

BEFORE THE PANEL CONVENER

IN THE MATTER of the Fast-track Approvals Act 2024 (**FTAA**)

AND

IN THE MATTER of an application by Tāiko Critical Minerals (TCM)] under
section 42 of the FTAA for the Barrytown Minerals Project.

APPLICATION NO. FTAA-2605-2026

**MEMORANDUM FROM THE DIRECTOR-GENERAL OF CONSERVATION
RESPONDING TO MINUTE TWO OF THE PANEL CONVENER**

28 July 2025

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Introduction

1. This memorandum has been prepared on behalf of the Director-General of Conservation (D-G) by the Department of Conservation (DOC). It responds to a minute of the Panel Convener dated 20 July 2026 in respect of the Barrytown Minerals Project (the “Minute”).
2. The Minute refers to an upcoming conference, to gather participant views, that will inform decisions of the Convener regarding:
 - a) Appointment of panel members.
 - b) The timing of the panel decision.
3. This memorandum addresses the matters identified in Schedule 1 of the Minute, as relevant to the two decisions required of the Panel Convener set out at paragraph [2] of the Minute. It also addresses each of the issues identified in paragraph [5] of the Minute.

Overview of ecological issues

4. By way of background, DOC notes that resource consent has already been granted to Tāiko Critical Minerals Limited (TCM) for the initial stages of the mining, including to undertake mineral sands mining to the north of the Project site (on the Central Block), establish and operate a Mineral Separation Plant (MSP) at Rapahoe (including transportation from Barrytown Flats to the MSP) and to establish and operate a Wet Concentrator Plant for processing on site. This Project is adjacent to the Central Block operations where DOC is involved in monitoring of compliance with the Wildlife Permit.
5. Of most concern to DOC is that the site is adjacent to the only breeding location for the At Risk tāiko / Westland petrel (with young birds particularly susceptible to disorientation from artificial lighting which leads to groundings, injury and, very often, mortality), and contains a range of wetlands which are likely to be habitat for native fauna but have not been adequately assessed.
6. DOC considers that ecological effects will be a key consideration for this application.

Response to Minute 2

Paragraph 3(a): The appointment of panel members

7. Key matters to be considered in this application are effects on absolutely protected wildlife, and on conservation matters dealt with as part of the proposed resource consents.

8. DOC considers it is appropriate that the Panel Convener appoints a panel that contains relevant ecological expertise, albeit recognising that the panel would be guided by reports and advice from DOC and others.
9. In accordance with FTAA Sch 3 cl 7, DOC suggests that the following expertise should be represented on the Panel:
 - Legal
 - Planning
 - Te ao Māori, and
 - Avifauna Ecology
 - Freshwater Ecology
10. In accordance with FTAA Sch 3 cl 3(7)(c) 'nature and scale of the application' and (e) 'collective knowledge and experience needed', the Panel Convenor may wish to consider exercising her discretion to appoint more than four panel members if that is required in order to cover the relevant areas of expertise.

Paragraph 3(b): Timing of panel appointment

11. Having regard to the scale, nature, and complexity of the approvals sought, and the likely disagreement between the parties as to the issues identified below, DOC considers that additional time will be necessary for issuing a panel decision (i.e. beyond the statutory default of 30 working days for issuing a decision set out under FTAA s 79(1)(b)).
12. DOC agrees that other matters relevant to timeframe include any significant information gaps in the application.
13. DOC recommends that the timeframe accommodate any procedural steps that may be necessary, such as additional information requests by the panel under section 67 of the FTAA, particularly in respect of the receiving site for salvaged wildlife, as noted in paragraph 15 below.
14. DOC considers that exactly what procedural steps will be necessary and appropriate will need to be determined by the panel once the key issues have crystallised but notes that it is unlikely a hearing would be required on the wildlife approval component of this Project.

Paragraph 5(a): Identify any significant gaps in information provided with the Application

15. As signalled in DOC's assessment against section 46, we consider that the following information will be necessary to inform the Panel's consideration

and decision-making. Without this information, DOC's ability to provide comprehensive advice to the Panel will be restricted. These issues are discussed in more detail in our assessment against section 46 (See **Attachment A**).

Avifauna:

- Adaptive management, offsetting and/or compensation linked to identified triggers for effects on birds.
- Management of risks to tāiko/Westland petrel.
- The potential impacts on wetland birds particularly for Marsh crake (At risk – Declining), Spotless crake (At risk, Declining) and Australasian bittern (Threatened – Nationally Critical).

Lizards

- The results of lizard surveys and an explanation of the expected effected numbers of lizards should be requested.
- Further information on sites suitable to release lizards into, and when they will become available should be requested.

Wetlands

- An assessment of the wetlands that have been identified as artificial against the regulations in the National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F) should be requested.
- Proposed Consent Conditions should also be expanded to include wetlands.
- The assessment of the ecological value of the wetlands considers only their vegetation. Further information on wetland birds, fish and other fauna should be sought.
- Calculations in the Ecological Effects Assessment or the Rehabilitation Management Plan to demonstrate that the proposed wetland reconstruction is sufficient to offset the loss of the existing wetlands is required. Demonstration that the reconstructed wetland is sufficient to offset wetland loss is required.
- The risk of activities leading to partial or complete drainage of wetlands occurring outside the Southern Block but within 100 metres of it needs to be assessed, particularly in relation to wetland hydrology.

Water Quality

- Clarification of the Proposed Resource Consent Conditions relating to water quality is required.

Public Conservation Land

- The public conservation land adjacent to the site has good accessibility and DOC considers mitigation measures to protect the public from harm should be requested from the applicant.

Paragraph 5(b): Comment on the extent of engagement by the Applicant both before and following lodgement of the Application

16. The applicant contacted DOC in May 2025 and, after an initial meeting, provided project information. On the 27th of August 2025 the applicant advised DOC that they were re-considering their authorisation strategy and placed consultation on hold. Draft documents for review were received in March 2026. Comments on the draft documents were provided to the applicant on 17 April 2026. No post lodgement consultation has taken place.

Paragraph 5(c): Describe the complexity of the Application

17. This is a moderately complex application in terms of evidence and facts, as the proposal potentially affects avifauna with high ecological values and vulnerability, and there is significant uncertainty regarding the wetland values and effects. Legally, the assessment will require the evaluation of potential effects with high potential impact, and (possibly) the application of a precautionary approach.

Paragraph 5(d): Identify the principal environmental effects and the principal issues likely to be in contention or other disputed matters relevant to the Application and the panel's decision

18. Principal issues likely to be in contention:
- Lighting effects on tāiko/Westland petrel,
 - Effects on other Threatened and At-risk avifauna, and
 - Wetland values and long-term management.

Paragraph 5(e): Propose, or record where agreed, efficient processes to enable the panel to understand, resolve or narrow/reduce the scope of any such issues and indicate how these processes may be accounted for in the decision timeframe

19. DOC confirms willingness to engage directly with the applicant and Panel as necessary to advance the progress of the application. It would be helpful for the decision timeframe to allow time for expert caucusing on ecological effects, and for workshopping on conditions.

Paragraph 5(f): State whether the drafting of proposed conditions for the approvals sought (including any draft management plan filed) is accepted

20. During the consultation process, DOC requested that the applicant incorporate conditions consistent with those for the Central Block. There are, however, a number of significant differences between the conditions proposed in this application and the conditions in place for the Central Block and processing plant. These include:
- The draft conditions do not require protection of existing nesting of Threatened and At-Risk species;
 - No ground searching for tāiko/Westland petrel is required;
 - No requirements to respond to any tāiko/Westland petrel interactions are included;
 - No requirement has been included to consult DOC in preparation of the Avian Management Plan and Penguin Management Plan;
 - No pest control is included;
 - The Avian Management Plan objective does not include protection of surrounding habitat;
 - The Annual Bird Management Report does not require reporting of tāiko/Westland petrel groundings and responses to any groundings;
 - Lighting requirements are considerably reduced when compared to the Central Block. Lighting is only to be managed as part of the Avifauna Management Plan rather than a specific Lighting Management Plan, and the references to the Australian Wildlife Guidelines only apply to design, not to development and operation;
 - The basis for setting the bond at \$300,000 has not been provided by the applicant. It appears proportionally lower than the bond for the Central Block given the much larger mining area and should cover rehabilitation in addition to mine closure.

Conclusion

21. The D-G's representatives will be happy to elaborate further on any of the above points at the conference set for 10am on 30 July 2026.
22. The D-G's representatives will attend the conference.



Ceri Warnock
Counsel for the Director-General of Conservation

ATTACHMENT A – DOC ADVICE ON COMPLETENESS