



Comment on Substantive Application

Barrytown Minerals Project – Southern Block

[FTAA-2605-1238] | Fast-track Approvals Act 2024, section 54

To: Expert Panel, c/- Environmental Protection Authority (substantive@fasttrack.govt.nz)

From: West Coast Penguin Trust (WCPT), invited to comment under section 53(3) of the Fast-track Approvals Act 2024

7 September 2026

1. Introduction

The West Coast Penguin Trust has worked since 2006 to protect kororā (little blue penguin), tāiko (Westland petrel) and other sea and shore birds of the West Coast Te Tai Poutini, through research, monitoring, advocacy and practical projects founded on strong science.

WCPT was closely involved in the resource consent process for the Central Block of this mining operation (WCRC RC-2023-0046 / GDC LUN3154/23), including a written submission, oral evidence at the hearing on 7 February 2024, detailed review of successive drafts of the Avian Management Plan, and subsequent engagement following the Environment Court appeal that led to the final consent order in late 2024. Robust conditions protecting kororā and tāiko were secured for the Central Block only after this sustained process, drawing on independent local ecological expertise and negotiation with the Department of Conservation (DOC).

This submission concerns the Southern Block application. Our main concern is that a number of protections achieved for the Central Block — several only secured through consent order — have not carried through to what is proposed for the Southern Block. We ask the Panel to treat the Central Block conditions as the floor for this application, not a ceiling to be renegotiated downward.

Given the short comment period, this submission is deliberately concise. It addresses kororā first, where WCPT holds its own independent evidence base, and then tāiko, where we set out our position but defer to DOC as the agency with the relevant data, expertise and statutory role.

2. Kororā / little blue penguin

WCPT has maintained a Coast-wide kororā mortality database since 2006 and conducted coastal surveys over the years. This evidence directly shaped the Central Block conditions. We ask that the following be reinstated or corrected in the Southern Block conditions and Avian Management Plan:

2.1 Predator control is absent from the draft AMP

No provision for control of stoats, cats or rats appears in the draft Avian Management Plan 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.

2.2 DOC approval on AMP amendments

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.

2.3 Vehicle mortality beyond the site boundary

The Central Block process was informed by WCPT evidence that approximately 55% of recorded kororā deaths in the Barrytown area were vehicle strikes, the great majority on State Highway 6 / the Coast Road. The current draft conditions address on-site vehicle speed (15km/h) and headlights, as well as a requirement to report number, dates and location of any mining operation vehicle strikes or near misses with kororā or Westland petrels. It may be difficult for mine vehicle drivers on SH6 to know if they have hit a penguin or petrel. The best measure will be to reduce speeds when driving at night on Coast roads.

2.4 A separate 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.

3. Tāiko / Westland petrel

WCPT does not hold an independent tāiko monitoring or mortality database comparable to our kororā records. Our standing on tāiko rests on our earlier collaborative research and more recent advocacy history — including supporting the Waka Kotahi Punakaiki streetlight shutdown each November to January, our long collaboration with Dr Susan Waugh, and our endorsement of DOC and Dr Waugh's evidence at the February 2024 hearing — not on independent data. DOC holds the relevant grounding records, the technical relationship with the colony, and the statutory role of administering agency for this species. We defer to DOC's assessment accordingly.

We note that DOC's own pre-lodgement consultation response (April 2026) found the draft avian conditions for the Southern Block had 'a number of significant differences' from the Central Block conditions, including the absence of: protection of existing nesting sites; ground searching for tāiko; a requirement to respond to tāiko interactions; a requirement to consult DOC in preparing the AMP (as opposed to commenting on later amendments); pest control; and a requirement that the Annual Bird Management Report cover tāiko groundings and the response to them. DOC also found lighting requirements 'considerably reduced when compared to the Central Block, despite the fact that the risk to Westland petrel will be the same', and recommended that avian and lighting protections sit in the binding conditions themselves — not only in a management plan that can be amended with lesser oversight — so that they 'cannot be excluded from subsequent versions'.

Some matters have since been addressed in the final May 2026 documents — notably, hours of darkness are now defined in Condition 11.1(a) as sunset to sunrise, matching the Central Block standard. Others, on our reading, remain open: no pest control condition, no standalone Lighting Management Plan requirement, no ground-search provision for tāiko, and no requirement for DOC input into the AMP's preparation. The question DOC itself raised — whether trucking movements from the site under lights are prohibited, and if so, where that is conditioned — also remains unanswered in the documents we have reviewed.

WCPT fully supports DOC's assessment and asks the Panel to adopt whatever conditions DOC recommends in its section 51 report to restore parity with the Central Block conditions for tāiko. While we absolutely expect lighting conditions and timing of mining (including vehicle movements) in relation to sunset and sunrise, to be the same as those imposed for the Central Block, we do not propose to duplicate DOC's technical case; we ask the Panel to give it full weight.

4. Conclusion

Should the Southern Block extension proceed, we expect that the level of protection painstakingly negotiated for the Central Block — for both kororā and tāiko — is carried through in full or even strengthened, not renegotiated downward through the fast-track process.

We ask the Panel to:

- Require predator control as a specific condition per DOC advice;
- Require DOC approval, not only comment, on AMP amendments;
- Resolve the unaddressed question of State Highway 6 trucking and lighting for both kororā and tāiko;
- Retain provision for a standalone Penguin Management Plan; and
- Adopt DOC's recommended conditions for tāiko in full once its section 51 report is filed.

WCPT is willing to be consulted further on any Penguin Management Plan or AMP amendment, as provided for in the draft conditions, and welcomes the opportunity to comment on this application.

While not specifically required under any legislative process, the concept of social licence can be expected by local communities for all mining operations, particularly of this scale and significance locally. We encourage you to encourage Taiko Critical Minerals Ltd to do more in that regard. We hope that TCML will actively look for ways of addressing community concerns and supporting awareness, education and practical projects that will help protect kororā and tāiko.

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