



**Te Kāwanatanga o Aotearoa**  
New Zealand Government

## Your Comment on the Barrytown Minerals project application

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email at [substantive@fastrack.govt.nz](mailto:substantive@fastrack.govt.nz)

| 1. Contact Details                                                                                         |                               |            |  |
|------------------------------------------------------------------------------------------------------------|-------------------------------|------------|--|
| Please ensure that you have authority to comment on the application on behalf of those named on this form. |                               |            |  |
| Organisation name (if relevant)                                                                            | Department of Conservation    |            |  |
| First name                                                                                                 | Terry                         |            |  |
| Last name                                                                                                  | Calmeyer                      |            |  |
| Postal address                                                                                             | PO Box 10420, Wellington 6140 |            |  |
| Mobile phone                                                                                               |                               | Work phone |  |
| Email                                                                                                      |                               |            |  |

| 2. We will email you draft conditions of consent for your comment |                                                      |                          |                                                          |
|-------------------------------------------------------------------|------------------------------------------------------|--------------------------|----------------------------------------------------------|
| X                                                                 | I can receive emails and my email address is correct | <input type="checkbox"/> | I cannot receive emails and my postal address is correct |

| 3. Please provide your comments on this application |
|-----------------------------------------------------|
| Please find comments attached                       |

Linda Kirk  
**Acting Fast-Track Applications Manager**

Acting pursuant to delegated authority on behalf of the Director-General of Conservation.

Date: 28/09/2025

Note: A copy of the Instrument of Delegation may be inspected at the Director-General's office at Conservation House Whare Kaupapa Atawhai, 18/32 Manners Street, Wellington 6011

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## Comments on a fast-track consenting application

### Fast-track Approvals Act 2024 section 53

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**To:** The Expert Consenting Panel

**From:** Department of Conservation

**Regarding fast-track project:** Barrytown Minerals Project

**Fast track Reference:** FTAA-2605-1238

## 1 Overview

- 1.1 On 8 June 2026, Tāiko Critical Minerals (TCM) lodged a substantive application with the Environmental Protection Authority (EPA) for the Barrytown Minerals Project (the Project), which is a Schedule 2 listed project under the Fast Track Approvals Act 2024 (FTAA). The Project description in Schedule 2 of the FTAA was subsequently amended and the Minister for Infrastructure determined that TCM could lodge an application for a specific stage of the Project, being the Southern Block (between Fagan Creek and Canoe Creek). The total application area comprises approximately 408 hectares, with a mine disturbance area of 280 hectares.
- 1.2 The site is primarily agricultural production land. The Project involves mining the core products of ilmenite and garnet, and the by-products of zircon and gold by<sup>1</sup>. The Project includes:
- Mining will disturb up to 16 hectares at any one time through vegetation clearance, topsoil stripping, excavation, active mining, tailings and overburden placement, bund construction, and progressive rehabilitation. Each mining strip will be approximately 100 metres wide and up to 10 metres deep.
  - Vegetation around creeks, drains and former dredge ponds, some of which may provide lizard habitat, will be removed 2 to 3 weeks before mining in that area. Open pasture may also provide habitat for breeding birds. Pre-mining surveys and monitoring will identify nesting birds and lizards, with measures used to discourage birds from nesting in proposed mining areas. If kororā are detected, fencing will be installed to prevent them entering the disturbance area. Any lizards found will be captured and released into a release site around Granite Creek which will be prepared with eco-stacks composed of logs, rocks and other debris sourced from the impact area.

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<sup>1</sup> Tāiko Critical Minerals Barrytown Minerals project – Southern Block Substantive Application May 2026

- Mineral sands (run-of-mine (ROM) material) will be extracted using a floating dredge methodology in sequential strips across the mine disturbance area.
  - Extracted material will be pumped to a Wet Concentrator Plant (WCP), outside of the Application area, for processing of ROM onsite. The material from the WCP will then be transported by truck for further processing at an offsite Mineral Separation Plant (MSP) to produce a high-value export product. Consents for the WCP and MSP have already been obtained.
  - Creeks and drains within the mining disturbance area will be diverted during mining. Creeks and drains where required will be re-established once extraction is complete. Natural inland and induced wetlands on the site will be drained and mined. They will be replaced with a wetland of at least 50 hectares in size which will be constructed in a progressive manner as extraction activities are completed in that area.
  - Progressive rehabilitation will take place with tailings from both the WCP and MSP processing being deposited to the rear of the mining void. Land contouring, including wetland construction and reinstatement of former drainage catchments, will be undertaken as mining moves across the Site.
  - Final rehabilitation, following completion of mining and progressive rehabilitation works, will include removal of all infrastructure and any final reinstatement required to return the mine disturbance area to agricultural production.
- 1.3 TCM is seeking all approvals necessary to enable it to establish and operate a mine site for mineral sand extraction activities on the Southern Block, being:
- Schedule 5 - Resource consents (including a standard freshwater fisheries activity) - All resource consents required to establish and operate the mine site and a consent to take water to enable processing of run-of-mine material at the wet concentrator plant, and includes a standard freshwater fisheries activity.
  - Schedule 7 – Wildlife approvals for the catch and release, and incidental killing, of lizards and birds.
  - Schedule 8 – Archaeological authority.
- 1.4 The Project is not located on any public conservation land.
- 1.5 The Director-General of Conservation (D-G, also referred to below as the Department or DOC) was directed as an administering agency in respect of application for the wildlife approval to provide a report to the Panel under section 51 of the Act. That report (including detailed technical reports) was provided to the Panel on 14 September 2026.
- 1.6 In accordance with sections 53(2)(k) and 53(2)(m)(i) of the Act, the D-G has been invited to comment on the substantive application. Statutory delegations are in place for the Department to provide commentary on behalf of the D-G.

- 1.7 The Department has received statements of advice from the following technical experts. Each statement of advice is appended to this report, and forms part of the Department's section 53 comments:
- **Appendix A** – Lizards – Ms Jacqueline Wairepo
  - **Appendix B** – Avifauna – Dr Elizabeth Palato
  - **Appendix C** – Freshwater – Dr Richard Storey
  - **Appendix D** – Wetlands – Mr Roland Payne
  - **Appendix E** – Planning – Mr Murray Brass
- 1.8 These comments should also be read in conjunction with the Department's s51 FTAA wildlife approval report, dated 14 September 2026 as mentioned above.

## 2 Consultation

- 2.1 The Department acknowledges that the Applicant has engaged constructively both pre- and post- lodgement, which has been discussed in DOC's Section 51 report to the Panel provided on 14 September 2026. Aspects of engagement relevant to the application for Wildlife Approval for lizards and birds are discussed in the Section 51 report. Results of this engagement relevant to other aspects of the Fast-track application are discussed below.
- 2.2 DOC was pleased to see reference to the resource consent for the Central Block<sup>2</sup> in the application documents, including "*Robust resource consent conditions in relation to the Westland Petrel were agreed with DoC and other parties to the appeals via consent order.*" Although the draft Avian Management Plan included some of these measures, DOC notes that the avian management conditions had a number of significant differences from the Central Block conditions. These were listed in the comments that DOC provided to the Applicant during post-lodgement consultation.
- 2.3 The absence of lighting management in respect of the current FTAA application was raised by DOC. This issue is still to be resolved.
- 2.4 Issues on conditions relating to the bond, landscaping, setbacks, hours of darkness were raised.
- 2.5 Comments on avifauna related to kororā, pest control, wetland birds (such as bittern and marsh crake) were provided.
- 2.6 DOC noted that mining operations should be designed so that no high-quality habitat (wetlands or shrubland) are reduced in extent throughout the life of the mining operations i.e. this habitat should be reconstructed and allowed to reach an adequate degree of maturity

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<sup>2</sup> The Central Block is an area to the north of this Application Site, which the applicant has already obtained resource consent to mine under a Resource Management Act 1991 process that resulted in an Environment Court decision that included amendments to conditions to include measures raised by DOC relating to tāiko.

before any currently occurring habitat is mined, so that there is never any net decrease in area of extent or quality of habitat over the lifetime of the mine.

- 2.7 DOC noted that some wetlands had been classified incorrectly, and that wetland fauna had not been considered. The net result after wetland reconstruction is presented as a net gain. However, for transparency, and to demonstrate that the proposed wetland reconstruction is sufficient to offset the loss of the existing wetlands, the actual calculations should be presented. The time lag between wetland removal and reconstruction, and effects on wetlands outside of the Southern Block were also raised.
- 2.8 DOC suggested that the Stream Ecological Valuation would be a suitable method to set a standard and determine whether freshwater values have been enhanced.
- 2.9 The riparian planting offered was identified as very narrow (3 metres wide on each bank). 5 metres should be the minimum width provided, with 10 metres being more adequate.
- 2.10 DOC expects to see a “cease take” threshold to be included for the water take from Canoe Creek i.e. a flow level in the Creek which, if crossed, would trigger the project to cease taking water from the Creek in order to protect instream ecology.
- 2.11 The Applicant provided a “*draft Reply Statement of Evidence in relation to the Section 51 Report and terrestrial ecology*” and updated lizard and avian management plans recently on 24 September 2026. DOC’s appendices of expert advice for lizards, avifauna, freshwater and wetlands that inform these section 53 comments are, however, based on the information as lodged.

### 3 Overview of the Department of Conservation’s comments on the application

3.1 The greatest concerns of the Project to the Department are:

- The incidental killing of birds that might, despite the applicant’s best efforts, be nesting in the path of the mine. DOC understands that the Applicant is not proposing any measures to avoid nests if they are in the path of the mine. The incidental killing of protected birds is an offence under the Wildlife Act 1953 unless authorised under section 53(1) by the Director-General. The incidental killing of birds is not included in TCM’s application for the Barrytown Minerals Project.
- The adverse effects on Westland petrels (Tāiko) - specifically measures on nights where equipment repairs are required or there are other unforeseen events requiring light at night.
- Management of lizards; subject to an updated Lizard Management Plan.
- Avoiding loss of wetland extent and values, including through conditions relating to the timing and design of the wetland restoration.
- Protecting freshwater values and extent, including river habitat in reconstructed channels and through addressing concerns for water quality and quantity.

3.2 These matters are discussed below.

## 4 Lizards

4.1 Ms Jacqueline Wairepo has prepared a statement of advice (Appendix A). Ms Wairepo assessed the effects of the Project on lizards and the proposed management package to address the effects. The adequacy of the Applicant's application for each of the specified lizard species has been assessed.

4.2 Ms Wairepo notes that the LMP that she reviewed and based her assessment on is the March 2026 version of a document. The Applicant has since advised that this has been revised. Ms Wairepo notes that many of the issues raised are likely to be addressed in the Applicant's response to DOC's Section 51 report and an updated version of the documents.

4.3 Concerns that Ms Wairepo raised are:

- That a dedicated lizard survey has not been undertaken to adequately inform the suggested management framework for the range of lizard species that may be impacted by this Project;
- Incorrect identification of which grass skink is likely to be present (i.e., Northern grass skink as opposed to Canterbury grass skink);
- Survey and salvage methods contained inconsistencies between the LMP and Wildlife Approval Technical Report, and do not align with best practice in terms of duration and contingencies;
- Methods also lacked clarity between Protocols 1 and 2, and do not provide adequately for Threatened species.
- The proposed lizard release site doesn't align with best practice requirements and will not be appropriate for all species that have been applied for under the permit application; and
- No provisions for predator control for lizard protection have been included, and it is recommended that this is reconsidered, particularly in the context of At Risk and/or Threatened species that may be present on the site.

4.4 Mr Bramley's draft response (received by DOC on 24 September 2026):

- Provides reasons for no baseline lizard survey's of the affected Site or relocation site being undertaken;
- Accepts that the Canterbury grass skink in the Ecological Impact Assessment and draft LMP should instead refer to the northern grass skink, and indicates that this has been amended in the subsequent version to the document
- Although Mr Bramley considers West Coast green gecko unlikely to be present on site, he notes that the updated LMP provides for identifying potential habitat and undertaking surveys closer to the commencement of mining and does not preclude undertaking surveys for gecko (e.g., using spotlighting or similar techniques) if suitable habitat is present;

- Progressing the Canoe Creek site proposed by DOC for the release of lizards.
  - Pest control of the type required to specifically protect lizards (i.e., rats, mice and weka) is not proposed by the applicant, but provision of habitat which provides refuge from predators is provided for in order to reduce predation risk.
- 4.5 Given the concerns raised by Ms Wairepo, and lack of time to review draft updated documents, it would also be appropriate to give DOC an opportunity to respond to the updated material once finalised.

## 5 Avifauna

- 5.1 Dr Elizabeth Parlato provided a statement of advice on avifauna (Appendix B). Her advice considers whether the available information adequately identifies avifauna values, assesses effects and provides for appropriate management of effects on avifauna.
- 5.2 While Dr Parlato considers that some of the measures proposed are suitable for managing effects on avifauna, she believes additional measures are required to appropriately manage effects on protected avifauna species. Her key concerns are:
- The proposed mining activities have the potential to affect a wider range of protected avifauna than currently identified in the Avian Management Plan.
  - Management of effects on breeding birds relies heavily on deterrence to prevent nesting within the area to be mined over the breeding season; the effectiveness of which is uncertain.
  - There is no protection proposed for nests of Threatened or At Risk species located where the mining activity will reach before the chicks fledge. There is also no protection proposed for nests of Not Threatened native species discovered within the area to be mined over the breeding season. Accordingly, there is risk of protected species mortality associated with the mining activities.
  - The Avian Management Plan does not include targeted searching for grounded Westland petrel on nights where equipment repairs are required or there are other unforeseen events requiring light at night. The applicant has now proposed some limited search requirements in the conditions (within the first three months of operation and during the fledging season each year) but there remains risk of adult petrel grounding outside these periods.
  - There is likely to be a temporary loss of wetland habitat for avifauna.
  - Department of Conservation input/consultation is not required as part of development and review of avifauna management plans; although the Applicant has subsequently proposed a change to the conditions requiring the Avian Management Plan be developed in consultation with the Department of Conservation, which Dr Parlato supports. This is important for providing greater certainty that any changes/amendments needed to improve avifauna management and protection at the site are identified.

5.3 In his draft response to DOC's Section 51 report, Mr Bramley notes that:

- Regarding the potential to affect a wider range of protected avifauna than currently identified, Mr Bramley states in his draft response to DOC's section 51 report that no bittern have been recorded to date in the Central Block, although marsh crake have been found. The wetland habitat at the Project Site provides much lower quality habitat for both bittern and marsh crake and whilst it is possible these birds visit the Southern Block occasionally, it would not provide breeding habitat.
- On that basis, Mr Bramley suggests that any effects would be limited to disturbance and resettlement, rather than injury or mortality of eggs, chicks or adults. Given the relatively small footprint and slow progress of the mining activities and that mining starts in the north (where there is no suitable habitat for bittern, marsh crake or pipit) before moving south after new wetland habitat is created, Mr Bramley remains of the opinion that these species would not be materially affected. In the event that additional species that would require management are detected during monitoring, Mr Bramley suggests that species-specific management would be developed in consultation with the Department of Conservation and added to the Avian Management Plan.
- Mr Bramley's draft response confirms that the proposed management of breeding birds relies on deterrence of birds prospecting for nests in the area to be mined in the first instance (to encourage them to nest elsewhere) and then detections of nesting behaviour and nests and monitoring of those until either chicks are fledged or they fail.
- Subsequent e-mail and telephone consultation with the applicant suggests that mortality of protected species, while unlikely, could be possible.
- The Applicant has indicated their intention to amend the draft proposed conditions (particularly condition 13.3) to provide for increased ground searching for grounded seabirds.

5.4 Given the concerns raised by Dr Parlato, and lack of time to review draft updated documents, it would also be appropriate to give DOC an opportunity to respond to the updated material once finalised.

## 6 Freshwater

- 6.1 Dr Richard Storey has provided expert advice related to freshwater (Appendix C).
- 6.2 Watercourses within the mining path will be temporarily diverted via constructed channels around areas being mined. Exceptions will be Granite Creek and Little Granite Creek, which will not be diverted. Fish management (salvage and relocation) will be implemented prior to and during the diversion of watercourses.
- 6.3 After an area has been mined, creeks will be reconstructed in accordance with the conditions of consent and the Rehabilitation Management Plan (RMP). Some artificial drains may also

be reinstated if contouring does not provide sufficient drainage. Reconstructed channels will have a more meandering form than the existing channels.

6.4 In Appendix E, Mr Brass provides a planning assessment of the freshwater values and effects against the NPS-FM, West Coast Regional Land and Water Plan and New Zealand Coastal Policy Statement.

6.5 Dr Storey's advice includes:

- That 3.83 kilometres of existing stream will be diverted and replaced with 4.35 kilometres of reconstructed stream.
- That while the ratings for the ecological value of the stream habitat and macroinvertebrate fauna in the Ecological Effects Assessment (EEA) are considered to be reasonable, the ecological value of the freshwater fish fauna in streams and artificial drains is considered to have been underestimated. Given the number of Threatened and At Risk species present in watercourses in the Project area, Dr Storey rates the ecological value of the fish fauna as very high. Mr Murray (Appendix E) highlights provisions of the West Coast Regional Policy Statement that support this view.
- Spring habitats have not been assessed for their ecological value and have not been included in effects assessments.
- One of the main potential impacts of the Project is its effect on water quality. Extracting, processing, and redepositing the mineral sands may result in mobilisation of various contaminants including heavy metals and nutrients into the watercourses, with impacts on aquatic fauna (fish and macroinvertebrates). The relevant assessments describe the potential contaminants, threshold concentrations for the contaminants, the treatment method to reduce discharge of the contaminants, and their expected concentrations in surface waters. Because of the importance of water quality effects, the Panel should consider a review by a specialist geochemist to determine whether the effects are likely to be as stated.<sup>3</sup>
- The plume of poor-quality groundwater is expected to take more than 15 years to pass through the area, therefore should be regarded as a long-term effect.
- Another potential effect is change to subsurface water flow patterns, and hence, changes to flow in surface watercourses as a result of the mining. The Panel should consider requiring a review by a specialist hydrologist.<sup>4</sup>
- The methodology for diverting and restoring streams and avoiding direct harm to indigenous fish appear adequate overall, though some minor additions to the Native Freshwater Fish Capture and Relocation Plan are recommended.

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<sup>3</sup> under s 67(1)(b) the Panel may commission a report (including a report from a relevant local authority) on an issue relevant to the application.

<sup>4</sup> under s 67(1)(b) the Panel may commission a report (including a report from a relevant local authority) on an issue relevant to the application

- 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.
- The consent conditions for the water take on Canoe Creek should specify a cease-take level.
- 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.
- 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.

## 7 Wetlands

- 7.1 Mr Roland Payne provided expert advice on wetlands.
- 7.2 Mr Payne raises a number of concerns with the methodology used to classify wetlands and assess their values. He considers that the application significantly underestimates the total area of natural inland wetland.
- 7.3 He also considers that avifauna and fish values of wetlands were not adequately considered in the Ecological Effects Assessment. Mr Payne considers that the ecological values of the wetlands should be considered as 'high' or 'very high', and that they would meet the criteria for ecological significance in the West Coast Regional Policy Statement (WCRPS).
- 7.4 The combined effect, based on Mr Payne's review, is that both the extent and the values of wetlands on the site are greater than assessed in the application.
- 7.5 Mr Brass (Appendix E) considers that the key relevant planning provision in this regard is Policy 6 of the National Policy Statement for Freshwater Management (NPS-FM):
- "There is no further loss of extent of natural inland wetlands, their values are protected, and their restoration is promoted".*
- 7.6 Mr Brass notes that Policy 6 of the NPS-FM is given further definition by the subsequent addition (as required by NPS-FM 3.22) of Policy 6.3.6 in the West Coast Regional Land and Water Plan, which requires that the loss of river extent and values is avoided unless, in the case of regionally or nationally significant mineral extraction, there is a functional need for the activity in that location, and the effects of the activity are managed by applying the effects management hierarchy. It is not clear that the effects management hierarchy has been applied in this case, or that the proposed compensation meets the principles for compensation in the NPS-FM.

- 7.7 As the existing wetlands will inevitably be lost to mining, the proposed effects management approach is to construct replacement wetland habitat (as set out in the Rehabilitation Management Plan). However, as Mr Payne points out, the replacement habitat will not provide ecological benefits until some time after existing wetland habitat is lost, and the total area of wetland appears to be smaller than the total area to be lost. Mr Payne 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.
- 7.8 Mr Brass considers that those measures proposed by Mr Payne are appropriate - they would give effect to the NPS-FM, while still being consistent with the purpose and provisions of the FTAA.
- 7.9 In his **draft** response Mr Bramley notes that:
- *“The Project has been specifically designed to progressively rehabilitate mined areas and establish substantial new wetland habitat as mining advances. Mine staging involves mining north of Granite Creek first and mining would be completed there in Year 7. There are no wetlands north of Granite Creek that would provide high quality habitat for wildlife, but construction of wetlands begins immediately following mining in years 1 and 2 in the area adjacent to (north of) Granite Creek. Removal of wetlands south of Granite Creek would occur in Years 8 - 11, with construction of additional wetland occurring then. The best wetland habitats for fauna are located south of Granite Creek. The areas of wetland created as mining commences will have had at least five years to develop before removal of wetlands south of Granite Creek. I consider that protection of wetlands north of Granite Creek is neither necessary nor practicable given the nature of the staged mining operation.”*

## 8 Assessment of application with relevant provisions

- 8.1 Mr Murray Brass has provided planning advice on the statutory framework, assessment of effects, relationship with consent for the WCP; and proposed consent conditions for the Barrytown Project.
- 8.2 Mr Brass notes that the statutory framework for this application has been addressed in the substantive application and that he generally agrees that the correct statutory provisions have been identified. His advice addresses where he has a difference of opinion about how those statutory provisions should be applied. This has informed the section on wetlands above.
- 8.3 Mr Brass notes that a number of additions and amendments have been made to national direction under the Resource Management Act 1991 (RMA) since the application was prepared. However, he does not consider that any of these affect the assessment of this application.

- 8.4 Mr Brass also notes that mediation is currently under way on appeals on the proposed Te Tai o Poutini Plan (TTPP). Some matters have now been resolved through consent orders and others are in process, but to his knowledge none of those would have a bearing on this application.
- 8.5 In particular, Mr Brass notes that the entire site is within the Coastal Environment (as mapped in the TTPP), so Policy 11 of the New Zealand Coastal Policy Statement (NZCPS) applies. This requires, inter alia, that all adverse effects on Threatened and At Risk species are to be avoided. While this Policy is not determinative in its own right for decision-making under the FTAA, the NZCPS is a relevant matter to consider under s81(2)(b) and Schedule 5 cl17 of the FTAA.
- 8.6 Mr Brass considers that, unless it is inconsistent with the FTAA's purpose or the requirement for conditions to be "no more onerous than necessary" (s83), the conditions of consent should therefore seek to ensure that effects on Threatened and At Risk species are avoided.

## 9 Comments on conditions

- 9.1 Following lodgement of the substantive application, TCM has continued to engage with DOC, which has included discussion of consent conditions. Key aspects that were covered in these discussions are searching for Tāiko/Westland Petrels, interactions with Tāiko/Westland Petrels, and temporary protection of some wetland habitat in the southern section of the Southern Block until the first sections of the wetland offset are established.
- 9.2 This has resulted in agreement on a number of amendments to the proposed conditions. These have been included in the conditions set out in Appendix F from the Applicant. Those agreed amendments have reduced the matters that remain at issue. Further comments and refining of the conditions is provided in red text in Appendix F.
- 9.3 Mr Brass lists the matters that, in his assessment, are still outstanding in Appendix E.
- 9.4 Mr Payne has undertaken a desktop identification of some specific wetlands that temporary protection could apply to, as shown in **Figure 1**. TCM has added draft condition 7.6 in response to this requirement, but the schedule of wetlands has not yet been agreed to.



**Figure 1: Wetlands identified by DOC for temporary protection**

- 9.5 The Department welcomes the opportunity to comment further on a draft condition set as set out in section 70 of the Act.

## 10 Summary and Conclusions

10.1 The Applicant has continued to engage constructively with the Department post lodgement of the application, including facilitating a site visit. This engagement has resulted in several of the initial concerns that the Department raised being addressed by amendments to the draft conditions, and by a commitment to changes to the lizard and avifauna management plans (that the Department still needs to review and wishes to provide further comments to the Panel).

10.2 The key remaining issues include:

- the incidental killing of protected birds that might, despite the Applicant's best deterrence efforts, be nesting in path of the mine (which is not currently included in the application for a Wildlife Approval);
- the adverse effects on Tāiko/Westland petrel (measures if any night lighting is required);
- management of lizards - subject to an updated Lizard Management Plan;
- avoiding loss of wetland extent and values - including through conditions relating to the timing and design of the wetland restoration; and
- protecting freshwater values and extent - including through addressing concerns for water quality and quantity.

10.3 Thank you for the opportunity to comment.

## 11 Appendices

**Appendix A - Lizards**

**Appendix B – Avifauna**

**Appendix C - Freshwater**

**Appendix D - Wetlands**

**Appendix E - Planning**

**Appendix F – Resource Consent Conditions**