

In the matter of an application for approvals under the Fast Track
Approvals Act 2024

By **Tāiko Critical Minerals Limited**

Applicant

**Memorandum of Counsel in response to Minute 2 of the Panel Convenor
on behalf of Tāiko Critical Minerals Limited**

28 July 2026

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May it please the Panel Convenor

- 1 Tāiko Critical Minerals Limited (**TCM** or **Applicant**) seeks approvals under the Fast-Track Approvals Act 2024 (**FTAA**) to undertake mineral sands mining on the Southern Block of the Barrytown Flats (**Application, Project**).
- 2 This memorandum responds to the matters raised in Minute 2 of the Panel Convenor in relation to the Barrytown Minerals Project Convenor's Conference.

Approvals required

- 3 The Applicant is seeking all necessary approvals required for the Project under the FTAA. This includes:
 - (a) all necessary resource consents that would otherwise be applied for under the Resource Management Act 1991 (**RMA**). That is, all necessary land use consents, water permits and discharge permits as required under the West Coast Regional Land and Water Plan, Regional Air Quality Plan, Grey District Plan, Decisions Version of the proposed Te Tai o Poutini Plan and the National Environmental Standards for Freshwater (**NES-F**). Overall, resource consent is sought for the Project as a discretionary activity;
 - (b) a wildlife permit that would otherwise be applied for under the Wildlife Act 1953 (**Wildlife Act**) to capture, handle, relocate and incidentally kill native lizards, and to disturb and handle grounded seabirds and kororā; and
 - (c) an archaeological authority that would otherwise be applied for under the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**) to authorise the modification or destruction of archaeological sites, whether recorded or not, within the Project area.
- 4 The Project includes a standard freshwater fisheries activity, but is assessed as not requiring an approval or a dispensation that would otherwise be applied for under Regulations 42 or 43 of the Freshwater Fisheries Regulations in respect of a complex freshwater fisheries activity.
- 5 The number and range of approvals sought by TCM is set out in detail at section 7 of the Application.

Complexity of the Application

- 6 At this stage, TCM does not anticipate any significant legal, evidential or factual complexities arising during the Panel's consideration of the application for the following reasons:
- (a) *Scope of the Application is limited* - the Application is confined to mining activities on the Southern Block, with the associated Wet Concentrator Plant and Mineral Separation Plant already authorised through the RMA.
 - (b) *Mineral sand mining is an established activity* - mineral sands mining is not a new or novel activity on the West Coast. This mining has been occurring for several years with three projects now consented in the region via publicly notified processes under the RMA, including operations using comparable mining and processing methodologies, such as floating cutter suction dredges and dry mining. The types of approvals required under this process are the same that were required and obtained in these similar projects.
 - (c) *This is another stage of the Barrytown Minerals Project* – TCM has obtained resource consents for the Central Block. This was a publicly notified RMA process and consent was granted in the first instance by a Panel of three Independent Commissioners. It was appealed to the Environment Court by a group of residents, with the Director-General of Conservation, Royal Forest and Bird Society Incorporated, and Te Rūnanga o Ngāti Waewae all joining as Section 274 parties. Conditions of consent were agreed by all parties, and the appeal was resolved by Consent Order in October 2024. This process involved detailed testing of technical and factual matters associated with mineral sand mining on the Barrytown Flats. The technical assessments, management plans and proposed consent conditions accompanying the Application have been informed by the findings of that process and refined where appropriate to reflect the Southern Resource Block. The same issues raised in this process, have also been raised during consultation and engagement with the Application.
 - (d) *The conditions of consent are similar* and are based on conditions that have been accepted previously as appropriate by consent authorities (with input provided by mana whenua and various community and environmental interest groups) for comparable mineral sand extraction activities on the West Coast. Where variations have been proposed, they reflect the specific

characteristics of the Southern Block, the scale of the activity and site-specific environmental values. The Application has also benefited from extensive consultation with regulatory agencies, iwi, affected landowners and other stakeholders prior to lodgement. This has enabled technical and environmental concerns to be identified early and addressed through project design and proposed mitigation measures. This engagement is ongoing.

- (e) *Technical assessments of the effects of the mining activity and methodology have been subject to peer reviews and tested in public RMA hearings previously* - the application is supported by a comprehensive suite of technical assessments prepared by qualified and experienced experts across all relevant disciplines, including ecology, hydrology, noise, landscape and visual effects, archaeology, economics, coastal hazards, mine planning, radiation and planning. The majority of these experts prepared evidence and were involved in expert conferencing for the previously approved Central Block, are familiar with the Barrytown mineral sands resource, and are familiar with the receiving environment. Many of the experts have also been involved in the other sand mining proposals on the West Coast with a similar proposed mining methodology. Their assessments have previously been subject to detailed scrutiny through peer reviews, ground truthing work, and Independent Hearing Panel processes, providing confidence in both the assessment methodologies adopted and the conclusions reached.

Legal considerations

- 7 A memorandum discussing legal considerations was lodged as Appendix Q of the Application (see [here](#)). No novel issues of statutory interpretation are anticipated at this stage.
- 8 The key considerations for the Panel to be aware of were identified as:
 - (a) *Scope of listed Project* - the Southern Block is a separately approved stage of the Schedule 2 listed Barrytown Minerals Project. The Minister has determined that the Southern Block is capable of delivering significant economic, employment, export and strategic mineral benefits and is suitable for consideration as a standalone application through the fast-track regime.
 - (b) *Existing environment and previously consented activities* - the Application relies on existing consents for the Wet Concentrator Plant, Mineral Separation Plant and neighbouring Central Block as forming part of the existing environment. The Project has been

designed so that mining activities occur within the parameters set in those consents, and mining on the Central Block and Southern Block do not operate concurrently.

- (c) *River reclamation and creek diversions* - temporary creek diversions are conservatively treated as requiring consent for reclamation of the bed of a river under the NES-F, as they will be reconstructed in a more natural meandering manner (compared with the current modified straight channel). The Application addresses the statutory requirements for reclamation, and the assessments demonstrate functional need and application of the effects management hierarchy.
- (d) *Functional need* - the Panel will need to consider whether mining activities have a functional need to occur in their proposed location where there is disturbance of the modified creeks; and a functional and operational need where there is disturbance of areas assessed as natural inland wetland. The Application provides that the mineral resource, mining methodology and hydrological constraints mean the activity cannot practicably avoid all creeks (and wetlands). Previous Commissioner decisions have considered and agreed with this position under the RMA. These decisions are referenced.
- (e) *Temporary occupation of legal roads* - The Application affects three paper roads. The Project requires temporary occupation of those roads, and any permanent rehabilitation features (i.e. constructed wetlands) have been designed to avoid legal road corridors.

Potential Adverse Environmental Effects

- 9 The Application sets out actual and potential adverse environmental, social, cultural and economic effects associated with the Project. These can be (very briefly) summarised as:
 - (a) *Noise effects* - operational mining noise, proximity to neighbouring dwellings and mitigation through bunding and monitoring.
 - (b) *Dust effects* - dust generation, monitoring requirements and management during mining operations.
 - (c) *Landscape and visual effects* - changes to rural character, visual amenity, outlook from neighbouring properties and rehabilitation outcomes.
 - (d) *Lighting effects* - particularly potential impacts of any artificial light on seabirds, including Westland petrel (noting that mining activities are

only proposed to occur in daylight hours, as was agreed with the parties for the Central Block).

- (e) *Radiation effects* - monitoring and management of naturally occurring radioactive minerals associated with mineral sands mining.
- (f) *Cultural effects, Treaty and customary rights considerations* - have been carefully considered including compliance with section 7 of the FTAA and relevant Treaty settlement obligations.
- (g) *Archaeological effects* - impacts on known and unknown archaeological sites and management through an Archaeological Authority and Accidental Discovery Protocol.
- (h) *Water quality effects* - including sediment generation, turbidity, metal contamination, stormwater management, discharge effects, and rehabilitation of waterways.
- (i) *Groundwater and hydrological effects* - including maintenance of surrounding waterbody function, creek diversions, wetland hydrology and water take effects from Canoe Creek.
- (j) *Freshwater ecology and fisheries effects* - impacts on fish habitat, fish passage, fish relocation, stream and aquatic ecosystem rehabilitation.
- (k) *Wetland* - loss and reinstatement of wetlands, wetland biodiversity values, wetland classification and ecological gain from rehabilitation.
- (l) *Indigenous vegetation and biodiversity effects* - including effects on terrestrial habitats, threatened species, adjoining Significant Natural Area, indigenous biodiversity and habitat connectivity.
- (m) *Avifauna effects* - threatened and at-risk bird species, nesting behaviour and habitat use.
- (n) *Lizard effects* – habitat disturbance, lizard salvage and relocation, and monitoring.
- (o) *Pest management and biodiversity enhancement* – including broader ecological restoration related to the constructed wetland.

Issues likely to be in contention based on engagement completed

- 10 During pre-lodgement¹ and post-lodgement consultation and engagement, the following matters were raised for the Applicant's consideration, relevant to this application²:
- (a) Amenity effects (noise, dust/radiation, and visual impacts on neighbouring properties);
 - (b) Cultural and heritage effects;
 - (c) Ecological effects, particularly impacts on tāiko (Westland Petrel), kororā (Little Blue Penguin), nesting birds, lizards and wetlands (including extent of wetlands);
 - (d) Water quality - conditions on clarity and width of riparian planting.
- 11 The engagement process led to a number of refinements to the proposed conditions, management plans and project design, particularly in relation to lighting controls, ecological management, water monitoring, fish passage, wetland design, and noise and visual mitigation measures (such as bunding).

Engagement on proposed consent conditions

- 12 The proposed consent conditions included in the Application are based on the set of conditions granted by a Consent Order of the Environment Court for the neighbouring Central Block.
- 13 For the Application, changes to the consent conditions were made to reflect:
- (a) that the activity applies only to the mining component;
 - (b) the unique characteristics of the Southern Block;
 - (c) the different mining technique in the use of the floating dredge as opposed to dry mining on the Central Block; and
 - (d) key issues raised by stakeholders during consultation.
- 14 The draft resource conditions were provided to Te Rūnanga o Ngāi Tahu, Te Rūnanga o Ngāti Waewae, Grey District and West Coast Regional Councils, and Department of Conservation (**DOC**) for comments. Draft

¹ Refer to Appendix F of the Application (see [here](#).)

² Noting that the community has been engaging on other aspects of the Barrytown Minerals Project which are not included in this Application.

Wildlife Act Authority conditions were provided to DOC. Draft archaeological approval conditions were provided to Heritage New Zealand Pouhere Taonga, Māori Heritage Council and Te Rūnanga o Ngāti Waewae. Feedback has been incorporated where appropriate.

- 15 Additional engagement occurred with Te Rūnanga o Ngāti Waewae, Grey District and West Coast Regional Councils after receiving feedback on conditions, and the Applicant understands these parties are comfortable with the consent conditions proposed with the Application.
- 16 There are eight management plans³ and a Landscape Mitigation Package filed with the application. Many of these management plans were provided in draft to relevant parties for comment prior to lodging the Application. For example, DOC was provided with draft versions of Wildlife Act authorisation application, Ecological Assessment, Avian Management Plan, Native Freshwater Fish Capture and Relocation Plan, Lizard Management Plan and Rehabilitation Management Plan. Useful comments were received and feedback incorporated where appropriate in the management plans lodged with the Application.
- 17 Despite this early engagement, TCM anticipates that there will remain a limited number of contentious conditions and matters for the management plans (and that these will likely relate to the key issues identified above). TCM accepts it could be beneficial to allocate time for planning conferencing on conditions after comments have been received.

Panel membership

- 18 Recent RMA hearings on mineral sand mining applications on the West Coast have been heard by three-member panels with a mix of the following skills:
 - (a) All hearings were chaired by an Environmental Barrister;
 - (b) All hearings contained a representative with te ao Māori and Māori development understanding. On all three panels this representative also had planning expertise;

³ Appendix M1 – Noise Management Plan; Appendix M2 – Avian Management Plan; Appendix M3 – Lizard Management Plan; Appendix M4 Native Freshwater Fish Capture and Relocation Plan; Appendix M5 – Dust Management Plan; Appendix M6 – Rehabilitation Management Plan; Appendix M7 – Water Management, Monitoring and Effects Management Plan; Appendix M8 – Erosion and Sediment Control Plan; Appendix M9 – Landscape Mitigation Package.

- (c) The third panel representative had either hydrology expertise or was a person who understood the local mining industry (and methodologies proposed).
- 19 TCM considers that these three-member panels were successful and a similar make-up would be appropriate for the Application.
- 20 The panels above were arranged via the consent authorities in consultation with mana whenua. TCM will support recommendations made on behalf of Te Rūnanga o Ngāti Waewae, West Coast Regional Council and Grey District Council.

Procedural requirements

- 21 For the reasons set out above, TCM considers the statutory timeframe (30 working days) for the Panel decision is appropriate. TCM is also willing to consider an extended timeframe if it is considered necessary during the conference.
- 22 TCM is willing to engage directly with the Panel and key stakeholders as necessary to advance progress of the Application in an efficient manner. TCM is committed to continued engagement with stakeholders informally throughout the process.
- 23 At this stage, TCM considers the issues raised by the Application are manageable through technical responses to comments.
- 24 Depending on the issues raised, specific mediation may assist in narrowing or resolving differences. This is likely to be most beneficial following receipt of comments.

Site visit

- 25 TCM considers an early site visit would be valuable to assist the Panel in understanding the physical characteristics, scale and context of the site and the proposed mining areas.
- 26 An invitation to visit the site has been extended, and remains extended to, other parties – such as DOC. TCM would be pleased to facilitate these site visits should it be considered of assistance.



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