

**IN THE MATTER** of the Resource Management Act 1991  
**AND**  
**IN THE MATTER** of an application for resource consents by **TIGA  
MINERALS AND METALS LTD**  
**AND**  
**IN THE MATTER** of a submission by the  
**COAST ROAD RESILIENCE GROUP INC**

Lay witness statement of evidence of Suzanne Hills  
**For COAST ROAD RESILIENCE GROUP INC**  
Topic Westland petrel

Dated: 31 January 2024

Coast Road Resilience Group Inc

Email: [coastroadrg@gmail.com](mailto:coastroadrg@gmail.com)

## INTRODUCTION

1. My full name is Suzanne Denise Hills. I have a B.Tech (Hons) in Biotechnology and Bioprocess Engineering, Massey University, 1992. I had a career in the food industry in New Zealand and the UK in technologist, technical management and auditing roles for 17 years. Before moving to the West Coast I spent 8 years on a life's sailing adventure. I hold current roles of West Coast branch chair of Forest & Bird; chair of Coast Road Dawn Chorus Inc, and trustee of the West Coast Penguin Trust.
2. I am a member of the Coast Road Resilience Group Inc. (CRRG).I have been asked by the CRRG to provide lay witness evidence in relation to the Westland petrel. I am not an expert in this matter and this report is not intended as expert evidence. I have prepared this statement of evidence for the CRRG in relation to this application.
3. I am familiar with the TIGA application site because I have lived on the Barrytown Flats for 7 years.
4. In preparing this statement of evidence, I have reviewed the following documents.
  - TiGa RC Application AEE Final and all of the application's attachments; all of the Amendment to Application documents; and all of the Request for Information documents.
    - Final Terrestrial Ecology Peer Review by Mike Harding
    - Both WGA hydrological and hydrogeological Peer Reviews
    - Statement of evidence of Gary Bramley terrestrial ecology
    - Statement of evidence of Robert Brand
    - Statement of evidence of Kate McKenzie
    - Statement of evidence of Dr Susan Waugh
    - Statement of evidence of Kate Simister
    - Submissions 61, 223, 237, 241, 251, 309
    - GDC and WCRC s42a Officers Reports
    - Grey District Significant Natural Areas Assessment – 1 June 2006 [PUN-W034]
5. In addition to providing this statement in support of the CRRG, I also lodged a personal submission in relation to the TIGA Minerals and Metals Ltd application.

## SCOPE OF EVIDENCE

6. This evidence focusses on the Westland petrel. Other CRRG members and expert witnesses will be providing evidence on other aspects of the application.



## Summary

7. There is the potential for the proposal to have cumulative adverse effects on the Westland petrel population. The notably slow reproductive rate means even a few deaths can have a significant effect on the breeding potential of this vulnerable species.
8. The proffered conditions, including the proffered change to mining and trucking during daylight only, would likely only achieve partial mitigation of the adverse effects on the population; they do not avoid adverse effects as required by the New Zealand Coastal Policy Statement (NZCPS).
9. The proposal would add new carbon emissions, exacerbating the effects of climate breakdown and directly impact the species.
10. The Coast Road community has a strong connection to the Westland petrel and the birds form part of the local identity. The community recognises the survival of the Westland petrel depends on all of us and local people and businesses do what they can to avoid and minimise adverse effects.

## Specific Concerns

11. Westland petrels are nocturnal while ashore and are at risk of being distracted by artificial lights. Once grounded they cannot take off again. They may then be killed by vehicles, predators or die from exhaustion. The highest risk is below and close to their breeding ground (3.6km to the north of the proposed site), however, as evidenced by birds found grounded between Hokitika and Westport, the risk extends well beyond the breeding ground.
12. The proposed consent condition 15.1 (Ref: Att P – Proposed Conditions of Consent FINAL) for southbound trucking hours of 5am to 10pm include hours of darkness for all months of the year. Trucking at the scale proposed in the hours of darkness would not protect the petrels from road injuries and fatalities as a result of headlight distraction. The majority of the proposed southbound Coast Road route is close to the coastline where vehicle headlights are visible from seaward. Those petrels following the coastline are at risk of being drawn in by headlights (including the additional light vehicle movements at night), particularly so fledglings in misty/wet conditions given they are taking their maiden flight and are naive about their marine environment.
13. I note the proposed conditions of consent were updated on 19 January 2024, with condition 15.1 now stating: *Truck movements associated with removal of heavy mineral concentrate must be limited to 50 per day and 5 per hour (both averaged over a one week period) and must only occur during the hours of daylight. For the purpose of this condition, hours of daylight are considered to be between 30 minutes before sunrise and 30 minutes after sunset.*

14. The updated proposed consent condition 15.1 of trucking 30 minutes before sunrise until 30 minutes after sunset would still leave a half hour of headlight distraction threat post sunset and pre sunrise. Headlight use on this stretch of road is common and necessary, even in clear weather, especially with the proximity of the Paparoa Range blocking morning light, and evening light affected by dark bush-clad surrounds.
15. I note condition 15.4 remains in the 19 January 2024 update: *Light vehicle movements must be limited to 140 light vehicles per day*. Light vehicle movements at night would pose a light distraction threat to the Westland petrel.
16. The proposed consent condition 12.1 (Ref: Att P – Proposed Conditions of Consent FINAL) on hours of operation for mining activities, processing plant activities and heavy mineral concentrate activities include operating in the hours of darkness for all months of the year and presents light distraction threats in an otherwise dark environment. The proposal is to follow the Australian Government’s National Light Pollution Guidelines for Wildlife, however, these guidelines are limited in scope regarding non-fixed lighting such as vehicle lights, mine pit lighting and moving machinery. Compliance to health and safety requirements for non-fixed lighting may result in unavoidable light distraction threats to this light sensitive species.
17. I note the proposed conditions of consent were updated on 19 January 2024, with condition 12.1 now stating: *Trucking, mining, overburden and topsoil stripping, bund development and any related activities shall not operate during the hours of darkness. For the purpose of this condition, hours of darkness are considered to be between 30 minutes after sunset to 30 minutes before sunrise.*  
The concern expressed in paragraph 14 above equally applies to lights operating at the mine site 30 minutes before sunrise and 30 minutes after sunset.
18. Anecdotal observation by Dr Susan Waugh has revealed the Westland petrel is attracted to the hum of diesel generators. The applicant has not addressed this characteristic. The processing plant is proposed to be run off diesel generators until (no timeframe is supplied by the applicant) line upgrades are made to accommodate 3 phase power. There is a further (and unknown) risk that the noise and vibration of the processing plant itself may also attract tāiko. I note the proposed processing plant does not include sound proofing.
19. Despite the updated proposed conditions of consent, the mining, processing, loadout and trucking operations still present light, noise and vibration distraction threats to the Westland petrel. This is inconsistent with the requirement of Policy 11(a) of the New Zealand Coastal Policy Statement (NZCPS) to avoid adverse effects on threatened or at-risk indigenous species and their habitats in the coastal environment. It is also inconsistent with the precautionary principle of the NPS-IB, *Policy 3: A precautionary approach is adopted when considering adverse effects on indigenous biodiversity, and 5.7*

*Precautionary approach (1) Local authorities must adopt a precautionary approach toward proposed activities where: (a) the effects on indigenous biodiversity are uncertain, unknown, or little understood; but (b) those effects could cause significant or irreversible damage to indigenous biodiversity.*

20. The proposal is emission intensive with all mining, processing, load out and trucking operations diesel fuelled. These new carbon emissions would add to the cumulative effect of climate breakdown and directly impact the Westland petrel. Specifically, Tasman Sea marine heatwaves affect the abundance and distribution of Westland petrel food sources and may impact breeding success. A warming climate also increases the risk of cyclones making landfall on the West Coast. In 2014, Cyclone Ita caused slips and is thought to have destroyed hundreds of petrel burrows. Ref: *Storm damage to Westland petrel colonies in 2014 from cyclone Ita, S.M.Waugh et al, Notornis, 2015, Vol. 62: 113-xxx 0029-4470.*
21. There is a concern regarding section 4.3 **Accidental Discovery** of the Avian Management Plan. Section 4.3.3 of the updated plan states: *In the event of any dead birds (including tāiko) being located within the mining area, the Buller/Kawatiri Department of Conservation office in Westport and Te Rūnanga o Ngāti Waewae will be informed and collection by or delivery to the Department of Conservation will be arranged.* This self-reporting by the very people with least motivation to report petrel deaths is a concern. It is a very similar situation to the marked difference of reported seabird by-catch on fishing vessels depending if a fisheries observer is onboard. There should be some means of independent monitoring.

### **Community commitment to the Westland petrel**

22. The Coast Road community has a strong connection to the Westland petrel and the birds form part of the local identity. The community recognises the survival of the Westland petrel depends on all of us and local people and businesses do what they can to avoid and minimise adverse effects. This includes actions such as closing curtains/blinds at night; avoiding outside lights, or if they are absolutely necessary on timed motion sensors/downward facing/shielded; avoiding driving at night during the fledging season and if unavoidable driving slowly and keeping a close lookout for downed birds on or at the side of the road; advocating for the Punakaiki street lights to be turned off; advocating for better light protection measures in Te Tai Poutini Plan; advocating for and achieving good light protection measures for the new Dolomite Point Visitor Centre; and advocating for rapid emission reduction.
23. I note many community members voiced their concerns regarding the potential adverse effects on the Westland petrel in their individual submissions.
24. The commitment to helping the petrels is such that there have been several community-led initiatives over the past decade.

25. The Tāiko Festival ran from 2015 to 2021 and celebrated the return of the Westland petrel in the early autumn. It was a music festival with educational and awareness elements. The late seabird scientist Kerry-Jayne Wilson ran a dusk beach tour and the West Coast Penguin Trust and KCC (the children’s club of Forest & Bird) ran educational activities.



Figure 1 - Taiko Festival 2021 Poster



Figure 2 - Kerry-Jayne’s dusk beach tour 2021

26. The Punakaiki street lights have been turned off in the fledgling season since 2020.  
<https://www.theguardian.com/world/2020/dec/22/new-zealand-village-turns-off-street-lights-to-stop-birds-crash-landing-on-to-roads>

The darkness of the Barrytown Flats and Punakaiki communities during the fledgling season is evident to anyone going outside at night at this time of year.

27. Students at the local Barrytown Primary school have a close association with the Westland petrel, and a proud historical connection through discovery by earlier pupils of the nearby colony in the 1940s:

<https://www.rnz.co.nz/national/programmes/ourchangingworld/audio/201781440/west-coast-black-petrels>

Petrels feature prominently on today's school logo and entrance sign in Cargill Road, and their lifecycle is reflected in the localised curriculum terms for student progress in learning and achievement: Hatching, Fledgling and Soaring.



Figure 3 -Barrytown School Logo





**Figure 4 -Barrytown School Sign**

28. Westland petrel community event: in October 2023 a collaborative event was held by DOC, Westland Petrel Conservation Trust, West Coast Penguin Trust and Forest & Bird's KCC. The purpose of the event was to raise awareness of the land-based threats to the species and how people can help individually and as a community. A lifecycle and migration game was run for children to connect with and learn about the species. The event was attended by approximately 50 local people and the community petrel patrol was initiated following this event.

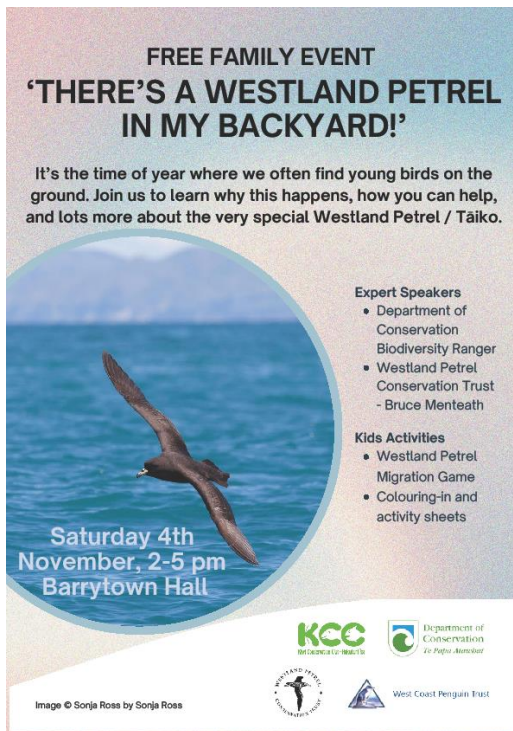


Figure 5 - Community Event Poster Oct 2023

29. Community Petrel Patrol: starting in November 2023 a roster of local people checks the high risk section of State Highway 6 every night after about 10.30pm for downed birds. Prior to 2023, the patrol was undertaken by the Westland Petrel Conservation Trust, a long-standing trust protecting sub-colonies on private land, involvement in petrel rescue, research and providing petrel tours to advocate and raise awareness of the species. The petrel patrol was twice featured recently on RNZ.  
<https://www.rnz.co.nz/national/programmes/morningreport/audio/2018922644/westland-locals-patrol-for-downed-petrels>  
<https://www.rnz.co.nz/news/national/506582/the-punakaiki-petrel-patrol-helping-an-endangered-bird>
30. Forest & Bird owns the 27-hectare Dick Jackson Reserve, which contains Westland petrel breeding colonies. Lynette Hartley and Richard Pamatatau were commissioned to produce an artwork, poem and essay as part of Forest & Bird's centennial artists and writers' project. Trevor Hayes, a local poet, has recited the poem at a Pancake Rocks Cafe music night, and afterwards reminded people of the need to drive slowly at night and look out for the birds. There are plans for the artworks to be displayed locally in 2024.

**DICK JACKSON MEMORIAL RESERVE  
TE TAI POUTINI WEST COAST**

**PUNAKAIKI PETRELS**

My artwork shows Westland petrels returning to their nest-burrows in the forests behind Punakaki. The tāiko gather out at sea at dusk soaring back and forth waiting for darkness. The forest here, the only place these petrels nest, is being damaged and the nests predated by introduced predators. Felting let me capture the excitement of seeing, or feeling, these black birds fly past in the darkness. The work changes depending on the light source with the silhouetted petrels sometimes visible, and sometimes not, against the dark background.

Medium: Felting, merino wool and silk



ARTIST  
**Lynette Hartley**



**MY TAIKO WHAKAPAPA**

My Taiko whakapapa

wings its way away  
down,  
down,  
down the ages  
a decade passes  
til home across across oceans  
swirling swishing mingling.  
Past becomes present becomes past becomes present,  
See me in flight  
silhouetted  
night  
falls moon rises.  
Hear me  
brushing against dusk  
Crash land  
burrow sanctus to life's chosen with fish the family dish.  
Shared incubation, keeps warm a new life oval. Repeat. Echo.  
Past becomes present becomes past to become present. Echo.  
This slope, its mantle holds our whakapapa in soil, trunks,  
streams, leaves.  
DNA generations threatened by all you might do  
to  
my Taiko whakapapa.



WRITER  
**Richard Pamatatau**

To sit in silence and the dusk and wait for and watch a Westland petrel arrive is a gift that brings both joy and sadness.

These birds are magnificent in the rarest sense of that word. Each as it steps through the bush after it tumbles from the sky with its cry into the night is the embodiment of thousands of years of history and faith. Faith in the land, the sea, the hill that is home, the burrow, the knowledge that directs them back to the same place generation after generation.

Aligned to this is a precarity, that's where we come in with our bright lights and roads and desire for progress. That's where we come in with the corporate wish to turn the flats into a mine for minerals. That's where we come in to advocate and fight to prevent wanton destruction of land that will bring lights, mayhem and danger to birds who have slipped on the wind for generations to come home time and time again year after year.

Do the petrels need a champion from the celebrity world (though they are celebrities in their own right) who can say no - let's not mind, let's keep these birds safe?

Or do we have a collective responsibility to be a champion and influence those we can in our own tiny way? Perhaps if more sat in silence and the dusk and waited and watched a Westland petrel arrive and circle before landing their magnificence would be understood.

As part of our 100-year celebrations, Forest & Bird partnered with 26, a global not-for-profit writers' collective.

The organisation works with professional writers all over the world, most recently focusing on environmental and climate issues - see 26.org.uk.

We previously partnered with the New Zealand chapter, publishing a project called 26 Habitats NZ during the UN Climate Change Conference of 2019.

For 26 Forest & Bird Centennial we wanted to harness the power of art and poetry to inspire more New Zealanders to help protect and restore nature.

Twenty-six Kiwi artists and writers volunteered for the project and were randomly assigned to 13 Forest & Bird nature projects, ranging from tiny reserves to major landscape-scale restorations.

Each artist-writer pair visited their project at least once, met our volunteers, explored the habitat, and got up close to some of the locals, including birds, lizards, butterflies, giant trees, and tiny fungi.

Writers were asked to create an original centena - a poem of exactly 100 words that must start and finish with the same three words - and a short personal reflection about their experience.

The artists used a variety of mediums to create artworks that responded to the landscape, people, species, and conservation challenges they encountered.

Jane Berney is one of three New Zealand editors leading the 26 Forest & Bird Centennial NZ project, together with writer-editors Jayne Workman and Paul White.

All three are volunteering their time to work on this creative project and are hugely passionate about supporting conservation through their writing talents.

They were paired up with artists they had never met before and travelled respectively to



Westland petrel. ■ John Oates

Punakaki Wildlife Reserve (Jane Berney), Rangitikei Reserves (Jayne Workman), and Arethusa Reserve (Paul White). Check out the Spring issue for their centena and essays.

"It was a privilege to visit Punakaki and meet Forest & Bird's volunteers, hear about the conservation challenges they face, and see the difference they are making," said Jane Berney.

"Some told us they have been working for decades looking after these places. It was inspiring to hear their stories and experience their passion for the natural world."

Forest & Bird was founded by another dedicated volunteer, Val Sanderson, who led the organisation for 20 years until his death in 1945.

He used a host of creative ways to educate New Zealanders about te taiao nature, including commissioning bird paintings and political cartoons, and publishing articles, books and magazines.

"The 26 Forest & Bird Centennial Project is an opportunity to recognise the mahi of our volunteers, while inspiring people to use their creativity to protect te taiao," said Forest & Bird's chief executive Nicola Toki.

"The writers and artists have captured the fragility and beauty of nature while raising awareness of the importance of working locally to bring back wildlife."

**A Forest & Bird thank you to the 26 creatives involved in 26 Forest & Bird Centennial!**

Writers Chris Bowring, Lee Ryan, Leah Royden, Paul White, Lindsey Dawson, Scott Moyes, Catherine McDonald, Jayne Workman, Hayden Maskell, Jane Berney, Gail Ingram, Richard Pamatatau, Sue Heggie. Artists Amy Parlane, Cathy Hensley, Sophia Nouchi, Simon Dowling, Dannika Tukia, Sophie Lankovsky, Lee Byford-Danes, Anya Greenwood, Sam Hughes, Amelia Hatfield, Georgette Thompson, Lynette Hartley, Gabby Mckenzie.

The final four projects - Ark in the Park, Auckland, Blowhard Bush, Hawke's Bay, Calder Green, Christchurch, and Fensham Reserve, Wairarapa - will be unveiled in February 2024. You can find out more at <https://www.forestandbird.org.nz/about-us/ourhistory/26-forest-bird-centennial>.

Figure 6 - Forest & Bird magazine article, summer 2023 edition [note: writer's surname was published in error; it should read Richard Pamatatau]

31. An article on the mine threat to the Westland petrel written by the West Coast branch Forest & Bird chairperson [also the writer of this report] was published in the spring edition of the Forest & Bird magazine:

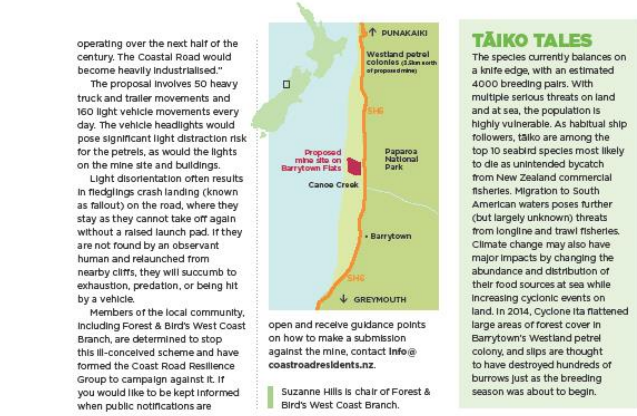


Figure 7 - Forest & Bird magazine article, spring 2023 edition

The applicant's angry reply to the article is shown below in Figure 8.

# Forest & Bird claims anger miner

Lee Scanlon

Forest & Bird's (F&B's) claims a proposed mineral sand mine at Barrytown Flats will endanger the vulnerable Westland petrel have sparked an angry response from the miner.

Writing in the latest F&B magazine, West Coast branch chair Suzanne Hills said the mine lights and mine traffic would pose a significant light distraction risk to young petrels.

"Light disorientation often results in fledglings crash landing (known as fallout) on the road, where they stay as they cannot take off again without a raised launch pad," Ms Hills wrote.

If someone didn't find and relaunch them from nearby cliffs, they would die from exhaustion, predation, or being hit by a vehicle, she said.

F&B's West Coast regional manager Nicky Snoyink said TiGa's first resource consent application was critical.

"If consented, it could open the floodgates to the company's long-term plan of numerous mines operating over the next half of the century. The Coastal Road would become heavily industrialised."

The article said TiGa, a largely Australian-owned company, was seeking resource consents from Coast councils for an opencast mine, including processing, loading out and trucking heavy mineral concentrate to the ports of Westport and Greymouth.

The proposal involved 50 heavy truck and trailer movements and 160 light vehicle movements a day. The mine could be operating for up to 50 years with "industrial-style mining for ilmenite, garnet, zircon and gold" along the Coast Road, the article said.

TiGa said the article was "misinformed and unbalanced". F&B had ignored the proposals in TiGa's latest resource consent application to reduce any harm to the tāiko (Westland petrel), the environment, landscape and community values.

"We voluntarily provided our new application to Forest & Bird long before this article was published," said TiGa managing director Robert Brand. "Instead, the article seems to be based on the original consent application that was declined."

"Since then, TiGa has done a huge amount of research and engaged a whole raft of independent consultants to ensure our proposed operation will not have a measurable impact on the tāiko."

Mr Brand said F&B understood the light pollution risk to fledglings and had planned for it.

"TiGa has gone way further than any existing business within the flight

path zone of these birds. For instance, we have volunteered to restrict our ore truck movements past the petrel colony, near Punakaiki, to daylight hours only."

The mining operation would follow Australian National Light Pollution Guidelines for Wildlife, which F&B had cited as the desired standard for New Zealand.

"We also note that while Punakaiki streetlights are turned off at night during the fledging period for tāiko, there are no such restrictions on the light emitting from businesses operating there, which are closer to the colony than our proposed mine will be."

Mr Brand said information provided by the Department of Conservation (DOC) showed most tāiko groundings were reported in Greymouth where there were no night lighting restrictions.

"So, it's a bit rich for Forest & Bird to come after us while being silent on much more serious impacts occurring elsewhere in the community and where no mitigation occurs."

He said DOC information also showed the biggest threats to the petrel were sea conditions, commercial fishing bycatch and predation.

TiGa had offered to fully fund independent, post-graduate research to better understand and mitigate land-based threats to tāiko.

Mining on the proposed 64ha site would only happen on 5ha at a time, with continuous rehabilitation as the site progressed, he said.

"We are also disappointed that in spite of publicly released information to the contrary, the F&B article repeats assertions that we propose a huge 50-year mining operation the length of the Barrytown Flats."

TiGa had mining exploration permits across much of the flats, but proposed to mine only four separate sites over about 13 years.

"These comprise less than 15 percent of TiGa's total mining exploration area. All of these sites will be on private land. None involve conservation land."

Mr Brand said TiGa's current consent application was for only for one of these sites. Any future sites would require a new round of consent applications.

"To claim, therefore, that the current application will 'open the floodgates' is active disinformation."

The extra traffic generated by the current proposal was not unreasonable for a state highway, he said. The ore trucks would be considerably smaller than the milk tankers which plied the same stretch of road.

The impact of workers commuting to and from the mine would be minimal, because most would travel in a bus provided by the company.

Figure 8 - Westport News article, 15/9/23

32. In 2020 a seabird sand-castling event was held at Carters Beach where local people created a life sized Westland petrel. The article below was published in the Westport News in January 2020.



Figure 9 - Westport News article, Jan 2020

### Submissions and peer reviews

33. I endorse Mike Harding's terrestrial ecology peer review with regard to the points made on the Westland petrel. In particular, paragraphs 97 and 98:
- 97. I proposed in my Review (para 59, above) that the risk to tāiko could be reduced by restricting mining operations and vehicle movements to daylight hours during November to January (inclusive). Further research in response to the information presented by submitters, leads me to conclude that it would be prudent to further reduce the risk of light disturbance to tāiko by ensuring all activities associated with the mine operation (including vehicle movements) are restricted to the hours and weather conditions during which no lights of any form are required.*
- 98. If a restriction such as that outlined above does not eliminate the risk of tāiko mortality, there is no certainty that the activity will avoid adverse effects on tāiko. The precarious state of the tāiko population means that the loss of any individual from the population should be considered an adverse effect. Avoidance of such an adverse effect is required by the NZCPS.*

34. I agree with Mr Harding's final sentence above. Avoidance of adverse effects on avifauna should be driven by their behaviour, not by varying definitions of night-time. Additionally, timing of the use of lights depends on weather conditions.

35. I endorse Dr Susan Waugh's submission (101) and her subsequent expert witness statement. I agree with Mike Harding's paragraph 86 that Dr Susan Waugh has undertaken extensive research on tāiko, and should be considered an expert on this species.

36. I endorse the West Coast Penguin Trust submission (61) and note that the trust states: *However, we support submissions and advice from the Department of Conservation and their experts who will have more data to support appropriate restrictions, should they vary from our recommendations.* Note the trust has attached to its submission important notes from the late seabird ecologist (and Westland petrel expert), Kerry-Jayne Wilson.
37. I endorse Bruce Stuart-Menteath and Denise Howard's submission (67). Bruce should be considered a lay expert on the Westland petrel given his decades of dedication to helping and studying the petrel sub colonies on their property.
38. I endorse the Forest & Bird submission (237) and acknowledge the Society's particular interest in the species given its ownership of the Dick Jackson Memorial Reserve containing Westland petrel sub colonies.
39. I endorse the QEII Trust submission (251) and share the Trust's concerns. Note there are three QEII covenants within 4km of the proposed site, one being an 80-hectare open space covenant, some of which forms part of the only known breeding colony for the tāiko.
40. I endorse the Department of Conservation submission (241) regarding the points on the Westland petrel. The concluding paragraph 24 states: *The Director-General submits that the nighttime mining and truck movements will have adverse effects on Westland Petrel that have not been adequately avoided, remedied or mitigated.*

#### **Comment on s42a Officers Report for GDC**

41. I note Mr Harding made further and modified recommendations on analysis of ecological issues raised by submitters, including from experts of Dr Susan Waugh and Bruce Stuart-Menteath. The modified recommendations do not appear to be reflected in the s42a report, in particular Mr Harding's important paragraph 97 [quoted para 33 above].
42. I agree with the critical point made in paragraph 239: *Given that the proposal (at this stage) fails to meet Policy 11 of the NZCPS, a precautionary approach as advised by Mr. Harding should be applied. Ideally, this would involve obtaining more information before determining this consent so that any actual and potential effects can be closely considered. If consent was granted without this information, Mr. Harding suggests that the mine should not operate during darkness to avoid effects on Taiko and be setback 100m from adjacent indigenous vegetation and habitat to avoid/mitigate adverse effects on flora and fauna.*

#### **Conclusion**

43. There is the potential for the proposal to have cumulative adverse effects on the Westland petrel population. The notably slow reproductive rate means even a few deaths can have a significant effect on the breeding potential of this vulnerable species.
44. The proffered conditions, including the proffered change to mining and trucking during daylight only, would likely only achieve partial mitigation of the adverse effects on the population; they do not avoid adverse effects as required by the New Zealand Coastal Policy Statement (NZCPS).
45. The proposal would add new carbon emissions, exacerbating the effects of climate breakdown and directly impact the species.
46. The Coast Road community has a strong connection to the Westland petrel and the birds form part of the local identity. The community recognises the survival of the Westland petrel depends on all of us and local people and businesses do what they can to avoid and minimise adverse effects.

***'The tāiko is our treasure, not garnets and gold' - Coast Road Resilience Group.***