



Grey District Council/West Coast Regional Council

Resource consent application from TiGa Minerals and Metals Ltd

WCRC: RC-2023-0046 GDC: LUN3154/23

Submission from New Zealand Penguin Initiative

<https://www.nzpi.nz/>

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Acknowledgement:

We thank the Grey District Council (GDC) and West Coast Regional Council (WCRC) for the opportunity to make a submission towards the proposed mineral sand mining consent application by TIGA Minerals and Metals Ltd. We are lodging our submission in writing only and do not wish to be heard.

Who we are:

The New Zealand Penguin Initiative (NZPI) is an independent penguin conservation organisation working to enhance and protect the conservation status of NZ penguin species and their habitats. We liaise between a network of NZ community and conservation groups that monitor local little penguins/kororā (*Eudyptula minor*), and provide support for monitoring, protection, advocacy, and research with the aim of better understanding and protecting penguins in New Zealand.

Our submission:

We oppose the application due to the potential threat to little penguin/kororā that may inhabit and / or seek to inhabit the proposed mining site and the potential adverse environmental effects from the proposal. There has been insufficient monitoring to accurately assess the presence and use of the site by kororā. We recommend that local expertise be sought from those experienced in working with kororā in the region, such as the West Coast Penguin Trust (WCPT) and the Department of Conservation (DOC) who can comment meaningfully on the proposal.

Reasons for opposition:

1. There have not been sufficient systematic surveys undertaken to adequately conclude the presence/absence of kororā at or within in the vicinity of the proposed site. Any avian survey work that may have been undertaken for other species, could have missed the detection of kororā depending on the time of year, breeding status, moulting status and food availability. Kororā have been recorded within the Barrytown area, including but not limited to;
 - Historic reports of dead kororā found just over one kilometre (km) north of the proposed site, further south along the Barrytown Beach coastline and further north towards Punakaiki (WCPT/DOC, 2023)



- Recent reports of kororā pairs occupying the underneath of an inland farmhouse, approximately two km's from the proposed mining site and evidence of kororā using rock stacks situated along the coastline leading into paddocks, approximately four km's south of the proposed site (M McLuskie, personal communication, September 04, 2023).
- Information included in ATT E- Ecological Response Memorandum noted further presence of kororā near the proposed site- "One record is from 2022 where a little penguin was observed utilising the lagoon area in the SNA slightly north west of the site."

In the absence of sufficient surveys for kororā within and near the proposed site, the applicant cannot be sure that there are no kororā there. Given that kororā are listed as "At risk – Declining" and are fully protected under the Wildlife Act (1953), there must be dedicated survey work undertaken to understand their potential use of the area and, if they are found to be there, then appropriate consideration of impacts must be included in the assessment. This has not been done to date and represents a significant gap in the assessment.

2. Following on from point 1 above, we acknowledge that kororā have been listed in the Avian Management Plan as a species "known to occur there or are likely to visit the mining area and may attempt to nest there in future", however the proposed management strategy does not adequately consider kororā biology and behaviour. Kororā can be found on land all throughout the year, with pre-breeding pair bonding occurring April-July, production of eggs/chicks from May-December and adults undertaking their annual moult between December-April. It is possible that they may be present at and/or within the vicinity of the proposed site, any time of year and they can be difficult to detect and locate. Appropriate and year-long monitoring would be required to assess their use of the area.
3. Kororā are known to occupy pastoral habitat and utilise it for breeding and moulting. There are colonies in New Zealand where this is a common occurrence e.g., Mount Maunganui, Akaroa. In some cases, burrows that have been pre-dug by rabbits have been well utilised by kororā. It is also possible that the proposed site and nearby creeks/streams may be used as an access route between the sea and burrow habitat even if kororā do not actually nest on the site.
4. The combination of rising sea levels and frequent marine heatwaves are posing threat to little kororā colonies around New Zealand and Australia. Emissions from the proposed operations would contribute to the adverse effects of global warming on kororā, as well as other native species.
5. The application is incomplete in that it does not provide any certainty that the proposed activities won't cause harm to kororā that could potentially occupy and / or utilise the proposed site or the immediate vicinity of the proposed site.

Conclusion:

Our position is that the application should be declined in its entirety given potential impacts on kororā have not been evaluated nor mitigated. In the event that the application is approved, we provide the following recommendations to ensure appropriate measures are undertaken to reduce risk of harm to kororā on the West Coast and/or their habitats, and that ongoing protection is maintained.

Recommendations:

1. We recommend the current Avian Management Plan be reviewed and must take kororā presence, biology and behaviour into account. Approval should be sought by DOC, alongside experienced penguin professionals and local organisations to ensure management methodology is adequate to reduce risk of harm to kororā and their habitat.
2. Confirm presence/absence of kororā at and/or within the vicinity of the site prior to and during works via species appropriate methods, such as a comprehensive burrow searches, e.g., Conservation Dog surveys, as well as ongoing trail camera surveillance and routine monitoring of any potential kororā accessways.
3. We recommend adding a risk reduction section to the Avian Management Plan to reduce the risk of kororā entering the site, being killed and/or injured on site and appropriate actions are to be taken to ensure the utmost welfare of kororā is upheld, should they be found. This should also be approved by DOC, local organisations and consultants experienced working with kororā.
4. DOC should be notified of any injured or dead kororā found at or within the vicinity of the proposed site and any dead birds should also undergo necropsy investigation by permitted personnel, to confirm cause of death and results published.
5. We recommend pest control be undertaken routinely on-site, regardless of site occupancy by avifauna, to provide benefits to biodiversity in the area and regardless of the application outcome.

References:

West Coast Penguin Trust & Department of Conservation (2023). Locations of dead little penguin/kororā (*Eudyptula minor*) 2006-2022. Unpublished data.