further Offset Works Plan</u> ~~that a pre-works equivalent state of ecological health has not been achieved (refer to Condition 24.5), a specific creek diversion and development plan~~ shall be prepared and submitted to the Consent Authority <u>for approval</u> within 2 months following the monitoring undertaken
29.4	a. The Consent Holder must maintain the measurement device(s) in good working order so as to maintain a measurement accuracy of within $\pm 5\%$ for a fully pressurised pipe or $\pm 10\%$ for a partially pressurised pipe. b. The Consent Holder must provide the Consent Authority with initial written verification of accuracy from a suitably qualified person that the measurement device measures the volume of water to within $\pm 5\%$ for a fully pressurised pipe or $\pm 10\%$ for a partially pressurised pipe, and thereafter every five years for the term of the consent.	a. The Consent Holder must maintain the measurement device(s) in good working order so as to maintain a measurement accuracy of within $\pm 5\%$ for a fully pressurised pipe or $\pm 10\%$ for a partially pressurised pipe. b. The Consent Holder must provide the Consent Authority with <u>in</u> initial written verification of accuracy from a suitably qualified person that the measurement device measures the volume of water to within $\pm 5\%$ for a fully pressurised pipe or $\pm 10\%$ for a partially pressurised pipe, and thereafter every five years for the term of the consent.	Reject Should be 'an'
29.8	This take is not to be operated concurrently with the 12-year water take consent under WCRC-2023-0046.	The 12-year water take consent under ~~WCRC~~ -2023-0046 is to be offered for surrender upon commencement of this consent.	Accept

Royal Forest & Bird Legal Submissions and Forest & Bird Avifauna Expert Evidence of Dr Micol

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
1.4	a. Within 2 months of the commencement of these consents, the Consent Holder must appoint an Accountable Person to be responsible for ensuring compliance with all conditions of these consents. The Accountable Person must be based on-site for a minimum of 4 hours per day, for three days per week. The Accountable Person must: - Review, submit and ensure compliance with all management plans listed in the conditions of these consents; - Ensure there is another person who can provide cover in the event they are sick or unavailable, and to provide for succession ('Nominated Cover Person'); - Be the point of contact between the Consent Holder, the Consent Authorities, and the community generally, and pro-actively engage with these parties as required; - Deliver on reporting requirements required by the conditions of these consents. b. The Consent Authorities must be advised of the name and contact details of the Accountable Person and the Nominated Cover Person when they are appointed. In the event that the Accountable Person or Nominated Cover Person change, the Consent Authorities must be notified. A sign must be erected at the property boundary adjacent to the site access road, which provides the name and contact details of the Accountable Person and Nominated Cover Person required to be appointed under sub-clause a	In relation to clause (a) of the condition, the Accountable Person should be appointed prior to any activities authorised by the consents occurring. Key compliance, precommencement reporting and management plan preparation obligations arise prior to or on Day 1 of site establishment. Requiring appointment prior to commencement in addition to within 2 months of the consent being granted ensures clear accountability and oversight from the outset. Avoiding an enforceability gap during the initial setup phase.	Reject The Applicant has already appointed an accountable person for the Central Block.
3.1	Pursuant to Section 128(1) of the Resource Management Act 1991, the Consent Authorities may review any of the conditions of these consents by serving notice on the Consent Holder within a period of 60 working days, commencing on each anniversary of the date of commencement of these consents for any of the following purposes: - To deal with any unanticipated adverse effect on the environment which may arise from the exercise of the consents which is appropriate to deal with at a later stage. - To assess the effectiveness and appropriateness of imposed monitoring parameters, monitoring regimes and monitoring frequencies and to alter these accordingly. To ensure that any management plan required by conditions gives effect to conditions of these consents.	An additional condition is required to enable out of sequence reviews if the activities are found to be having an adverse effect on avifauna (particularly Westland Petrel). This can be drawn from Condition 3.2 the conditions for the Central Block: Notwithstanding the annual review, the Consent Authority may review the conditions of this consent at any time to avoid adverse effects on Westland Petrel, in response to reporting under conditions 18.7, 18.8 or 18.15, where an interaction or interactions have continued to occur despite implementation of further mitigation measures in accordance with conditions 18.7 or 18.8.	Reject More onerous than is necessary given the limited artificial lighting associated with the application. Central Block is not comparable.
3.1	As above.	The requirement to review conditions to avoid adverse effects on Westland Petrel should be included.	Reject As per comment to 3.1.
6.1	At least 40 working days prior to undertaking any activities authorised by these consents, the Consent Holder must submit the following management plans to the respective Consent Authorities for certification: - Noise Management Plan - Avian Management Plan - Lizard Management Plan - Native Freshwater Fish Capture and Relocation Plan - Dust Management Plan - Rehabilitation Management Plan - Water Management Plan - Erosion and Sediment Control Plan Advice Notes: - These are collectively referred to as 'Management Plans'. Where a plan requires the input of an appropriately qualified professional, the Consent Authorities may engage an appropriately qualified person to peer review the plan as part of the certification process. The cost of any required peer reviews will be met by the Consent Holder.	Technical management plans require specialist expertise. All of the listed management plans must therefore be prepared by an appropriately qualified and experienced person. Each management plan has its own specific purpose, minimum content requirements, and condition 6.2 also applies. This condition should be updated to include "prepared in accordance with Condition xyz" to a – h. Cross references to 6.2 should also be added. The previous mine consent required a Wetland Construction and Riparian Planting Plan along with a Lighting Management Plan. These plans will be important to providing protection to the species who utilise the site for habitat, and to avoid adverse effects on the Westland Petrel. These plans should be included in the required management plan, and their minimum content requirements should draw from the Central Block consent requirements.	Reject The Applicant does not consider cross references to be necessary. The Wetland Construction and Riparian Planting Plan is not required as it is covered by the Rehabilitation Management Plan and the Landscape Mitigation Package. This is a daytime activity and a Lighting Plan is not necessary. Refer statement of reply by Dr Gary Bramley included as Attachment H.
6.1	As above.	The FTAA conditions do not require a lighting management plan. I consider this should be required because It is unknown how the mining operation and other activities at the site might affect the petrels, and adjustments to mitigation actions and monitoring may be needed to ensure there are no adverse effects.	Reject This is a daytime activity and a Lighting Plan is not necessary. Refer statement of reply by Dr Gary Bramley included as Attachment H.

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6.2	a. The purpose of the Management Plans is to implement the relevant conditions of these consents. All Management Plans must include (where relevant): - The purpose/objective of the plan; - Reference to the conditions of these consents that the management plan implements; - How each of the relevant conditions have been given effect to; - Procedures for implementing the relevant plan; - Plan auditing check lists; - Monitoring programmes and/or monitoring protocols; - Feedback mechanisms for adaptive management, including circumstances in which a material change to the management plan would be required; - An organisational chart showing staff and contractor positions and responsibilities for plan implementation; - Relevant training and induction procedures and training schedules for staff and contractors; and - Reporting procedures and format for providing the results of any monitoring or surveys required by the plan. b. Where plans require the input of an appropriately qualified professional, the Consent Holder must engage an appropriately qualified person to prepare the Plan.	“Where relevant” is open to interpretation, and for all management plans the matters listed will be relevant and should be deleted. Each management plan appears to have a standalone condition setting out content requirements. To avoid duplication and confusion this condition could be incorporated into each management plan condition. Or an advice note could be added that this condition applies in addition to the relevant condition setting out the purpose/objective and minimum content requirements of each management plan. As set out earlier, all the plans, given their technical nature, require them to be prepared by a suitably qualified person. Clause (b) should be deleted and replaced with “plans must be prepared by an appropriately qualified and experienced person”.	Accept Deletion of “where relevant”. Refer to response to Department of Conservation 6.2 Reject Requirement for standalone condition setting out content requirements. These are already included in the relevant sections. Accept in part <u>Plans must be prepared by a suitably qualified person.</u>
6.5	The Consent Holder may amend a management plan at any time to take into account: - Any positive measure/s to ensure the stated objectives of the management plan are achieved; - Any changes required to further reduce the potential for adverse effects as a result of actions identified in the Annual Work Programme; and - Any required actions identified as a result of monitoring to address a. or b. Where the preparation of a management plan required the input of an appropriately qualified person, any amendment to that management plan must also be undertaken by an appropriately qualified person.	Given the technical nature of these plans, amendments to them will be required to be done by a suitably qualified person. This condition must be updated to reflect that. The previously granted consent for the Central Block allowed for amendments to take into account: “Any changes or opportunities to reduce actual or potential adverse effects on the environment in response to concerns, comments or complaints received from the Consent Authorities and the Community Liaison Group”. This is important to include albeit with the Department of Conservation included, as plans can be amended in response to environmental concerns or complaints.”	Accept in part Not all management plans will require annual review. Conditions for the AMP require that annual review of the AMP be reviewed by a suitably qualified person (13.9(c)), with any comments received during consultation with the department provided to the Consent Authority (13.9(d)). A new condition has been included at 14.2(g) providing for consultation with the Department with respect to any revisions to the Lizard Management Plan. Refer to amendment to 6.5 and new condition 31.2 which addresses comments etc. from CLG.
6.6	Any amended management plan must be provided to the Consent Authorities within 20 working days of its review, for recertification in accordance with Condition 6.1. Advice Note: <i>The Consent Authorities may engage an appropriately qualified person to peer review the amendments.</i>	This condition enables implementation of amendments to be made prior to formal certification by the consent authorities. Amendments may inadvertently be inconsistent with the conditions of the consent, and in that case should not be certified and the management plan should not be amended. This condition needs to be updated to avoid this eventuality.	Reject This point is unclear. Conditions are to be complied with at all times.
7.1	a. The mine boundaries must be clearly marked on the ground as per Schedule 1 before any earthworks take place, with the following setbacks applied: 20m from the consent boundary; 20m from Granite Creek 20m from Fagan Creek; 50m from the mean high water spring 20m from the proposed SNA PUN-049; 20m from all private property boundaries not within the consent area as shown on Schedule 1; 200m from dwellings other than where noise bunds are proposed.	It is not clear at which point the setbacks start. Usually, the edge of these features would be used. Either way the point at which the setback starts needs to be incorporated into the condition. Furthermore, the setbacks should be delineated by a suitably qualified person as defining the edges of creeks and mean high water springs in particular is a technical exercise. This condition does not exclude any activities from the areas and presumably should. Furthermore, the condition does not set out what they are to be marked with, nor how long the markings need to stay in place. These matters must be covered in the condition. The mine boundaries and consent boundary are undefined terms. They should be defined through a definitions table in the consent conditions, so they are consistently applied.	Reject
7.2	For Condition 7.1(a)(iv), the mine boundaries from the mean high water spring must be clearly marked at the start of each mining section: - Section 1: Canoe Creek to Granite Creek - Section 2: South of Granite Creek to Cargill Road - Section 3: South of Cargill Road to Southern Boundary	As above. This condition presents similar issues. Mine boundaries, mining section and mean high water spring are all terms that should be defined to avoid uncertainty.	Reject
7.3	The maximum area of site disturbance must not exceed 16.0 hectares. Advice Note:	It is not clear what timeframe this 16.0- hectare limit applies. To avoid confusion, the condition must state the timeframe i.e. at any one time, per year,	Reject There is not considered to be any uncertainty over what site disturbance is.

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	<i>The disturbed area includes the stripped area ahead of mining, mining void and active rehabilitation areas (including borrow areas).</i>	during mining season etc. Site disturbance is another term that will need to be defined.	
9.1	The Consent Holder must carry out progressive rehabilitation, to achieve the following requirements: a. Reinstatement of productive pasture; b. Reinstatement of existing creek and drainage patterns to reflect pre-mining catchment areas ensuring no loss of extent and values, with appropriate riparian planting, in accordance with Condition 28.2; c. Construction of wetland and riparian areas in accordance with Condition 16.7.	Progressive rehabilitation needs to be defined so it is clear at what stages rehabilitation, reinstatement, planting, construction of the wetland are all required.	Reject
9.2	At the completion of mining (final mine closure), the mine area must be fully rehabilitated, in general accordance with a Rehabilitation Management Plan. The objectives of the Rehabilitation Management Plan are: a. To create a final landform with a similar contour and profile at final mine closure as that which existed prior to mining but with improved drainage across the site; b. To establish vegetation cover on all areas disturbed by mining activity; c. To protect freshwater values associated with natural waterways; d. To reinstate existing creek and drainage patterns to reflect pre-mining catchment areas ensuring no loss of extent and values; and e. To construct and establish a permanent wetland area that contributes to ecological enhancement, hydrological function and landscape integration at final mine closure. Advice Notes: • <i>Final mine closure is the completion of all mining and progressive rehabilitation works. All Management Plans are required to adhere to the requirements of Condition 6.0.</i>	This condition is uncertain and vague in many respects. For example, - “Improved drainage across the site” is difficult to define. Performance standards for drainage need to be included in place of this statement. This is particularly important for hydrology of the recreated wetlands - “to establish vegetation cover” and “mining activity” are similarly difficult to define. Performance standards setting out the extents (in m2) and vegetation types to be used to establish cover along with the heights they must reach over a certain timeframe need to be included in this condition. Mining activity must be defined so it is clear what areas require vegetation cover to be established to comply with this condition. - Freshwater values will be reinstated across the site rather than protected, due to them being destroyed and moved during the lifetime of the mine. In any case the values associated with each waterway must be defined in this condition. - The extent and type of wetland similarly needs to be defined, and performance standards set. - The condition does not set out what the purpose of the plan is. At the completion of mining (final mine closure) is inconsistent with previous conditions around progressive rehabilitation. Management plans should only be used to implement conditions of consent. The rehabilitation outcomes sought by this condition (updated to address the uncertainties set out above) therefore need to be included as conditions of consent. The Rehabilitation Plan does not include the following matters: - Removal of buildings, equipment and structures (which will be required to rehabilitate the site) - Post-mining weed and pest control requirements (which will be required to address adverse effects on indigenous species)	Reject
9.3	The Rehabilitation Management Plan must include the following: a. A programme of progressive rehabilitation of the pre-mining landform, adhering to maximum disturbed area limits. b. The original and final mine closure land contours. c. Contouring of all post-mining landforms. d. Establishment of pasture cover over all disturbed land. e. Construction methodology and planting details for the constructed wetland area to achieve the requirements in Condition 16.8. f. Construction methodologies and riparian planting details for the diversion of, and reestablishment of creeks, including to achieve the requirements in Condition 21.2 (the Site Specific Erosion and Sediment Control Plan) and Condition 28.2 (Design requirements). g. Removal of equipment. h. Monitoring and maintenance requirements.	The proposed FTAA conditions do not propose pest control. I consider pest control should be required because it is a mitigation against breeding output loses for penguins, dotterals and other groundnesting birds, and helps offset the disturbance to these species caused by the mining activity on habitat that they occupied	Accept in part Refer new condition 16.15 in response to 38.1 in Attachment B. <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>
9.4	If for any reason active mining ceases for more than 6 months, all disturbed areas must be rehabilitated as required by the conditions of these consents within 12 months from the date of the last mining activity.	The consent for the Central Block only authorised a ceasing of 3 months prior to rehabilitation. Forest & Bird considers that term in this consent should be consistent with the Central Block .	Reject 12 months is appropriate to this site and the activity proposed to undertake any potential works that would be required. Conditions regrading management of exposed areas would continue to apply over this time.
10.0	10.0 Complaints and Non-Compliance The Consent Holder must maintain a complaints register for all aspects of operations in relation to these consents. The register must be available to the Consent Authorities at all times and must detail: a. The date, time and type of any complaint; b. The cause of the complaint; and	There is no requirement for establishing the complaints register and procedure. Without this, there is a risk of the surrounding community and environmental groups not understanding how they can make a complaint, and to who complaints should be made.	Reject Contact details for the Applicant will be available on their website.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	c. Any action taken in response to the complaint (including any amendments to be pursued to the Management Plans required by Condition 6.0).		
10.2	Upon receipt of any complaint, the Consent Holder must promptly investigate the complaint, take action to remedy or mitigate the cause of the complaint and within 24 hours inform the Consent Authorities of the details of the complaint and any action taken.	“Promptly investigate the complaint” is subject to interpretation. The condition does not require the Consent Holder to inform the Consent Authorities of the details of the investigation and findings. We suggest refining the condition as follows: “Upon receipt of any complaint, the Consent Holder must immediately investigate the complaint, take action to remedy or mitigate the cause of the complaint and within 24 hours inform the Consent Authorities of the details of the complaint, subsequent investigation, investigation findings and any action taken.”	Reject Will be within 24 hours as per condition states.
10.3 / 11.0 / 11.1	Complaints which may infer non-compliance with the conditions of these consents, must be referred to the Consent Authorities within 48 hours of their receipt.	Arguably such a complaint would be more serious. It is not clear why a 48 -hour period is given. The period for referral should be 24 hours in line with Condition 10.2. The Central Block consent applied hours of operation restrictions to trucking and loading of trucks. Per Dr Micol’s Expert Evidence, changes are required to avoid adverse effects on petrel, particularly during hours of darkness. Mining, overburden and top soil stripping, bund development and any related activities are terms that could benefit from being defined. This would ensure the activities that are subject to hours of operation are clearly defined and application of this condition clear. For the purposes of Condition 11.1 (a), should be added to the first advice note. The second advice note may contain a cross-reference error.	Reject 48 hours is considered appropriate for the type of activity proposed. Reject Hours of operation are clearly defined. Accept There is an error in the cross reference of the second advice note. This has been corrected.
11.0 / 11.1	a. Mining, overburden and topsoil stripping, bund development and any related activities must not operate during the hours of darkness. For the purpose of this condition, hours of darkness are between sunset to sunrise. b. Mining shall not occur between the hours of 0600 and 0700 within 500m of the dwellings located at Lot 2 DP2178, 23, 37, 41, 43 and 50 Warren Road, and 64, 67, 86 and 101 Cargill Road. c. Mining shall not be undertaken on Sunday. Advice Notes: • Sunrise and sunset times can be found at https://www.sunrise-and-sunset.com/en/sun/new-zealand/greymouth In addition to Condition 12.1, further restrictions on noise are contained in Conditions 13.1 – 13.4 Noise.	It is unclear why trucking and loading of trucks are not limited to daytime hours under the FTAA conditions. I consider this is necessary as Westland Petrel can be affected by light from vehicles	Reject Condition (a) states that the activity cannot be undertaken during the hours of darkness. Trucking and loading of trucks are outside the scope of this application but are also consented to only take place during daylight hours.
12.1	The consent holder shall ensure that all operational mining activities on site do not exceed the following noise limits at or within the notional boundary of any dwelling: a. Daytime 0700 to 2200 55 dB L_{Aeq}(15 min) b. Night-time 2200 to 0700 45 dB L_{Aeq}(15 min) and 75 dB L_{AFmax} when measured and assessed in accordance with the latest New Zealand noise standards: NZS 6801:2008 “Acoustics – Measurement of environmental sound” and NZS 6802:2008 “Acoustics -Environmental Noise”. Advice Note: ‘Notional boundary’ is defined as a line 20 metres from any side of a dwelling or the legal boundary where this is closer to the dwelling.	If there are any processing activities not already authorised by other consents, then processing activities should be included in the noise limits.	Reject All activities are included within the noise limits.
12.3	The Consent Holder must prepare a Noise Management Plan (NMP) to control day-to-day noise emissions from the site. The purpose is to ensure that disturbance to neighbours bordering the Application Site is avoided or minimised. This NMP must be submitted to the Consent Authority for certification 40 working days prior to commencement of the commencement of on-site works. As a minimum, the NMP must include: a. The person responsible for implementing the NMP b. Applicable noise conditions relating to noise c. Training of staff relating to how to minimise noise and vibration d. Mining risk analysis for noise generation e. Method for handling noise complaints f. Noise monitoring methodology, including frequency, duration, and location.	Per Dr Micol’s Expert Evidence, noise is likely to impact avifauna. The Noise Management Plan purpose should be to control the day-to-day noise emissions from the site and ensure the noise limits set out in Condition 12.1 and 12.2 are met.	Refer statement of reply of Dr Gary Bramley included at Attachment H (para[75] – [77]).

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	Advice Note: <i>All Management Plans are required to adhere to the requirements of Condition 6.0.</i>		
12.4	a. The Consent Holder must engage a suitability qualified and experienced acoustic consultant to undertake compliance noise monitoring within 30 days of mining or processing operations occurring and thereafter at 3 monthly intervals for the first 12 months of the mining operation. Thereafter, compliance noise monitoring must be undertaken on an annual basis. b. All noise monitoring must be submitted to the Consent Authority within two weeks of completion of each monitoring event. c. If compliance with Condition 12.1 is not achieved, the Consent Holder must: - investigate the reasons for non-compliance and within 20 working days implement additional mitigation measures to achieve compliance with those noise limits. - submit a report to the Consent Authority within 30 working days of the relevant monitoring event detailing the additional mitigation measures that were implemented. d. If additional mitigation measures are implemented, the Consent Holder must engage a suitability qualified and experienced acoustic consultant to undertake further compliance noise monitoring within 10 working days of any mitigation measure being implemented to determine the effectiveness of that mitigation. e. If compliance with Condition 12.1 is still not achieved the Consent Holder must repeat the requirements of c. and d. until compliance is achieved.	Noise monitoring should occur during two periods of high noise during construction activities. As we set out earlier, mining and processing operations requires a definition. This condition does not drive any consideration of the NMP and updates to it. If compliance is not achieved, then the source of noise must be stopped. This should be inserted as a requirement of the condition.	Reject Processing has been considered under a separate consent for the Wet Concentrator Plant.
13.1	a. Prior to and during each breeding season, the Consent Holder shall undertake regular surveys of all areas scheduled for mining to identify any bird breeding or nesting activity. Where surveys indicate that nesting is likely to occur, the Consent Holder shall implement appropriate deterrence measures, including grazing, walkovers, visual cues, audio bird scarers, and strategic placement and movement of machinery, to discourage birds from establishing nests. Advice Note: <i>Conditions relating to the Avian Management Plan are Conditions 13.7 – 13.9.</i>	Clause (a) should be specific about which bird’s breeding seasons and the times of years The surveys required by this condition need to be included in the condition. Clause (b) does not include a process for where surveys find that nesting has or is occurring. Appropriate deterrence measures are broad, and as set out in the evidence of Dr Micol, will result in adverse effects on birds. The deterrence measures must be revised.	Reject Refer to statement of reply from Dr Gary Bramley. Note that the deterrence methods have been updated in Condition 13.1 – refer Attachment C1.
13.2	Staff, contractors and visitors associated with the mining activity must not be permitted to bring dogs to the site at any time, except for conservation purposes, including bird deterrence	Staff, contractors and visitors not associated with the mining activity are not covered by this condition. Redrafting required: Staff, contractors and visitors to the site must not be permitted to bring dogs to the site at any time, except for conservation purposes.	Reject These are working farms and there are farming activities unrelated to mining being carried out. Farm dogs are present and will continue to be so while these farming activities occur.
13.3	a. The Consent Holder must deploy wildlife cameras at suitable locations to detect target wildlife (particularly Kororā and Tāiko) including low spots and creek mouths along the coastal edge of the mine disturbance area and other locations likely to detect activity as determined by a suitably qualified ecologist and set to record for at least 10 nights every month. b. The cameras must be equipped with passive infrared receptors (or other mechanisms to enable night vision capability and motion detection) and be installed by a suitably qualified ecologist. c. Imagery must be reviewed for wildlife interactions at least weekly by a suitably qualified ecologist, retained for a minimum of 6 months, and be made available to the Consent Authority or the Department of Conservation on request. d. The Consent Holder shall undertake precautionary ground searches for grounded taiko within those parts of the site where activities have the potential to give rise to grounding for the first three months of operation, and throughout the fledging season of 14 November to 14 January each year. Ground searches shall be limited to: - The active mining footprint, being the area of active disturbance (not exceeding 16 areas at any one time); - A 50m buffer surrounding the active mining void; and - A 20m corridor on either side of the internal haul roads in active use.	This condition requires a trigger to ensure that activities that would result in adverse effects on detected wildlife do not occur or are appropriately managed if the target wildlife is detected. The actual wildlife being targeted must be stated in place of the broad terms “target wildlife.” This is to ensure the location and review of imagery is appropriately informed. See Appendix One of Dr Micol’s Expert Evidence for further amendments requirements.	Reject Triggers are found in other consent conditions. This is one further means of detecting presence of species.
13.3	As above.	The proposed FTAA conditions do not require nightly on ground searches. Nor do they specify the number of cameras to be used. These requirements should	Reject Refer 13.3(d) for taiko searches.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
		be carried over, but with a modification to 18.5(f) to require monitoring to occur between 1 November to 31 January.	Monitoring occurs continuously. The frequency of reporting the outcomes of the monitoring is set out in 13.4(a)
13.4	a. Any interactions with wildlife recorded as a result of the monitoring requirements in the Avian Management Plan including the wildlife cameras required by Condition 13.3, must be reported to the Consent Authority and the Department of Conservation on a weekly basis from 1 November to 31 January each year, and on a monthly basis from 1 February to 31 October. b. Footage must be made available to the Department of Conservation and the consenting authority as set out in Condition 13.3. c. Any grounded taiko discovered must be reported to the Department of Conservation via their 0800 DOC HOT line as soon as possible. The Consent Holder must then follow the procedures set out in the AMP, including ensuring any live birds are transferred to Department of Conservation case as soon as the Department of Conservation is able to receive them. d. In the event that a grounded seabird is discovered, a lighting audit will be undertaken to ensure lighting at the site complies with the requirements set out in the Avian Management Plan and the latest version of the Australian Government National Light Pollution Guidelines for Wildlife.	Clause (a) needs a timeframe for the reporting i.e. for the duration of the consent. With respect to wildlife interactions, there may be instances where reporting needs to occur sooner than a week. The condition should allow for this eventuality. Regarding (c) and (d), grounded seabirds requires an actual protocol, which may include stopping works, delineation of an area and stopping works within it.	Reject Refer statement of reply of Dr Gary Bramley included as Attachment H.
13.4	As above.	The FTAA refers to “interactions” as opposed to sightings. I consider that sightings is more appropriate.	Reject This wording is consistent with the Central Block conditions.
13.5	a. The Consent Holder must engage a suitably qualified expert to carry out annual penguin surveys of Pakiroa beach and the mine area within 500m of the mining disturbance area to detect the presence of Kororā. If available, the Consent Holder must use a certified conservation dog. If a certified conservation dog is unavailable or unable to complete the survey, human surveys and increased camera monitoring will be undertaken in accordance with the advice of a suitably qualified ecologist. b. The first survey must be conducted within the first 12 months of the commencement date of the resource consent, and at least two annual surveys must be completed before mining commences. c. If penguins or burrows are detected the GPS location must be recorded and the Consent Holder must undertake the following management actions: - If penguins are detected using the mining area to access other habitats, any existing access ways must be maintained and/or works affecting that accessway must be completed in the period April – June (outside the breeding and moult period). - Any potential penguin burrows identified must be investigated, including use of a burrowscope, to determine whether Kororā are using them. - Where any penguin burrows are compromised by mining (i.e. there are direct effects), replacement artificial burrows or nest boxes must be installed at a rate of 2:1. Any additional nest boxes provided must be located within the vegetated coastal foreshore habitat associated with any identified accessways. - If penguins are found within the application site, a specific Penguin Management Plan must be developed by a suitably qualified and experienced ecologist on behalf of the applicant in consultation with the Department of Conservation and the West Coast Penguin Trust. The West Coast Penguin Trust must be reimbursed for reasonable time and expenses associated with consultation on the Penguin Management Plan. Vi. Any deceased penguins found on or near the mine site must be provided to the Department of Conservation for necropsy.	The problems with this condition are addressed in the evidence of Dr Micol. In particular, the condition provides for damage of penguin accessways. Similar to the comments above, the survey needs a trigger to ensure that activities that require management do not occur prior to the surveys occurring. This condition does not require ongoing surveys over the lifetime of the consent. Clause (a) needs to be updated. Access ways requires a definition so it is clear what areas need to be maintained. With respect to iii. “vegetated coastal foreshore habitat associated with any identified accessways” is vague. Can this be identified on a map now, at least the vegetated coastal foreshore habitat? With respect to iv. a purpose statement is required for the Penguin Management Plan, along with minimum content requirements. Any dead penguins need to be provided to the Department of Conservation immediately. This should be added to clause v.	Reject Comments are addressed in other consent conditions or are considered to be adequately addressed.
13.5	As above.	The requirement for a “suitably qualified ecologist or ornithologist” is more appropriate than a “suitably qualified expert”, and should be replicated. I also consider that the time period of 1 August – 30 November for little penguin surveys should be replicated.	Reject Expert reflects these positions.
13.6	a. The Consent Holder must erect and maintain a penguin fence for each section of mining identified in the Avian Management Plan to deter Kororā from entering hazardous areas.	This condition requires a trigger i.e. prior to commencement of any activities authorised by this consent, or prior to [month] each year for the duration of this consent. With regard to clause (d) the condition needs to detail what the	Reject The trigger for constructing the fence is through 13.5 and dependent on the presence of kororā as set out in the advice note to 13.6.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	b. The penguin fence must be comprised of geosynthetic mesh to a height of at least 900mm above ground and buried at least 300mm below the ground and with posts no greater than 4m apart. c. The fence installation must be certified by a suitably qualified ecologist as preventing the ingress of Kororā to the active mine disturbance area. d. The certification must be supplied to the Consent Authority prior to mining commencing. e. The fence must be maintained to exclude penguins until the completion of mining in that area. f. The fence adjoining the southern side of Cargill Road must not be constructed until the fence along the northern side of Cargill Road is removed to avoid penguins being forced to use the road to access areas inland. g. Upon completion of all mining activities and associated site rehabilitation, all penguin fencing must be removed. Advice Note: <i>The requirement to erect a penguin fence only applies if Kororā are detected within 500m proximity of the active mining disturbance area during pre-mining surveys. If no Kororā are detected within 500m of the active mine disturbance area a penguin fence is deemed unnecessary.</i>	statement must include and certification needs a trigger. We suggest the following: “Upon completion of the penguin fence, the ecologist must prepare a written statement certifying that the penguin fence installed meets the requirements of Condition 13.6.” Forest & Bird’s understanding is that the site will be mined in parts, hence e. needs to be adapted to allow some fencing removal as the site is mined and progressively rehabilitated. With respect to the advice note, that consent if granted will enable mining over a long time-frame. Kororā may not been detected pre-mining, but may be in later seasons, and in that case a fence would not be required with this advice note.	
13.6	As above.	I consider the FTAA conditions inadequate for protecting little penguins. The specific requirements around when fencing should be erected under the 2024 conditions are more appropriate.	Reject The fencing provisions have been designed with feedback from the Department and are specific to the Southern Block which is different to the Central Block.
13.7	The Consent Holder must conduct activities on site in general accordance with an Avian Management Plan (AMP) prepared by a suitably qualified ecologist or ornithologist, in consultation with the Department of Conservation. The objectives of the AMP are: a. To ensure adverse effects on the threatened and at risk birds present in the vicinity of the site and any other threatened and at risk species detected by subsequent monitoring are avoided. b. To ensure safe ongoing use of the site and its environs by the birds which currently occur in the area. Advice Note: • All Management Plans are required to adhere to the requirements of Condition 6.0. Threatened or at-risk bird species refers to the Conservation Status according to the New Zealand Threat Classification System.	Activities must be undertaken in accordance with the Avian Management Plan. The current condition only requires “general” accordance – “general” should be deleted. The management plan should be prepared in consultation with the Department of Conservation.	Reject The Department has had the ability to provide input into the AMP through this process. They also have the opportunity to provide comment during reviews (refer condition 13.9(d)).
13.7	As above.	I consider the requirement to develop the AMP in consultation with DOC is best practice and should be replicated in the proposed FTAA conditions. I also consider that 18.11(b) of the 2024 conditions should be replicated, as habitat protection gives better assurance that adverse effects on threatened and at-risk species will be avoided.	Accept in part The Department of Conservation has had the opportunity to provide feedback on the AMP through this process, and will again through annual reviews.
13.8	The AMP must detail: a. A description of the site b. A description of the threatened and at risk indigenous birds likely to be present in these habitats and which species require specific mitigation measures c. A description of the measures that are required to be implemented to avoid effects on threatened and at risk indigenous birds . d. A procedure for managing and responding to Westland Petrel or other wildlife being found on the mine site; e. Details of the penguin fence for each Section of mining described in condition 13.6. f. Lighting management at the site to comply with the guidelines in Condition 17.2. g. A description of the monitoring requirements to assess the effectiveness of the AMP.	The avian habitats (both on site and surrounds) should be detailed in the AMP. Clause (a) should be updated to read: “a description of the site and surrounding avian habitats” Lighting management must comply with Condition 17.2, not the guidelines. This needs to be captured in an amendment to clause f.	Reject This information is provided for within the proposed conditions.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
13.8	As above.	I consider the reference to “surrounding avian habitats” should be replicated, and for reasons set out in my body of evidence, reference to specially trained petrel detection dogs should be included.	
13.9	The AMP must be reviewed annually by the Consent Holder. Any proposed amendments to the AMP must be submitted to Council for certification and must: - Achieve the AMP’s objectives including avoiding effects on any threatened or at-risk indigenous bird species; - Comply with the conditions of this resource consent; - Have been reviewed by an appropriately qualified and experienced ecologist or ornithologist; - Have been provided in advance to Te Rūnanga o Ngāti Waewae and the Buller/Kawatiri office of the Department of Conservation for comment (and feedback received collated and submitted with the amendments to be provided to Council); and - Follow the certification process set out in Condition 6.1. Advice Note: <i>Any disturbance or relocation of avifauna may require a permit from the Department of Conservation under the Wildlife Act (1953).</i>	Given the technical nature of the plan, any amendments need to be prepared by an appropriately qualified and experienced ecologist or ornithologist, not reviewed. Clause (c) needs to be updated to require this.	Reject Condition 13.9(c) requires that the AMP be reviewed by an appropriately qualified and experienced ecologist or ornithologist.
13.10	- The Consent Holder must engage a suitably qualified expert(s) to undertake all monitoring of avian species from the commencement of consent until at least one year following the cessation of mining activities on this site. - The monitoring must be carried out in accordance with the monitoring requirements in the AMP.	The types of monitoring for effectiveness of the AMP should be known by now. The required monitoring should therefore be set through this condition prior to granting of this consent.	Reject This is set out in the Avian Management Plan.
13.11	N/A	The 2024 consent conditions sets out more appropriate reporting requirements. Requirements regarding pest control (condition 18.15(h)), grounded petrel or dead birds (condition 18.15(j)), and management undertaken and the outcome of any grounded Westland Petrel collected (condition 18.15(k)) needs to be replicated.	Accept in part Where appropriate updates have been made to the AMP.
New condition	N/A	It is unclear why there are no restrictions near boundaries, lagoons or wetlands under FTAA conditions. I consider there should be to avoid sedimentation, dust, water level changes etc as outlined in my submission. A boundary of 100 m or more would reduce the likelihood of adverse effects on a regionally significant wetland and smaller wetlands on bitterns, crakes and other wetland species.	Reject The Ecological Effects Assessment has assessed potential adverse effects on sensitive features and applied appropriate setbacks from these for the project.
New condition	N/A	It is unclear why there are no buffers or vehicle exclusions required under the FTAA conditions. I consider there should be.	Reject Buffers have been applied across the site. There will be vehicle movements on the site associated with the proposed activity and ongoing farming activity.
New condition	N/A	It is unclear why pest control is not proposed under the FTAA conditions. Pest control is beneficial for avifauna species.	Accept in part Refer response to 9.3
New Condition	N/A	The requirements from the Central Block conditions for interactions have not been replicated. I consider that they need to be, but with a substantial modification. It should be 1 Westland Petrel interaction per year for the combined mining operations on Barrytown flats, as opposed to 2 or more wetland petrel interactions per 3-month period.	Reject Refer statement of reply of Dr Gary Bramley included as Attachment H (para [60]).
17.0 / 17.1 / 17.2	Lighting conditions have been removed in Tāiko's condition set.	Lighting requires careful management to avoid effects on avifauna. Condition 17.1 permits higher lux on site as the condition only applies to light on adjoining properties. A lux spill needs to be set within the site. The lighting design conditions need to be specific. This specificity was included in consents for the Central Block (but not for the Wet Concentrator Plant). Per the evidence of Dr Micol, the conditions for the Central Block need to be replicated	Noted As noted previously, this application is for a day-time activity and any use of light at night is limited. While out of scope, the Applicant is applying for a variation for further conditions relating to lighting for the WCP.
17.2	Lighting conditions have been removed in Tāiko's condition set.	The risks to Westland Petrel will be the same on the Southern Block, therefore I consider the conditions from the 2024 consent should be carried over.	Reject Refer comment above.

CRRG – Amendments to proposed resource conditions

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
1.1	The Consent Holder must carry out the mineral sand mining and associated activities in general accordance with the application made through the Fast-track Approvals process, the Site Plan enclosed as Schedule 1 prepared by Tai Poutini Resources Ltd and the following management plans [to be inserted] .	The Consent Holder must carry out the mineral sand mining and associated activities in general accordance with the application made through the Fast-track Approvals process, the Site Plan enclosed as Schedule 1 prepared by Tai Poutini Resources Ltd and the following management plans [to be inserted] . Avian Management Plan (covering mining and WCP operations) Lighting Management Plan (covering mining and WCP operations) Radiation Safety Management Plan (covering mining and WCP operations) Dust Management Plan (covering mining and WCP operations) Rehabilitation Management Plan Noise Management Plan Transport Management Plan	Reject Additions are outside scope noting that in reality these plans (for this application and for the WCP granted consent) will be considered together as part of the operations.
1.4	a. Within 2 months of the commencement of these consents, the Consent Holder must appoint an Accountable Person to be responsible for ensuring compliance with all conditions of these consents. The Accountable Person must be based on-site for a minimum of 4 hours per day, for three days per week. The Accountable Person must: - Review, submit and ensure compliance with all management plans listed in the conditions of these consents; - Ensure there is another person who can provide cover in the event they are sick or unavailable, and to provide for succession ('Nominated Cover Person'); - Be the point of contact between the Consent Holder, the Consent Authorities, and the community generally, and pro-actively engage with these parties as required; - Deliver on reporting requirements required by the conditions of these consents. b. The Consent Authorities must be advised of the name and contact details of the Accountable Person and the Nominated Cover Person when they are appointed. In the event that the Accountable Person or Nominated Cover Person change, the Consent Authorities must be notified. A sign must be erected at the property boundary adjacent to the site access road, which provides the name and contact details of the Accountable Person and Nominated Cover Person required to be appointed under sub-clause a	a. Within 2 months of the commencement of these consents, the Consent Holder must appoint an Accountable Person to be responsible for ensuring compliance with all conditions of these consents. The Accountable Person must be based on-site for a minimum of 4 hours per day, for three days per week. The Accountable Person must: - Review, submit and ensure compliance with all management plans listed in the conditions of these consents; - Ensure there is another person who can provide cover in the event they are sick or unavailable, and to provide for succession ('Nominated Cover Person'); - Be the point of contact between the Consent Holder, the Consent Authorities, and the community generally, and pro-actively engage with these parties as required; - Deliver on reporting requirements required by the conditions of these consents. b. The Consent Authorities must be advised of the name and contact details of the Accountable Person and the Nominated Cover Person when they are appointed. In the event that the Accountable Person or Nominated Cover Person change, the Consent Authorities must be notified. A sign must be erected at the property boundary adjacent to the site access road, which provides the name and contact details of the Accountable Person and Nominated Cover Person required to be appointed under sub-clause a Advice Note: The Accountable Person, any other representatives of the Consent Holder should note that CRRG members have expressed a desire for an 'in writing' approach when liaising with all community parties including neighbours. Two contacts available for in-writing contact should be established with parties, including the consent holder, within 5 working days prior to commencement of works on-site. During communications, respectful lead in times of at least one week's notice should be used when disseminating information. 'Cold calling' via phone, text or in person is not considered acceptable unless agreed upon in writing with individual parties.	Accept Include advice note. Advice Note: The Accountable Person, any other representatives of the Consent Holder should note that CRRG members have expressed a desire for an 'in writing' approach when liaising with all community parties including neighbours. Two contacts available for in-writing contact should be established with parties, including the consent holder, within 5 working days prior to commencement of works on-site. During communications, respectful lead in times of at least one week's notice should be used when disseminating information. 'Cold calling' via phone, text or in person is not considered acceptable unless agreed upon in writing with individual parties.
NEW 3.2	N/A	Notwithstanding the annual review, the Consent Authority may review the conditions of this consent at any time to avoid adverse effects on Westland	Reject This application relates to day time mining activities.

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		<u>Petrel, in response to reporting under conditions 18.7, 18.8 or 18.15, where an interaction or interactions have continued to occur despite implementation of further mitigation measures in accordance with conditions 18.7 or 18.8</u> <u>[NB: this condition is from NZEnvC238 Consent Order and refers to 18.7, 18.8, 18.15 in that Consent Order.]</u>	
4.1	The Consent Holder must provide and maintain in favour of the Consent Authorities (the West Coast Regional Council and the Grey District Council [jointly for their respective interests]) a bond or bonds related to mine closure activities and rehabilitation required by these consents.	The Consent Holder must provide and maintain in favour of the Consent Authorities (the West Coast Regional Council and the Grey District Council [jointly for their respective interests]) a bond or bonds <u>to be set ordinary failure scenario</u> related to mine closure activities and rehabilitation, <u>and to cover compensation measures for environmental and social commitments</u> required by these consents. <u>Advice Note: The Consent Holder remains liable under the Fast Track Approvals Act (or its successor) for any breach of these consents which occurs before expiry of these consents and which become apparent during or after the expiry of the relevant consent.</u>	Reject
4.5	a. The bond quantum must be \$300,000. b. The method for arriving at the bond quantum does not limit the scope of the bond, which is set by Condition 4.1.	a. The bond quantum must be ~~\$300,000~~ <u>a minimum of \$3,000,000</u> b. The method for arriving at the bond quantum does not limit the scope of the bond, which is set by Condition 4.1.	Accept in part Refer response to WCRC 4.5
6.1	At least 40 working days prior to undertaking any activities authorised by these consents, the Consent Holder must submit the following management plans to the respective Consent Authorities for certification: - Noise Management Plan - Avian Management Plan - Lizard Management Plan - Native Freshwater Fish Capture and Relocation Plan - Dust Management Plan - Rehabilitation Management Plan - Water Management Plan - Erosion and Sediment Control Plan Advice Notes: - These are collectively referred to as 'Management Plans'. - Where a plan requires the input of an appropriately qualified professional, the Consent Authorities may engage an appropriately qualified person to peer review the plan as part of the certification process. The cost of any required peer reviews will be met by the Consent Holder.	At least 40 working days prior to undertaking any activities authorised by these consents, the Consent Holder must submit the following management plans to the respective Consent Authorities for certification: - Noise Management Plan - Avian Management Plan - Lizard Management Plan - Native Freshwater Fish Capture and Relocation Plan - Dust Management Plan - Rehabilitation Management Plan - Water Management Plan - Erosion and Sediment Control Plan <u>Radiation Safety Management Plan (covering mining and WCP operations)</u> <u>Lighting Management Plan</u> <u>Transport Management Plan</u> Advice Notes: - These are collectively referred to as 'Management Plans'. - Where a plan requires the input of an appropriately qualified professional, the Consent Authorities may engage an appropriately qualified person to peer review the plan as part of the certification process. The cost of any required peer reviews will be met by the Consent Holder.	Reject This application relates to day time monitoring and a Lighting Plan is not required. Transport is outside scope of this application. Refer to changes made to radiation related conditions at Condition 8.5.
6.5	The Consent Holder may amend a management plan at any time to take into account: - Any positive measure/s to ensure the stated objectives of the management plan are achieved; - Any changes required to further reduce the potential for adverse effects as a result of actions identified in the Annual Work Programme; and - Any required actions identified as a result of monitoring to address a. or b.	The Consent Holder may amend a management plan at any time to take into account: Any positive measure/s to ensure the stated objectives of the management plan are achieved;	Accept in part d. <u>Any changes or opportunities to reduce actual or potential adverse effects on the environment in response to concerns, comments or complaints received from the Consent Authorities and the Community Liaison Group.</u>

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	Where the preparation of a management plan required the input of an appropriately qualified person, any amendment to that management plan must also be undertaken by an appropriately qualified person. Advice Note: Some management plans have ongoing annual review requirements which are required in order to manage effects. These specific review requirements are stipulated in the relevant conditions of this consent.	b. Any changes required to further reduce the potential for adverse effects as a result of actions identified in the Annual Work Programme; and c. Any required actions identified as a result of monitoring to address a. or b. d. <u>Any changes or opportunities to reduce actual or potential adverse effects on the environment in response to concerns, comments or complaints received from the Consent Authorities and the Community Liaison Group.</u> - Where the preparation of a management plan required the input of an appropriately qualified person, any amendment to that management plan must also be undertaken by an appropriately qualified person. Advice Note: <i>Some management plans have ongoing annual review requirements which are required in order to manage effects. These specific review requirements are stipulated in the relevant conditions of this consent.</i> <u>Amendments to the Avian Management Plan may trigger the need for an updated Wildlife Act Authority.</u>	Reject inclusion of the proposed advice note as the AMP is a requirement to be complied with under the Wildlife Act Authority.
7.1	a. The mine boundaries must be clearly marked on the ground as per Schedule 1 before any earthworks take place, with the following setbacks applied: 20m from the consent boundary; 20m from Granite Creek 20m from Fagan Creek; 50m from the mean high water spring 20m from the proposed SNA PUN-049; 20m from all private property boundaries not within the consent area as shown on Schedule 1; 200m from dwellings other than where noise bunds are proposed.	a. The mine boundaries must be clearly marked on the ground as per Schedule 1 before any earthworks take place, with the following setbacks applied: 20m from the consent boundary; 20m from Granite Creek 20m from Fagan Creek; ~~50~~100m from the mean high water spring 20m from the proposed SNA PUN-049; 20m from all private property boundaries not within the consent area as shown on Schedule 1; 200m from dwellings ~~other than where noise bunds are proposed.~~	Reject Coastal Hazard Assessment (refer Appendix confirms that 50m is an appropriate setback from MHWS).
8.4	The Consent Holder must 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. Copies of the independent test results must be submitted to the Consent Authority within 10 working days of receipt of the results. Advice Note: If material meets the criteria in Schedule 2 of the Radiation Safety Act 2016, the extraction, processing and transport of heavy minerals concentrate will require a Source Licence under this Act, and may possibly require a radiation safety plan as per section 18 of the Act.	a. <u>The applicant shall at all times comply with and implement the Ministry of Health Compliance Guide “Management of Naturally Occurring Radioactive Material (NORM) in Mining and Mineral Extraction”, ORS G13 (released June 2026) in consultation with the Director of Radiation Safety.</u> b. <u>The applicant shall prepare a written Radiation Management Plan in consultation with the Director Radiation Safety, covering all aspects of radiation monitoring, and management including planning, mining and processing, waste and tailings management, mine site rehabilitation and ongoing environmental, commercial (farming/livestock) and community monitoring.</u> c. <u>Where details of the approach to guideline implementation are lacking in the Office of Radiation Safety NORM Compliance Guide (ORS G13) or Code of Practice for Transport of Radioactive Materials (ORS C6), the comprehensive suite of NORM Guidelines published by the Western Australian Government Department of Local Government, Industry Regulation and Safety shall be followed. https://www.worksafe.wa.gov.au/publications/managing-naturally-occurring-radioactive-material-norm-mining-and-mineral-processing. This should be done in consultation with the Director of Radiation</u>	Accept in part The Applicant has offered amended conditions (refer 8.5 of the condition set) to ensure it will comply with the Compliance Guide: Management of Naturally Occurring Radioactive Material (NORM) in mining and Mineral Extraction published by the Ministry of Health. As part of this, the Applicant will prepare a Radiation Management Plan for its entire operations. Refer reply statement David Bougourd included at Attachment F.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
		<u>Safety and the Community Liaison Group Technical Advisory Group (X.3(a)). These guides include:</u> ○ <u>NORM-1 Applying the system of radiation protection to mining operations</u> ○ <u>NORM-3.1 Monitoring NORM – pre-operational monitoring requirements</u> ○ <u>NORM 3.2 Monitoring NORM – operational monitoring requirements</u> ○ <u>NORM 3.3. Monitoring NORM – air monitoring strategies</u> ○ <u>NORM 3.4 Monitoring NORM – airborne radioactivity sampling</u> ○ <u>NORM 4.1 Controlling NORM – dust control strategies</u> ○ <u>NORM 4.2 Controlling NORM – management of radioactive waste</u> ○ <u>NORM V Dose assessment Guide</u> ○ <u>NORM-6 Reporting and notifying</u> ○ <u>NORM-7 Assessment and reporting database – BOSWELL</u> d. <u>The radiation management plan must be based on an independently and expertly evaluated assessment of in-situ radiation levels determined through analysis of mineral samples which are representative of the resource to be mined. This is to be completed at the planning stage of the mine and prior to the commencement of mineral extraction, following guidelines in the ORS G13 and WA NORM-V guides. And as directed by the Director of Radiation Safety.</u> e. <u>For the storage and retrieval of radiation monitoring data, dissemination of information and reporting, the consent holder should use the BOSWELL database (See WA NORM-7 guide) or an equivalent resource which is accessible to all stakeholders including the consent holder, office of radiation safety, district and regional councils and community representatives.</u> f. <u>For baseline HMC testing the applicant:</u> 1. <u>f.1) engage an independent fully accredited radiation laboratory to carry out the tests (such as PHF Science)</u> 2. <u>f.2) undertake sampling using methodology agreed discuss with the laboratory and the Director of Radiation Safety methods for to obtaining samples of HMC which best mimic the process to be carried out at the WCP, and</u> 3. <u>f.3) undertake sampling using methodology agreed with discuss with the laboratory and the Director of Radiation Safety how to obtain a series of representative samples of HMC from which to determine more accurately background levels of radiation and its statistical variability.</u> 4. <u>f.1) undertake lab testing of samples using an independent fully accredited radiation laboratory to carry out the tests (such as PHF Science)</u> g. <u>Follow guidelines in the Western Australian Government Department of Local Government, Industry Regulation and Safety NORM-V guide Section 5.3 Statistical derivation of natural background.</u>	

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
		~~The Consent Holder must 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. Copies of the independent test results must be submitted to the Consent Authority within 10 working days of receipt of the results.~~ Advice Note: ~~If material meets the criteria in Schedule 2 of the Radiation Safety Act 2016, the extraction, processing and transport of heavy minerals concentrate and waste material returned from the Mineral Separation Plant will require a Source Licence under this Act, and may will possibly require a radiation safety plan as per section 18 of the Act.~~ ~~If material meets the criteria in Compliance Guide: Management of Naturally Occurring Radioactive Material (NORM) in Mining and Mineral Extraction, the extraction, processing and transport of heavy minerals concentrate and tailings from the Mineral Separation Plant will require a Radiation Management Safety Plan.~~ ~~If material meets the criteria in the IAEA Regulations for the Safe Transport of Radioactive Material, the transport of material including tailings from the Mineral Separation Plant will require compliance with ORS Code C6 (Ministry of Health 2019).~~	
8.5	The Consent Holder must 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. Advice Notes: - The Compliance Guide within this consent condition 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: a. 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 b. 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 circumstances, an application for a source licence under the Act should be made to the Director.	<u>In the absence of any extant and current New Zealand Code of Practice for handling naturally occurring radioactive materials, the Consent Holder must carry out all activities on site in accordance with the Compliance Guide: Management of Naturally Occurring Radioactive Material (NORM) in Mining and Mineral Extraction (2026) published by the Office of Radiation Safety, Ministry of Health, Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing Code of Practice and Safety Guide published by the Australian Radiation Protection and Nuclear Safety Agency:</u> Advice Note: <u>The Code of Practice Compliance Guide within this consent condition requires that if radiation levels exceed 1Bq/g, the relevant authority must be notified, which differs from state to state. In the New Zealand context, the relevant body to notify is the Office of Radiation Safety</u>	Accept in part Refer to comment 8.4.
8.6	a. 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. b. If the radiation monitoring devices record radiation levels exceeding the equivalent of 1 mSv (millisievert) above background levels over 12 months (i.e., the sum of results from the past four device readings at each location minus background levels established prior to the activity commencing), then the Radiation Safety Act 2016 applies, and the Consent Holder must: - inform and consult the Office of Radiation Safety, New Zealand Ministry of Health; and - 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.	a. 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. ~~b. If the radiation monitoring devices record radiation levels exceeding the equivalent of 1 mSv (millisievert) above background levels over 12 months (i.e., the sum of results from the past four device readings at each location minus background levels established prior to the activity commencing), then the Radiation Safety Act 2016 applies, and the Consent Holder must:~~ ~~inform and consult the Office of Radiation Safety, New Zealand Ministry of Health; and~~	Accept in part The Applicant will develop a Radiation Safety Plan. Equipment used will be specified within this plan and may change over time.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
		ii. ~~carry out all activities on site in accordance with the Compliance Guide: Management of Naturally Occurring Radioactive Material (NORM) in Mining and Mineral Extraction., Radiation Protection and Radioactive Waste Management in Mining and Mineral Processing Code of Practice and Safety Guide published by the Australian Radiation Protection and Nuclear Safety Agency (or any subsequent revision).~~	
9.1	The Consent Holder must carry out progressive rehabilitation, to achieve the following requirements: - Reinstatement of productive pasture; - Reinstatement of existing creek and drainage patterns to reflect pre-mining catchment areas ensuring no loss of extent and values, with appropriate riparian planting, in accordance with Condition 28.2; - Construction of wetland and riparian areas in accordance with Condition 16.7.	The Consent Holder must carry out progressive rehabilitation, to achieve the following requirements: ~~Reinstatement of productive pasture;~~ <u>Re-naturalisation of the application area</u> - Reinstatement of existing creek and <u>natural</u> drainage patterns to reflect pre-mining catchment areas ensuring no loss of extent and values, with appropriate riparian planting, in accordance with Condition 28.2; - Construction of wetland and riparian areas in accordance with Condition 16.7.	Reject The site is currently operated as an active dairy farm and will be returned to this landform post-mining in line with the Rehabilitation Management Plan and the Landscape Mitigation Package.
9.2	At the completion of mining (final mine closure), the mine area must be fully rehabilitated, in general accordance with a Rehabilitation Management Plan. The objectives of the Rehabilitation Management Plan are: - To create a final landform with a similar contour and profile at final mine closure as that which existed prior to mining but with improved drainage across the site; - To establish vegetation cover on all areas disturbed by mining activity; - To protect freshwater values associated with natural waterways; - To reinstate existing creek and drainage patterns to reflect pre-mining catchment areas ensuring no loss of extent and values; and - To construct and establish a permanent wetland area that contributes to ecological enhancement, hydrological function and landscape integration at final mine closure. Advice Notes: - Final mine closure is the completion of all mining and progressive rehabilitation works. - All Management Plans are required to adhere to the requirements of Condition 6.0.	At the completion of mining (final mine closure), the mine area must be fully rehabilitated, in general accordance with a Rehabilitation Management Plan. The objectives of the Rehabilitation Management Plan are: - To create a final landform with a similar contour and profile at final mine closure as that which existed prior to mining ~~but with improved drainage across the site;~~ <u>To support the re-naturalisation of the application area through a combination of active and passive rehabilitation of wetlands and native vegetation;</u> - To establish <u>native</u> vegetation cover <u>or wetlands</u> on all areas disturbed by mining activity; - To protect freshwater values associated with natural waterways; - To reinstate existing creek and <u>natural</u> drainage patterns to reflect pre-mining catchment areas ensuring no loss of extent and values; and - To construct and establish a permanent wetland area that contributes to ecological enhancement, hydrological function and landscape integration at final mine closure. <u>[NB: Land tenure covering all re-naturalised land is transferred to a community trust that is sufficiently funded, including ongoing mammalian pest and pest plant management; public access of a combined walkway/cycleway and access to the beach is provided for; and the land is held under a suitable covenant for long-term protection.]</u> Advice Notes: - Final mine closure is the completion of all mining and progressive rehabilitation works. - All Management Plans are required to adhere to the requirements of Condition 6.0.	Reject Will be rehabilitated as set out in the Rehabilitation Management Plan and Landscape Mitigation Package. The land will be retained as privately owned land.
9.3	The Rehabilitation Management Plan must include the following: - A programme of progressive rehabilitation of the pre-mining landform, adhering to maximum disturbed area limits. - The original and final mine closure land contours. - Contouring of all post-mining landforms.	The Rehabilitation Management Plan must include the following: - A programme of progressive rehabilitation of the pre-mining landform, adhering to maximum disturbed area limits. - The original and final mine closure land contours.	Reject The land will be rehabilitated as set out in the Rehabilitation Management Plan.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	d. Establishment of pasture cover over all disturbed land. e. Construction methodology and planting details for the constructed wetland area to achieve the requirements in Condition 16.8. f. Construction methodologies and riparian planting details for the diversion of, and reestablishment of creeks, including to achieve the requirements in Condition 21.2 (the Site Specific Erosion and Sediment Control Plan) and Condition 28.2 (Design requirements). g. Removal of equipment. h. Monitoring and maintenance requirements.	c. Contouring of all post-mining landforms. d. Establishment of <u>a combination of active and passive re-generation pasture cover</u> over all disturbed land. e. Construction methodology and planting details for the constructed wetland area to achieve the requirements in Condition 16.8. f. Construction methodologies and riparian planting details for the diversion of, and reestablishment of creeks, including to achieve the requirements in Condition 21.2 (the Site Specific Erosion and Sediment Control Plan) and Condition 28.2 (Design requirements). g. Removal of equipment. h. Monitoring and maintenance requirements.	
9.4	If for any reason active mining ceases for more than 6 months, all disturbed areas must be rehabilitated as required by the conditions of these consents within 12 months from the date of the last mining activity.	If for any reason active mining ceases for more than 6 months, all disturbed areas must be rehabilitated as required by the conditions of these consents within ~~12-6~~ months from the date of the last mining activity.	Reject 12 months is appropriate to undertake any potential works that would be required. Conditions regarding management of exposed areas would continue to apply over this time.
NEW SECTION X - <u>Community Liaison Group and Community Agreement</u>	N/A		
X.1	N/A	a. <u>Within 90 working days of commencement of these consents, the Consent Holder must establish a Community Liaison Group (CLG).</u> b. <u>An invitation must be extended to:</u> i. <u>6 representatives of the Barrytown community which must include owners (or their chosen representatives) of adjacent properties; two members of the Coast Road Resilience Group; and a representative from the Barrytown School Board of Trustees.</u> ii. <u>Ii.Westland Petrel Conservation Trust;</u> iii. <u>iii.ii. the West Coast Penguin Trust, and</u> iv. <u>iv.iii. Te Runanga o Ngāti Waewae;</u> c. <u>The Consent Holder must ensure that members of the CLG are provided with the opportunity and facilities to meet at least once every three months for the first 12 months of mining operations, and thereafter as agreed with the CLG.</u> d. <u>Minutes of meetings held must be taken by the Consent Holder and submitted to the Consent Authorities within 10 working days of each meeting.</u> e. <u>The Consent Holder must provide reasonable support for the CLG by covering the costs of the meeting venue and an independent chair, organising meetings at a local venue, and inviting all members of the CLG at least 5 working days before the meeting is held.</u> f. <u>The Consent Holder must make a payment of \$500 each time a meeting is held to a local community group or charity, which is to be decided by attendees of each meeting.</u> Advice Notes:	Accept in part For consistency with the Central Block condition, the CRRG membership should be one member and not two as proposed. Due to the interest of the Department in this application, they have been included as a member. a. <u>Within 90 working days of commencement of these consents, the Consent Holder must establish a Community Liaison Group (CLG).</u> b. <u>An invitation must be extended to:</u> i. <u>6 representatives of the Barrytown community which must include owners (or their chosen representatives) of adjacent properties; one member of the Coast Road Resilience Group; and a representative from the Barrytown School Board of Trustees.</u> ii. <u>Westland Petrel Conservation Trust;</u> iii. <u>the West Coast Penguin Trust;</u> iv. <u>Te Runanga o Ngāti Waewae;</u> v. <u>Department of Conservation</u> c. <u>The Consent Holder must ensure that members of the CLG are provided with the opportunity and facilities to meet at least once every three months for the first 12 months of mining operations, and thereafter as agreed with the CLG.</u> d. <u>Minutes of meetings held must be taken by the Consent Holder and submitted to the Consent Authorities within 10 working days of each meeting.</u> e. <u>The Consent Holder must provide reasonable support for the CLG by covering the costs of the meeting venue and an independent chair, organising meetings at a local venue, and inviting all members of the CLG at least 5 working days before the meeting is held.</u>

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
		I. <u>Some examples of eligible groups are the Barrytown School, Barrytown Community Hall, West Coast Penguin Trust, Westland Petrel Conservation Trust, Coast Road Dawn Chorus.</u> II. <u>The CLG is not a decision making body, but an important forum for the dissemination of information from the Consent Holder to interested parties. It also provides the opportunity for meaningful engagement between the parties, and for the CLG to comment on consent compliance and provide recommended changes to operations, monitoring and adaptive management.</u> III. <u>Comments and recommendations from the CLG are to be given due consideration by the Consent Holder.</u> IV. <u>If it is not possible to establish or maintain a CLG through lack of interest or participation from the local community, the West Coast Penguin Trust, and Te Runanga o Ngāti Waewae then such failure to do so will not be deemed a breach of these conditions.</u> V. <u>Due to the large number of participants, it is expected that only one representative of the West Coast Penguin Trust, and Te Runanga o Ngāti Waewae named in condition 11.1 will attend, to maintain the efficiency and effectiveness of the group.</u> <u>NB; As per existing consent for Central Block]</u>	f. <u>The Consent Holder must make a payment of \$500 each time a meeting is held to a local community group or charity, which is to be decided by attendees of each meeting.</u> Advice Notes: <u>Some examples of eligible groups are the Barrytown School, Barrytown Community Hall, West Coast Penguin Trust, Westland Petrel Conservation Trust, Paparoa Wildlife Trust, Coast Road Dawn Chorus.</u> <u>The CLG is not a decision making body, but an important forum for the dissemination of information from the Consent Holder to interested parties. It also provides the opportunity for meaningful engagement between the parties, and for the CLG to comment on consent compliance and provide recommended changes to operations, monitoring and adaptive management.</u> <u>Comments and recommendations from the CLG are to be given due consideration by the Consent Holder.</u> <u>If it is not possible to establish or maintain a CLG through lack of interest or participation from the parties listed in (b) then such failure to do so will not be deemed a breach of these conditions.</u> <u>Due to the large number of participants, it is expected that only one representative of the Westland Petrel Conservation Trust, West Coast Penguin Trust and Te Runanga o Ngāti Waewae will attend, to maintain the efficiency and effectiveness of the group.</u>
x.2	N/A	<u>The purpose of the CLG is to provide an ongoing means of communication between the Consent Holder and the local community, both through regular meetings and informal communication between the members and the Consent Holder. Matters to be discussed at CLG meetings may include, but are not limited to:</u> a. <u>Any complaints recorded and actions taken in response to the complaints as required by Condition 10.1 to 10.3;</u> b. <u>Any traffic safety complaints or concerns associated with the haulage of heavy mineral concentrate and MSP waste material on State Highway 6, including but not limited to driver behaviour;</u> c. <u>Any matters of concern with respect to State Highway 6 that should be reported to the West Coast Regional Council Land Transport Committee or NZTA (e.g. road defects causing vibration effects);</u> d. <u>Prior to certification and thereafter, Aany proposed amendments to Management Plans including recommended changes to operations, monitoring, and adaptive management;</u> e. <u>The results of any surveys or monitoring undertaken in accordance with conditions of these consents.</u> f. <u>Notification of activity schedules to inform the local community of upcoming activities at the site, particularly during construction.</u> <u>NB; As per existing consent for Central Block]</u>	Accept in part Aspects relevant to this application are included. <u>The purpose of the CLG is to provide an ongoing means of communication between the Consent Holder and the local community, both through regular meetings and informal communication between the members and the Consent Holder. Matters to be discussed at CLG meetings may include, but are not limited to:</u> a. <u>Any complaints recorded and actions taken in response to the complaints as required by Condition 10.1 to 10.3;</u> b. <u>Prior to certification and thereafter, any proposed amendments to Management Plans including recommended changes to operations, monitoring, and adaptive management;</u> c. <u>The results of any surveys or monitoring undertaken in accordance with conditions of these consents.</u> d. <u>Notification of activity schedules to inform the local community of upcoming activities at the site, particularly during construction.</u>
x.3	N/A	<u>Community Agreement</u> <u>A Community Agreement is negotiated with the CLG and Councils to include:</u> a. <u>Establishment of an applicant-funded independent technical advisory group which both informs and represents community interests</u>	Reject All data submitted to Council as part of the application, should consent be granted, will be public information.

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		b. <u>Ensuring independent conformance audits are undertaken against the consent conditions and management plans by suitably qualified and experienced persons who are appointed by the Councils and funded by the consent holder.</u> c. <u>Consent holder board-level oversight for radiation safety in community. Company board formally responsible for radiation risk reporting to community at any agreed frequency.</u> d. <u>Publicly available data with unfettered public access in real time on an easy-to-use dashboard/website (e.g. The BOSWELL database used in Western Australia (WA Government NORM-7 guide)), including dust, noise, vibration, radiation levels, wind, rainfall, water quality and quantity, traffic movements and all other continuously monitoring and reporting systems.</u> e. <u>Emergency preparedness in consultation with community Civil Defence personnel. Evacuation planning and community engagement with the community.</u> f. <u>Closure and post-closure responsibility. Long-term stewardship in perpetuity. Community governance and financing structure established at consent, not left to be developed at mine closure.</u> g. <u>Provision for grievance processes</u>	
11.1	a. Mining, overburden and topsoil stripping, bund development and any related activities must not operate during the hours of darkness. For the purpose of this condition, hours of darkness are between sunset to sunrise. b. Mining shall not occur between the hours of 0600 and 0700 within 500m of the dwellings located at Lot 2 DP2178, 23, 37, 41, 43 and 50 Warren Road, and 64, 67, 86 and 101 Cargill Road. c. Mining shall not be undertaken on Sunday. Advice Notes: - Sunrise and sunset times can be found at https://www.sunrise-and-sunset.com/en/sun/new-zealand/greymouth - In addition to Condition 12.1, further restrictions on noise are contained in Conditions 13.1 – 13.4 Noise.	a. <u>Trucking, loading of trucks, Mining</u>, overburden and topsoil stripping, bund development and any related activities must not operate during the hours of darkness. For the purpose of this condition, hours of darkness are between sunset to sunrise. b. Mining shall not occur between the hours of 0600 and 0700 within 500m of the dwellings located at Lot 2 DP2178, 23, 37, 41, 43 and 50 Warren Road, and 64, 67, 86 and 101 Cargill Road. c. Mining <u>and trucking</u> shall not be undertaken on <u>Saturday or</u> Sunday. Advice Notes: ~~Sunrise and sunset times can be found at https://www.sunrise-and-sunset.com/en/sun/new-zealand/greymouth~~ https://www.sunrise-and-sunset.com/en/sun/new-zealand/westport/ ~~In addition to Condition 12.1, further restrictions on noise are contained in Conditions 13.1 – 13.4 Noise.~~	Reject Note that trucking is outside the scope of this application.
11.2	Mining shifts must operate only during the hours of daylight. For the purpose of this condition, hours of daylight are between and sunset.	Mining shifts must operate only during the hours of daylight. For the purpose of this condition, hours of daylight are between <u>sunrise</u> and sunset.	Accept
13.1	Prior to and during each breeding season, the Consent Holder shall undertake regular surveys of all areas scheduled for mining to identify any bird breeding or nesting activity. Where surveys indicate that nesting is likely to occur, the Consent Holder shall implement appropriate deterrence measures, including grazing, walkovers, visual cues, audio bird scarers, and strategic placement and movement of machinery, to discourage birds from establishing nests. Advice Note: Conditions relating to the Avian Management Plan are Conditions 13.7 – 13.9.	a. Prior to and during each breeding season, the Consent Holder shall undertake regular surveys of all areas scheduled for mining to identify any bird breeding or nesting activity. ~~Where surveys indicate that nesting is likely to occur, the Consent Holder shall implement appropriate deterrence measures, including walkovers, visual cues, audio bird scarers, and strategic placement of machinery, to discourage birds from establishing nests.~~	Accept in part Refer 13.1 in response to Department of Conservation

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
		b. <u>If a nest of a threatened or at risk bird species is detected within an area to be mined during the breeding detection surveys, the nest must be protected by establishing, physically marking and maintaining a 50m buffer between the nest and any works so as to minimise the risk of nest abandonment. All vehicles, machinery and people must be excluded from the area and local pest control implemented until either the nest is abandoned or any chicks fledge in accordance with the management set out in the Avian Management Plan (AMP).</u> c. <u>If a nest is abandoned, the AMP must be reviewed by a suitably qualified ecologist to investigate the reasons for abandonment and if there are any additional measures that should be undertaken to protect nests in future.</u> <u>[NB: As per existing consent for Central Block]</u> Advice Note: Conditions relating to the Avian Management Plan are Conditions 13.7 – 13.9.	
NEW 13.3	N/A	a. <u>The Consent Holder must establish a trapping network and/or bait stations targeting rats and mustelids placed in the application area in accordance with the AMP. The network of traps must be installed prior to mining commencing and be serviced as required.</u> <u>[NB: Predator control was included in the consent for Central Block]</u>	Accept in part The site is an active dairy farm and will be rehabilitated for the most part into grazed pasture. However, a new condition relating to predator control around the constructed wetland has been volunteered by the Applicant. <u>16.5 The Consent Holder must establish predator control as recommended by a qualified ecologist to ensure the ongoing functioning of the constructed wetland.</u>
13.3	a. The Consent Holder must deploy wildlife cameras at suitable locations to detect target wildlife (particularly Kororā and Tāiko) including low spots and creek mouths along the coastal edge of the mine disturbance area and other locations likely to detect activity as determined by a suitably qualified ecologist and set to record for at least 10 nights every month. b. The cameras must be equipped with passive infrared receptors (or other mechanisms to enable night vision capability and motion detection) and be installed by a suitably qualified ecologist. c. Imagery must be reviewed for wildlife interactions at least weekly by a suitably qualified ecologist, retained for a minimum of 6 months, and be made available to the Consent Authority or the Department of Conservation on request. d. The Consent Holder shall undertake precautionary ground searches for grounded taiko within those parts of the site where activities have the potential to give rise to grounding for the first three months of operation, and throughout the fledging season of 14 November to 14 January each year. Ground searches shall be limited to: - The active mining footprint, being the area of active disturbance (not exceeding 16 areas at any one time); - A 50m buffer surrounding the active mining void; and - A 20m corridor on either side of the internal haul roads in active use.	a. The Consent Holder must deploy wildlife cameras at suitable locations to detect target wildlife (particularly Kororā ~~and Tāiko~~) including low spots and creek mouths along the coastal edge of the mine disturbance area and other locations likely to detect activity as determined by a suitably qualified ecologist and set to record for at least 10 nights every month. b. The cameras must be equipped with passive infrared receptors (or other mechanisms to enable night vision capability and motion detection) and be installed by a suitably qualified ecologist. c. Imagery must be reviewed for wildlife interactions at least weekly by a suitably qualified ecologist, retained for a minimum of 6 months, and be made available to the Consent Authority or the Department of Conservation on request. d. <u>Monitoring for Westland Petrel shall include nightly on-ground searches with a Westland petrel detection dog over the operational areas of the site for the first three months of operation, and throughout the fledging season of 14 November to 14 January for the first two seasons each year, and then as required as detailed in the AMP.</u> <u>[NB: As per existing consent for Central Block]</u> <u>[NB: Extensive use of cameras and analysis for Westland petrel detection is impractical and we previously advised against it; better resources are put into ground searches and a Westland petrel detection dog]</u>	Accept in part The Consent Holder shall undertake precautionary ground searches for grounded taiko within those parts of the site where activities have the potential to give rise to grounding. An addition to include nights when any artificial lighting has been used has been included. Refer response to Department of Conservation at comment 13.3.
13.4	a. Any interactions with wildlife recorded as a result of the monitoring requirements in the Avian Management Plan including the wildlife cameras required by Condition	a. Any ~~interactions-sightings of with~~ wildlife recorded as a result of the monitoring requirements in the Avian Management Plan including the	Reject

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	13.3, must be reported to the Consent Authority and the Department of Conservation on a weekly basis from 1 November to 31 January each year, and on a monthly basis from 1 February to 31 October. b. Footage must be made available to the Department of Conservation and the consenting authority as set out in Condition 13.3. c. Any grounded taiko discovered must be reported to the Department of Conservation via their 0800 DOC HOT line as soon as possible. The Consent Holder must then follow the procedures set out in the AMP, including ensuring any live birds are transferred to Department of Conservation case as soon as the Department of Conservation is able to receive them. d. In the event that a grounded seabird is discovered, a lighting audit will be undertaken to ensure lighting at the site complies with the requirements set out in the Avian Management Plan and the latest version of the Australian Government National Light Pollution Guidelines for Wildlife.	wildlife cameras required by Condition 13.3, must be reported to the Consent Authority and the Department of Conservation on a weekly basis from 1 November to 31 January each year, and on a monthly basis from 1 February to 31 October. b. Footage must be made available to the Department of Conservation and the consenting authority as set out in Condition 13.3. c. Any grounded taiko discovered must be reported to the Department of Conservation via their 0800 DOC HOT line as soon as possible. d. In the event that a grounded seabird is discovered, a lighting audit will be undertaken to ensure lighting at the site complies with the requirements set out in the Avian Management Plan and the latest version of the Australian Government National Light Pollution Guidelines for Wildlife.	
NEW <u>13.5</u>	N/A	a. <u>If a Westland Petrel interaction is detected, the Consent Holder must follow the procedure set out in the AMP including contacting the Department of Conservation as soon as possible and transfer of any birds found alive to their care as soon as the Department can take them.</u> b. <u>Within 20 workings days of the interaction the Consent Holder must have the AMP and Lighting Management Plans reviewed by a suitably qualified ecologist and a suitably qualified lighting professional in consultation with the Department of Conservation to determine what additional measures can be taken to avoid any further interactions with Westland Petrel.</u> c. <u>The additional measures identified in 13.5(b) must take account of the findings of any previous reviews; and</u> d. <u>The Consent Authority must be advised of any recommendations, and these recommendations must be implemented as soon as practicable.</u> <u>Advice note: An interaction is defined as the presence of a grounded bird or birds within the Site</u> <u>[NB: As per existing consent for Central Block]</u>	Reject Provisions have been included within the consent and Wildlife Authority, and detailed in the AMP.
NEW <u>13.6</u>	N/A	<u>a. If two or more Westland Petrel interactions are detected within any three month period, all activities during the hours of darkness must cease until a further review of the AMP and Lighting Management Plan by a suitably qualified ecologist and a suitably qualified lighting professional has been carried out, in consultation with the Department of Conservation, to determine the possible causes and additional mitigation measures that can be employed to avoid further interactions with Westland petrels -(such review to include consideration of changes to the operating hours specified in conditions 11.1 and 11.2 and the lighting requirements in condition 17).</u> <u>b. Mining and processing activities may only recommence following the completion of investigations that demonstrates, to the satisfaction of Grey District Council:</u> I. <u>that the interaction was not likely to have been caused by the consented activities; or</u> II. <u>that changes to night time operations are implemented to ensure that further interactions with Westland Petrel are avoided (such review to include consideration of changes to the operating hours</u>	Reject Refer previous comments.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
		<u>specified in conditions 11.1 and 11.2 and the lighting requirements in condition 17); and certification of revisions to the AMP and Lighting Management Plan; and/or variation of conditions 11.1, 11.2, and 17) are completed in accordance with the outcomes of the review in clause a above.</u> <u>[NB: As per existing consent for Central Block]</u>	
13.7	The Consent Holder must conduct activities on site in general accordance with an Avian Management Plan (AMP) prepared by a suitably qualified ecologist or ornithologist, in consultation with the Department of Conservation. The objectives of the AMP are: - To ensure adverse effects on the threatened and at risk birds present in the vicinity of the site and any other threatened and at risk species detected by subsequent monitoring are avoided. - To ensure safe ongoing use of the site and its environs by the birds which currently occur in the area. Advice Note: - All Management Plans are required to adhere to the requirements of Condition 6.0. - Threatened or at-risk bird species refers to the Conservation Status according to the New Zealand Threat Classification System.	The Consent Holder must conduct activities on site in general accordance with an Avian Management Plan (AMP) prepared by a suitably qualified ecologist or ornithologist <u>in consultation with the Department of Conservation.</u> The objectives of the AMP are: - To ensure adverse effects on the threatened and at risk birds present in the vicinity of the site and any other threatened and at risk species detected by subsequent monitoring are avoided. <u>To ensure significant adverse effects on important bird habitats adjoining the application area including wetlands, SNAs and the coastal margin are avoided.</u> - To ensure safe ongoing use of the site and its environs by the birds which currently occur in the area. <u>[NB: As per existing consent for Central Block]</u> Advice Note: - All Management Plans are required to adhere to the requirements of Condition 6.0. - Threatened or at-risk bird species refers to the Conservation Status according to the New Zealand Threat Classification System.	Reject The Applicant has volunteered the Departments involvement in the development of the AMP. Inclusion of condition b is rejected as these areas will not be impacted by significant adverse effects.
13.8	The AMP must detail: - A description of the site - A description of the threatened and at risk indigenous birds likely to be present in these habitats and which species require specific mitigation measures - A description of the measures that are required to be implemented to avoid effects on threatened and at risk indigenous birds . - A procedure for managing and responding to Westland Petrel or other wildlife being found on the mine site; - Details of the penguin fence for each Section of mining described in condition 13.6. - Lighting management at the site to comply with the guidelines in Condition 17.2. - A description of the monitoring requirements to assess the effectiveness of the AMP.	The AMP must detail: - A description of the site - A description of the threatened and at risk indigenous birds likely to be present in these habitats and which species require specific mitigation measures - A description of the measures that are required to be implemented to avoid effects on threatened and at risk indigenous birds. <u>including the use of a specially trained Westland Petrel detection dog.</u> - A procedure for managing and responding to Westland Petrel or other wildlife being found on the mine site; - Details of the penguin fence for each Section of mining described in condition 13.6. - Lighting management <u>plan</u> at the site to comply with the guidelines in Condition 17.2. - A description of the monitoring requirements to assess the effectiveness of the AMP. <u>[NB: Addition to the AMP:all drivers – staff and contractors, to look for and rescue petrels from the highway; drive to a maximum speed of 60km/h in the hours of darkness from the petrel road sign at Waiwhero creek to the Pororari river; and all vehicles to contain a petrel rescue kit (lidded box, towel and headtorch).]</u>	Reject
13.11	An annual bird management report must be provided to the Consent Authority, Te Rūnanga o Ngāti Waewae, the Buller/Kawatiri office of the Department of Conservation in Westport, the West Coast Penguin Trust and Waka Kotahi NZ Transport Agency	An annual bird management report must be provided to the Consent Authority, Te Rūnanga o Ngāti Waewae, the Buller/Kawatiri office of the	Reject The CLG is provided a copy of monitoring information as set out in condition new condition 31.2(c).

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
	Environment and Sustainability Team (via: environment@nzta.govt.nz), no later than 30 June each year. The report must include the following matters: - The timing and duration of any mining within 100m of the proposed SNA Site PUN-049; - Results of seasonal bird surveys at the site; - Timing of nest detection surveys and observations relating to nesting or other behaviours observed within the area to be mined; - Efforts to deter any attempts at nesting within the area to be mined and the outcome of those efforts; - Species attempting to nest within the area to be mined (including threatened and at risk species); - Date of first nesting attempts (if any) for threatened and at risk species within the area to be mined; - Number and location of nesting attempts by threatened and at risk species within the area to be mined; - Outcome of individual nesting attempts by threatened and at risk species within the area to be mined; - Results of annual Kororā surveys on Pakiroa Beach, the implications for mine operations and any management actions undertaken; - Number and location of any grounded tāiko and any tāiko found dead on site; - Management undertaken and the outcome for any grounded tāiko collected; - Number, dates and location of any mining operation vehicle strikes or near misses involving the Westland Petrel or Kororā; - Autopsy outcomes for any dead Westland Petrel or Kororā collected; - The findings of any lighting audits undertaken during the year and steps taken to resolve any issues identified; - A summary of any revisions made to the AMP and the reasons for the changes; and - The date and duration of any operational shut-downs.	Department of Conservation in Westport, the West Coast Penguin Trust, the Community Liaison Group and Waka Kotahi NZ Transport Agency Environment and Sustainability Team (via: environment@nzta.govt.nz), no later than 30 June each year. The report must include the following matters: - The timing and duration of any mining within 100m of the proposed SNA Site PUN-049; - Results of seasonal bird surveys at the site; - Timing of nest detection surveys and observations relating to nesting or other behaviours observed within the area to be mined; - Efforts to deter any attempts at nesting within the area to be mined and the outcome of those efforts; - Species attempting to nest within the area to be mined (including threatened and at risk species); - Date of first nesting attempts (if any) for threatened and at risk species within the area to be mined; - Number and location of nesting attempts by threatened and at risk species within the area to be mined; - Outcome of individual nesting attempts by threatened and at risk species within the area to be mined; Date any pest control commenced, the location of traps and bait stations, the number of pest captures, the amount of bait consumed and any relevant observations; - Results of annual Kororā surveys on Pakiroa Beach, the implications for mine operations and any management actions undertaken; Number and location of any grounded Westland Petrel and any birds found dead on site; Management undertaken and the outcome for any grounded Westland Petrel collected; - Number, dates and location of any mining operation or haulage vehicle strikes or near misses - involving the Westland Petrel or Kororā; - Autopsy outcomes for any dead Westland Petrel or Kororā collected; - The findings of any lighting audits undertaken during the year and steps taken to resolve any issues identified; - A summary of any revisions made to the AMP and the reasons for the changes; and - The date and duration of any operational shut-downs.	Conditions (k) and (l) have been volunteered by the Applicant in previous communication with the Department. The inclusion of haulage is out of scope for this application.
16.2	New bunds are to be constructed 3.0 metres high and 24 metres wide with an inward facing grassed slope and dense planting on the crest and outward facing slopes. While primarily required for noise mitigation, the bunds will also provide visual screening. Bunds are to be located: - On the western boundary of Lot 2 DP2178. - Near the bottom of Warren Road (with a separation at Granite Creek). - On the northern side of Cargill Road at the eastern boundary. - On the southern side of Cargill Road, alongside the western boundary of 114 Cargill Road. The above areas are illustrated within the “Landscape Mitigation Package” prepared by Glasson Huxtable Landscape Architects dated May 2026, REV H (Schedule 2).	New bunds are to be constructed 3.0 metres high and 24 metres wide with an inward facing grassed slope and dense planting on the crest and outward facing slopes. While primarily required for noise mitigation, the bunds will also provide visual screening. Bunds are to be located: - On the western boundary of Lot 2 DP2178. - Near the bottom of Warren Road (with a separation at Granite Creek). - On the northern side of Cargill Road at the eastern boundary. - On the southern side of Cargill Road, alongside the western boundary of 114 Cargill Road. The above areas are illustrated within the “Landscape Mitigation Package” prepared by Glasson Huxtable Landscape Architects dated May 2026, REV H (Schedule 2). [NB: Bunds are to be constructed and planted to the satisfaction of adjacent and affected property owners, including those on the eastern side of SH6 with views across the mine site.]	Reject Bunds are to be constructed for specific reasons. The Applicant will work with directly adjacent neighbours in regards to planting as.

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16.8	The Rehabilitation Management Plan must include details of a final wetland design: - A final wetland design that, when the planting required in Condition 16.7 achieves an area of at least 50 ha with the following habitats: - At least 5.2ha of shallow marsh with an average depth of 0.4m - At least 2.8ha of mid-depth water with an average depth of 1m - At least 5.3ha of deep open water with an average depth of 2m - At least 15.3ha of flaxland and dry edge vegetation - At least 5.3ha of Carex Rushlands - At least 15.6ha of Raupo - At least 4.1ha of raised islands - Site preparation requirements for the wetland and riparian planting; - Planting methodology for planting and establishment of the wetland and riparian areas; - Monitoring and maintenance requirements to ensure the survival and ecological functioning of the constructed wetland, including pest and weed control.	The Rehabilitation Management Plan must include details of a final wetland design <u>and an active and passive native planting/wetland regeneration design covering the mined areas:</u> - A final wetland design that, when the planting required in Condition 16.7 achieves an area of at least 50 ha with the following habitats: - At least 5.2ha of shallow marsh with an average depth of 0.4m - At least 2.8ha of mid-depth water with an average depth of 1m - At least 5.3ha of deep open water with an average depth of 2m - At least 15.3ha of flaxland and dry edge vegetation - At least 5.3ha of Carex Rushlands - At least 15.6ha of Raupo - At least 4.1ha of raised islands - Site preparation requirements for the wetland and riparian planting; - Planting methodology for planting and establishment of the wetland and riparian areas; - Monitoring and maintenance requirements to ensure the survival and ecological functioning of the constructed wetland, including pest and weed control.	Reject
17.2	Lighting conditions have been removed in Tāiko's condition set.	Lighting must be designed in a manner which adheres to the Australian Government's National Light Pollution Guidelines for Wildlife May 2023 (or subsequent revision), including but not limited to: <u>a. Utilising the Seabird Light Mitigation Toolbox in Appendix G – Seabirds (Schedule 4):</u> - All fixed lighting must be directed downward, shielded to avoid light spill outside of permitted limits, operate primarily in the yellow orange spectrum, and be filtered to reduce blue and violet wavelengths; - Lights must only illuminate the object or area intended; - Fixed lights must be mounted as close to the ground as practicable while still achieving site lighting requirements; ~~e. External lighting must be minimised on the seaward side of buildings to minimise light spill toward the coast;~~ <u>External lighting must be equipped with light minimising technology, including motion sensors or timers;</u> <u>Any windows must have blackout blinds fitted and those blinds must be closed during the hours of darkness to avoid any light spill from internal lighting within buildings;</u> <u>The consent holder must ensure mobile lighting within the mine site adheres to the above principles, including dipping headlights of vehicles operating on site.</u> <u>Any external doors in the building housing the process plant must be designed to prevent light escaping from the building.</u> - External lighting must use the lowest intensity lighting possible, while ensuring compliance with workplace health and safety requirements. <u>[NB: As per existing consent for Central Block]</u> <u>[NB: Include in the Lighting Management Plan or Avian Management Plan a seasonal Westland petrel fledgling-period lighting restriction, and a procedure for extending the restriction.]</u>	Reject There is no fixed external lighting or buildings as part of this application. There may be use of head lamps on site to check pumps overnight.

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NEW <u>17.3</u>	N/A	<u>The consent holder must manage lighting on the site in accordance with a Lighting Management Plan (LMP), which has been prepared by a suitably qualified ecologist in consultation with a suitably qualified lighting professional, and provided to the Department of Conservation for comment prior to certification by the Consent Authority. The objectives of the LMP are:</u> a. <u>To ensure adverse effects of artificial lighting on wildlife (specifically the Westland Petrel) are avoided.</u> b. <u>To ensure fixed and mobile artificial lighting is managed in accordance with best-practice guidelines (National Light Pollution Guidelines for Wildlife (Australian Government, 2023).</u> c. <u>To enable ongoing use of the site and its environs by the birds which currently occur in the area.</u> <u>Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.</u> <u>[NB: As per existing consent for Central Block]</u>	
NEW <u>17.4</u>	N/A	<u>As a minimum, the LMP must include:</u> a. <u>A description of the wildlife that may be present on or around the site that may be sensitive to lighting;</u> b. <u>A description of the potential lighting effects on identified wildlife;</u> c. <u>Specific lighting management actions to protect identified wildlife;</u> d. <u>Reporting requirements to enable the Consent Authority to confirm compliance with associated consent conditions;</u> e. <u>Best practice lighting design principles to avoid lighting effects on wildlife;</u> f. <u>A description of the proposed exterior and mobile lighting associated with the activity (including vehicle movements to and from the site);</u> g. <u>Auditing requirements to ensure that lighting is installed and operated appropriately.</u> <u>[NB: As per existing consent for Central Block]</u>	Reject The Applicant has committed to preparing a lighting report for the WCP in relation to the Southern Block. The lighting management plan will be considered as part of that process, which sits outside the scope of this Application.
NEW <u>17.5</u>	N/A	<u>a. The Consent Holder must provide a detailed lighting plan to the Consent Authority and the Department of Conservation at least 20 working days prior to the commissioning of the processing plant, with an accompanying design statement, prepared by a suitably qualified lighting professional, confirming compliance with conditions 17.1 and 17.2.</u> <u>b. If the Department of Conservation considers that the detailed lighting plan does not comply with Condition 17.2, the Consent Holder must consider any reasons and recommendations provided by the Department of Conservation, amend the detailed lighting plan accordingly, and resubmit the plan to the Consent Authority and the Department of Conservation.</u> <u>[NB: As per existing consent for Central Block]</u>	Reject Refer comment in response to 17.4.
NEW <u>17.6</u>	N/A	a. <u>Within 10 working days of the heavy minerals concentration processing plant being commissioned, the Consent Holder must engage a suitably</u>	Reject As above

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		<u>qualified lighting professional to carry out a lighting audit, to confirm that the lighting has been installed in accordance with the detailed lighting plan required by Condition 17.3.</u> b. <u>If the audit concludes that compliance with Conditions 17.1 and 17.2 is not achieved, the Consent Holder must instruct the auditor to determine what alterations are required to the external lighting to achieve compliance.</u> c. <u>The Consent Holder must undertake any alterations recommended by the auditor within 5 working days of the receipt of those recommendations.</u> d. <u>The audit report and the details of any lighting alterations intended or undertaken must be submitted to the Consent Authority and the Department of Conservation within 10 working days of receipt of the audit.</u> <u>[NB: As per existing consent for Central Block]</u>	
25.2	The Dust Management Plan must include as a minimum: - Potential sources of dust that may be created during the mining project; - A description of the receiving environment, and identification of sensitive receptors within 250m of identified potential sources of dust for targeted dust management; - Dust management and mitigation methods including management of stockpiles, and details of any flocculant used for dust reduction; - Dust monitoring methods, including the location of dust monitoring devices; - Procedures for responding to dust and wind-condition based trigger levels and associated follow up investigations, actions and recording of findings; - Training of staff and contractors in relation to dust management; - Methods for managing complaints regarding discharges of dust including recoding the source of the dust, meteorological conditions at the time the dust was observed; and - Keeping of compliance records.	The Dust Management Plan must include as a minimum: <u>Identification of potential sources of dust that may be created during the mining project, including a description of the classes of particulate matter that may be present.</u> <u>Specific identification of potential sources of dust that may contain radioactive material and special considerations that will be given to these sources</u> <u>A plan to demonstrate that Dust Deposition Gauges are monitoring dust deposition effectively – specifically to measure dust deposition in the gauges (significant values above background) where dust deposition is taking place within the project area</u> - A description of the receiving environment, and identification of sensitive receptors within 250m of identified potential sources of dust for targeted dust management; <u>Dust management and mitigation methods including management of stockpiles and areas in the respective block that have topsoil stripped prior to mining, and details of any flocculant to be used for dust reduction.</u> <u>Dust deposition gauge locations and monitoring methods including monitoring instrumentation methodology, setup requirements, maintenance and calibration procedures (for meteorological equipment and Dust Deposition Gauges), and the frequency of review of the location of monitoring equipment and calibration.</u> - Procedures for responding to dust and wind-condition based trigger levels and associated follow up investigations, actions and recording of findings; - Training of staff and contractors in relation to dust management; - Methods for managing complaints regarding discharges of dust including recoding the source of the dust, meteorological conditions at the time the dust was observed; and - Keeping of compliance records.	Accept in part Not all provisions proposed are considered appropriate for inclusion. Accept proposed conditions (a) and (e). <u>Potential sources of dust that may be created during the mining project Identification of potential sources of dust that may be created during the mining project, including a description of the classes of particulate matter that may be present.</u> ... <u>Dust management and mitigation methods including management of stockpiles and areas in the respective block that have topsoil stripped prior to mining, and details of any flocculant to be used for dust reduction.</u>
26.2	- The Consent Holder must install, operate and maintain Dust Deposition Gauges in the locations shown in the Dust Management Plan. - Dust recorded in the gauges must not exceed a value of 4g/m²/30 days above background levels. - Records of the dust values must be kept for the duration of the Consent and provided to the Consent Authority upon request. - Dust deposition gauges will operate as follows: - Commissioned and run to collect 1 year of baseline data prior to mining commencing in respective block	- The Consent Holder must install, operate and maintain Dust Deposition Gauges in the locations shown in the Dust Management Plan. - Dust recorded in the gauges must not exceed a value of 4g/m²/30 days above background levels. - Records of the dust values must be kept for the duration of the Consent and provided to the Consent Authority upon request. - Dust deposition gauges will operate as follows:	Accept This is inferred.

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	ii. Decommissioned 1 year after rehabilitation has been completed. iii. Gauges in the vicinity of Warren Road will be operational throughout the activity. Advice Note: Background levels are to be determined by data collected prior to the commencement date of this consent.	i. Commissioned and run to collect 1 year of baseline data prior to mining commencing in respective block ii. <u>During mining of the respective block</u> iii. Decommissioned 1 year after rehabilitation has been completed. iv. Gauges in the vicinity of Warren Road will be operational throughout the activity. Advice Note: Background levels are to be determined by data collected prior to the commencement date of this consent.	
NEW SECTION <u>15.0</u> Transport Conditions	N/A		
NEW <u>15.1</u>	N/A	<u>a. Truck movements to and from the site associated with the removal of heavy mineral concentrate must only travel south of the site and must be limited to 50 per day and 5 per hour and must only occur during the hours of daylight.</u> <u>b. Hours of daylight are between sunrise and sunset.</u> <u>Advice Note: For the purpose of the Transport conditions, a movement is defined as being a movement either to or from the site. A truck and trailer unit entering and leaving the site is therefore 2 movements.</u> <u>Advice Note: Refer to Condition 12.0 for further restrictions on hours/days of operation. Advice Note: Truck and trailer units must comply with NZTA maximum load and speed limits.</u>	Reject Out of scope
NEW <u>15.2</u>	N/A	<u>Truck movements associated with removal of heavy mineral concentrate must be limited to no more than 3 per hour between 0500 and 0700 each day so long as those truck movements are during the hours of daylight.</u> <u>Advice Note: For the purpose of the Transport conditions, a movement is defined as being a movement either to or from the site. A truck and trailer unit entering and leaving the site is therefore 2 movements.</u>	Reject Out of scope
NEW <u>15.3</u>	N/A	<u>a. The Consent Holder must operate a transport service for mining and processing plant staff shift workers, and require all shift workers to use this transport service during the hours of darkness. For the purpose of this condition, hours of darkness are considered to be between sunset to sunrise.</u> <u>b. The transport service must provide for staff living both north and south of the site, by running separate passenger vehicles in each direction. If there are less than 5 staff who arrive at site from either direction on any given shift, a passenger transport service is not required, provided that all staff arriving from that direction arrive and leave in the same vehicle.</u> <u>c. At least 10 working days prior to mining commencing, the Consent Holder must confirm to the Consent Authority how many staff are on each shift, their direction of travel, and what vehicles are proposed to cater for these staff movements.</u> <u>Advice Note: The purpose of this condition to is minimise the number of vehicles arriving at and leaving the site, especially during hours of darkness, to avoid</u>	Reject Out of scope

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		<u>transport associated effects on the Westland Petrel. Some flexibility in the configuration of these vehicles is required, because it is not possible to know where future staff will live, and how this may change. It is intended that the company will run 1 to 2 minivan vehicles in each direction per shift, as required to ensure no staff are arriving by private passenger vehicle for shift work.</u>	
NEW 15.4	N/A	<u>Notwithstanding Condition 15.3, light vehicle movements must not exceed 140 light vehicles per day.</u> <u>Advice Note: For the purpose of the Transport conditions, a movement is defined as being a movement either to or from the site. A truck and trailer unit entering and leaving the site is therefore 2 movements.</u>	Reject Out of scope
NEW 15.5	N/A	A record of light and heavy vehicle movements must be kept by the Consent Holder and supplied to the Consent Authority monthly.	Reject Out of scope
NEW 15.6	N/A	<u>Any signage adjacent to or directed towards State Highway 6 must comply with the Waka Kotahi NZ Transport Agency policy manual for Third Party Advertising Signs (2022) and the Grey District Plan rules.</u> <u>Advice Note: Signage will not be permitted within the state highway corridor, unless approved by Waka Kotahi</u>	Reject Out of scope
NEW 15.7	N/A	<u>Truck movements must not leave or arrive at the site between the hours of 0800-0900 and 14:45- 1600 each school day that the Barrytown Primary School bus is operating.</u> <u>Advice Note: For the purpose of the Transport conditions, a movement is defined as being a movement either to or from the site. A truck and trailer unit entering and leaving the site is therefore 2 movements.</u> <u>Advice Note: School term dates can be found on the Ministry of Education's website, however exact dates each school operate will vary and should be confirmed with the Barrytown School directly.</u>	Reject Out of scope
NEW 15.8	N/A	<u>Northbound trucks must communicate with other trucks within the HMC fleet prior to the pull over bay 925m north of Nine Mile Creek, and must pull over and wait at the passing bay if there is a southbound truck approaching the tight road geometry section from Twelve Mile Bluff to the south side of Ten Mile Creek, and not progress further until the southbound truck has cleared the area. Trucks shall not stop on accessways beside or opposite either residential entrances or intersections, including but not limited to that immediately north of Nine Mile bridge.</u>	Reject Out of scope
NEW 15.9	N/A	<u>The Consent Holder must conduct transport activities in general accordance a Transport Management Plan. The objective of the Transport Management Plan is to ensure all drivers operating vehicles associated with the mining activity demonstrate considerate and safe driver behaviour to:</u> a. <u>contribute to the safe and efficient operation of the road transport network;</u> b. <u>avoid adverse effects on wildlife along the trucking route;</u> c. <u>avoid adverse effects on pedestrian and cycle safety along the trucking route.</u> <u>Advice Note: All Management Plans are required to adhere to the requirements of Condition 6.0.</u>	Reject Out of scope
NEW 15.10	N/A	<u>The Transport Management Plan must include:</u>	Reject Out of scope

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
		a. <u>A method of reporting and responding to encounters (including near misses, injuries and fatalities) with the Westland Petrel and other indigenous wildlife;</u> b. <u>A method of reporting crashes involving a vehicle associated with the activity and any other road user and road defects, to the Consent Authority and the relevant Road Controlling Authority (where this is not the Consent Authority);</u> c. <u>Hours of operation of various vehicle types to avoid adverse noise and traffic safety effects as dictated in the conditions of consent;</u> d. <u>Procedures to avoid heavy vehicles leaving or arriving at the site travelling on the school bus route between the hours of 0800-0900 and 14:45-1600 each school day that the Barrytown Primary School bus is operating, including safe locations to wait on SH6 during these times, if required;</u> e. <u>A method for trucks to display clear identification and a phone number for the Consent Holder or haulage company, for the purpose of enabling other road users to report driver behaviour to the Consent Holder. If the identification and phone number is for the haulage company, a process to ensure that any complaints are reported to the Consent Holder within 48 hours.</u> f. <u>A method for the Consent Holder to record, investigate and advise truck and staff transport service drivers of any complaints received about driver behaviour, and action taken to provide this record to the Consent Authority in accordance with the procedure for complaints in condition 10.0.</u> g. <u>A description of “locations of care” where drivers will need to take additional care, including but not limited to areas of tight road geometry, areas of greater pedestrian and cyclist concentration, and areas near schools.</u> h. <u>Methods to minimise amenity disturbance for residents, including but not limited to locations where use of Jacob brakes and C-brakes must be avoided, including the Cargill Road intersection, 9 Mile and 12 Mile residential areas.</u> i. <u>The TMP must clearly, eg by GPS and reference to landmarks, identify laybys where it is feasible for truck drivers to pull off and let faster traffic through and/or communicate ahead to the fleet, using a means of radio contact which has been trialled and documented.</u> j. <u>A method of real time communication between truck drivers to avoid trucks passing each other at areas of tight geometry, and to alert other truck drivers to the presence of a cyclist, pedestrian (e.g. students) or other emerging safety hazard to minimise risks to other road users.</u> k. <u>Staff induction procedures, including regular formal training for drivers regarding the requirements of the TMP, considerate and safe driving behaviour around pedestrians and cyclists, identified locations of care, being alert for tourist drivers, and any other pertinent requirements regarding driver behaviour. k.</u> l. <u>A requirement for truck drivers to read and agree to any aspects of the TMP within their control as drivers.</u> m. <u>A requirement to regularly report to the West Coast Regional Land Transport Committee on any particular areas of concern with State Highway 6 (including those raised by the CLG);</u> n. <u>A requirement to report road surface defects and maintenance issues with State Highway 6 to NZTA;</u> o. <u>Procedures to notify drivers when alterations to the TMP have occurred.</u>	

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
NEW <u>15.11</u>	N/A	<u>a. In the event that any vehicle associated with the mining operation is involved in a crash, the Consent Holder must notify the Consent Authority and engage a suitably qualified transport engineer to review the Transport Management Plan within 5 working days to identify any further mitigation measures that can be implemented to avoid similar incidents occurring again.</u> <u>b. The review and recommendations of the transport engineer must be provided to the Consent Authority within 10 working days of the incident occurring, and the management plan amendment process in Condition 6.0 must be followed.</u>	Reject Out of scope
NEW <u>15.12</u>	N/A	<u>a. The Consent Holder must review the Transport Management Plan once every 12 months, and within 5 working days of any near miss with a pedestrian, cyclist or other vehicle, or indigenous wildlife incident, and communicate any updates to staff.</u> <u>b. The review must be provided to the Consent Authority within 10 working days of the incident occurring, and the management plan amendment process in Condition 6.0 must be followed.</u>	Reject Out of scope
NEW <u>15.13</u>	N/A	<u>a. The Consent Holder must ensure that GPS Monitoring Systems are installed on the trucks carrying Heavy Mineral Concentrate to facilitate the investigation of complaints about driver behaviour, near misses with a pedestrian, cyclist or other vehicle, wildlife encounters, accidents and compliance with Conditions 15.1, 15.2, 15.5 and 15.7.</u> <u>b. GPS Monitoring Records must be supplied to the Consent Authority on request.</u>	Reject Out of scope
NEW SECTION <u>Z</u> - <u>Mitigation for Neighbours</u>	N/A		
NEW <u>Z.1</u>	N/A	1. <u>The consent should include conditions requiring the applicant to mitigate effects of the mine on neighbouring rural residential properties:</u> a. <u>by providing double glazing to those properties within 100m of the mine, the relocated WCP and the mine haulage route along the 25km section of the Coast Road;</u> b. <u>by a condition of consent requiring the applicant to purchase affected properties at current market value if owners wish to sell and are unable to.</u>	Reject Noise assessment undertaken demonstrates that the noise provisions can be complied with on site. Refer reply statement of Jon Farren included at Appendix E re noise.

(3118 Coast Road, Barrytown)

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
New Condition	N/A	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.	Reject The proposed conditions already provide for monitoring. These have been updated – refer Condition 8.5 Appendix C2.
New Condition	N/A	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.	Accept in part Refer to new conditions sought by CRRG.
New Condition	N/A	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.	Reject While not offering as a condition of consent, information will be shared publicly through the Community Liaison Group. All information supplied to the Council(s) is publicly available.

(16 Cargill Road)

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
AMP Conditions	N/A	The AMP and the proposed conditions do not appear to line up well. Should the Panel decide to grant consent, I would respectfully ask that they make the stronger AMP requirements enforceable as actual consent conditions rather than just referring to the AMP. The conditions should include performance of the cameras, including their detection range, field of view, low-light or infrared capability, resolution, weather performance or ability to reliably detect a grounded petrel.	Reject The AMP contains the detailed operational measures for managing avian effects, while the consent conditions require the Consent Holder to prepare, implement and comply with the AMP. They have been drafted together and are based on Central Block framework.
New Condition	N/A	A minimum condition should be that existing functioning wetland habitat is not removed until replacement habitat has demonstrably reached an agreed ecological-function threshold.	Accept in part Refer response to Department of Conservation re 7.6
Conditions relating to monitoring devices	N/A	The proposed conditions include radiation monitoring devices and quarterly analysis, with action triggered by specified increases above background. But there are a number of details that should be included, such as the type of devices and making sure they are fit for purpose, not just the cheapest option to tick the condition box.	Noted The Applicant will develop a Radiation Safety Plan which will be approved by the Office of Radiation. The Plan will include the type of monitoring devices to be used.
8.6	a. 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. b. If the radiation monitoring devices record radiation levels exceeding the equivalent of 1 mSv (millisievert) above background levels over 12 months (i.e., the sum of results from the past four device readings at each location minus background levels established prior to the activity commencing), then the Radiation Safety Act 2016 applies, and the Consent Holder must: i. inform and consult the Office of Radiation Safety, New Zealand Ministry of Health; and 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.	Proposed Condition 8.6 – Environmental Radiation Monitoring says, “The Consent Holder must maintain radiation monitoring devices in the locations specified in the Dust Management Plan”. However, the Dust Management Plan (DMP) does not contain these locations. In fact, I did not find a radiation section at all in the DMP.	Noted Refer comment above. Monitoring locations will be located alongside the dust deposition gauges as specified in Figure 3 of the Dust Management Plan or as specified in the Radiation Management Plan.

West Coast Penguin Trust

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
Condition 13.2	Staff, contractors and visitors associated with the mining activity must not be permitted to bring dogs to the site at any time, except for conservation purposes, including bird deterrence.	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.	Accept in part The site is currently 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. Pest control will be undertaken for the constructed wetland area as recommended by an appropriately qualified ecologist to ensure the ongoing functioning of the wetland. These are working farms and there are farming activities unrelated to mining being carried out. Farm dogs are present and will continue to be so while these farming activities occur 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>
13.9(d)	The AMP must be reviewed annually by the Consent Holder. Any proposed amendments to the AMP must be submitted to Council for certification and must: - Achieve the AMP's objectives including avoiding effects on any threatened or at-risk indigenous bird species; - Comply with the conditions of this resource consent; - Have been reviewed by an appropriately qualified and experienced ecologist or ornithologist; - Have been provided in advance to Te Rūnanga o Ngāti Waewae and the Buller/Kawatiri office of the Department of Conservation for comment (and feedback received collated and submitted with the amendments to be provided to Council); and - Follow the certification process set out in Condition 6.1. Advice Note: <i>Any disturbance or relocation of avifauna may require a permit from the Department of Conservation under the Wildlife Act (1953).</i>	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.	Reject 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.
General comment	N/A	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.	Reject The draft 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.
Condition 13.5(c)(iv)	iv. If penguins are found within the application site, a specific Penguin Management Plan must be developed by a suitably qualified and experienced ecologist on behalf of the applicant in consultation with the Department of Conservation and the West Coast Penguin Trust. The West Coast Penguin Trust must be reimbursed for reasonable time and expenses associated with consultation on the Penguin Management Plan.	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.	No change required 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.

Westland Petrel Conservation Trust

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
New conditions	N/A	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 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	Noted The proposed activity is to undertaken during daylight hours. While out of scope, the Applicant is applying for a variation for further conditions relating to lighting for the WCP.

(2828 Coast Road, Barrytown)

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
4.5	a. The bond quantum must be \$300,000. b. The method for arriving at the bond quantum does not limit the scope of the bond, which is set by Condition 4.1.	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.	Accept in part Refer amended condition in response to West Coast Regional Council at 4.5.

Heritage New Zealand Pouhere Taonga

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
18.1	Immediately following the discovery of material suspected to be a taonga, kōiwi or archaeological site the following steps shall be taken: a. All works on the site will cease immediately at that place and within 20m around the site. b. Immediate steps will be taken to secure the site to ensure the archaeological material is not further disturbed. c. The contractor/works supervisor/owner will notify the Rūnanga, Council and the Area Archaeologist of Heritage New Zealand. In the case of kōiwi (human remains), the New Zealand Police must be notified. d. The Rūnanga and Heritage New Zealand will jointly appoint/advise a qualified archaeologist who will confirm the nature of the accidentally discovered material. e. The contractor/works supervisor/owner will also consult the Rūnanga on any matters of tikanga (protocol) that are required in relation to the discovery and prior to the commencement of any investigation. f. If kōiwi (human remains) are uncovered, in addition to the steps above, the area must be treated with utmost discretion and respect, and the kōiwi dealt with according to both law and tikanga, as guided by the Rūnanga. Remains are not to be moved until such time as Rūnanga, NZ Police and Heritage New Zealand have responded. g. Works in the site shall not recommence until authorised by the Rūnanga, Heritage New Zealand (and the NZ Police in the case of kōiwi). h. All parties will work towards work recommencing in the shortest possible timeframe while ensuring that any archaeological sites discovered are protected until as much information as practicable is gained and a decision regarding their appropriate management is made, including obtaining an archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014 if necessary. Appropriate management may include recording or removal of archaeological material. i. Although bound to uphold the requirements of the Protected Objects Act 1975, the contractor/works supervisor/owner recognises the relationship between Ngāi Tahu whānui, including its Rūnanga, and any taonga (Māori artefacts) that may be discovered. Where Rūnanga so request, any information recorded as a result of the find such as a description of location and content, is to be provided for their records.	One proposed edit to condition 18.1 to insert: <u>In the areas not subject to an archaeological authority, the following accidental discovery process applies:</u> HNZPT opposes the condition as drafted. This condition sets out an Accidental Discovery Protocol (ADP) to be followed if there is a discovery of material suspected to be taonga, kōiwi or an archaeological site. An ADP is only appropriate when it would be a genuine accident if archaeological material was encountered. Here, due to the potential for encountering archaeological material, the applicant has applied for an archaeological authority that covers the mining disturbance area. Thus, the discovery of any archaeological sites including taonga and kōiwi within the boundary of the authority are anticipated and are managed through the agreed archaeological authority condition set included in Appendix A of HNZPT’s s.51 report and the processes set out in the archaeological management plan. Condition 18.1 should therefore be amended to apply only to the area not subject to the archaeological authority. HNZPT considers condition 18.1 of the draft Resource Consent conditions should be edited to make clear that this condition only applies to the area outside of the archaeological authority boundary.	Accept <u>In the areas not subject to an archaeological authority, the following accidental discovery process applies</u> immediately following...

New Zealand Conservation Authority

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
New condition	N/A	If the application is approved, a robust monitoring and compliance process needs to be put in place as a condition of the application approval. This needs to include who is responsible for the monitoring, frequency, mitigations and consequences if the above intentions are not enacted.	Accept Conditions have been offered to meet this request.

Condition number	Condition proposed by Tāiko currently	Condition requested by commenter	Response from Tāiko
8.6	a. 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. b. If the radiation monitoring devices record radiation levels exceeding the equivalent of 1 mSv (millisievert) above background levels over 12 months (i.e., the sum of results from the past four device readings at each location minus background levels established prior to the activity commencing), then the Radiation Safety Act 2016 applies, and the Consent Holder must: i. inform and consult the Office of Radiation Safety, New Zealand Ministry of Health; and ii. 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.	Proposed condition 8.6 says “the consent holder must maintain radiation monitoring devices and collect/analyse their data every three months.” I note the application uses the generic term “radiation monitoring devices” rather than specifying, for example, a gamma dosimeter, scintillation detector, Geiger-Müller detector, thermoluminescent dosimeter (TLD), optically stimulated luminescence (OSL) dosimeter, or another particular instrument. In my view, the effectiveness of this condition therefore depends not simply on a requirement to have “radiation monitoring devices”, but on the correct type of monitoring instrument being selected, installed in the correct locations, operated correctly, and used in a way that is technically capable of detecting and quantifying the radiation exposure that the condition is intended to control. Should the Panel be of a view to approve this application, the consent conditions should, as a minimum, specify, or require approval of, an appropriate radiation monitoring methodology, including: • the type and specification of the monitoring equipment to be used; • the radiation quantity being measured and the units in which it is reported; • the detection limits and energy response of the equipment; • the locations at which monitoring is to occur, with those locations identified on an appropriate plan; • how the pre-activity background is to be established and maintained as a valid reference; • the required calibration and quality-assurance arrangements; • the method and frequency of measurements; • who is qualified to undertake and interpret the monitoring; • how measurements are to be converted or assessed against the proposed 1 mSv above-background annual criterion; and • what action is required if monitoring indicates that the criterion may be approached or exceeded.	Noted The Applicant will develop a Radiation Safety Plan which will be approved by the Office of Radiation. The Plan will include the type of monitoring devices to be used.
8.6	As above.	I note also that the proposed condition refers to radiation-monitoring devices being located as specified in the Dust Management Plan. However, the current Dust Management Plan does not appear to provide the radiation-monitoring locations or a corresponding radiation-monitoring methodology	Noted Refer comment above. Monitoring locations will be located alongside the dust deposition gauges as specified in Figure 3 of the Dust Management Plan or as specified in the Radiation Management Plan.