

Department of Conservation advice for EPA compliance assessment

Overview

Project name	Barrytown Mineral Sands Project
Project applicant	Tāiko Critical Minerals Limited (TCM)
EPA unique ref. no	FTAA 2605-1238
EPA Request Number	CRM 0139015762
Conservation approvals sought	Wildlife Approval
EPA request overview	To inform the EPA's completeness assessment of the application, could you please advise whether in your view, the documentation provided by the applicant regarding the wildlife approval meets the requirements of sections 42 and 43 of the Act, and has been provided in sufficient detail to satisfy the purpose for which it is required, in accordance with section 44 of the Act. In your response, please include whether any relevant matters listed in clause 2 of Schedule 7 (information required in application for wildlife approval) have not been addressed or have not been provided in sufficient detail
Date request received	10 June 2026
Date due to EPA	17 June 2026

The purpose of this document is to provide advice to assist the EPA in making its decision whether the application lodged by Tāiko Critical Minerals Limited on 10 June 2026 complies with the requirements of section 46(2) of the Act.

The advice covers compliance with the following:

- Information requirements for relevant approvals
- Notification requirements

The advice also includes further observations of relevance to further processing of the application, for example where further information could be needed for a decision by the Panel.

DOC understands that this document will be passed on to the applicant, the Panel Convener and the Panel.

Compliance with information requirements

Approvals are sought for:

- Activities relating to lizards including capture, handling, relocation and liberation and incidental killing (of individuals unable to be salvaged).
- Activities relating to birds including disturbance (including applying deterrents and managing nests) and handling (including of grounded seabirds and kororā accidentally discovered).

Our detailed assessment of the information requirements for the relevant approval is provided in the attached table. **In summary, DOC's advice is that the application does not fully meet the requirements of sections 42, 43, and 44 of the Act.**

Notification

Section 29(1)(a) of the Act requires that, before lodging a substantive application for a **listed project**, the authorised person for the project must notify the persons and groups referred to in section 11(b), including relevant administering agencies.

DOC is an administering agency for this application and provides the following comments in relation to the pre-lodgement notification:

- 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.

Further observations

DOC makes the following observations which are relevant to the broader application:

Wetlands

- The Ecological Effects Assessment incorrectly classifies most of the wetlands on the site as artificial wetlands and therefore considers them not subject to the regulations in the National Policy Statement for Freshwater Management (NPS-FM) and National Environmental Standards for Freshwater (NES-F)). The area of wetland habitats is also not referred to in the Proposed Consent Conditions.
- The assessment of the ecological value of the wetlands considers only their vegetation. There is no mention of birds, fish or other fauna.
- There was no monitoring for birds in wetland, stream or drain habitat, or any attempt at 'playback' calls for crake or bittern.
- There are no 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. Given that the true area of wetlands is higher than presented (due to misclassification of most wetlands as

artificial), it is important to demonstrate that the reconstructed wetland is sufficient to offset wetland loss.

- The AEE states that wetlands occurring outside the Southern Block but within 100 metres of it were not considered due to lack of access. However, NES-F Sections 52-54 still apply if activities within the Southern Block may lead to partial or complete drainage of wetlands within 100 metres. The risk of this occurring needs to be assessed, particularly in relation to wetland hydrology.

Water Quality

- In the Proposed Resource Consent Conditions, Section 22 Water Management Plan includes: *b. The quality of water discharged to receiving waters will not cause adverse impacts on creek ecology or visual clarity. c. Potential adverse water quality (including ecological) impacts associated with discharge of naturally present toxic metals and phosphorus in downgradient surface waters are avoided where practicable, or minimised.* Subsection b seems appropriate. Subsection c is less stringent and therefore potentially contradicts subsection b in cases where avoiding discharge of toxic metals or phosphorus is considered “not practicable.”
- Section 28.2b specifies that riparian planting along Granite Creek will be 5 metres wide, but along other streams will be 3 metres wide. The reason that different widths are proposed for different streams has not been provided.

Public Conservation Land

- The application site is bounded by public conservation land with good accessibility and DOC considers mitigation measures to protect the public from harm should be considered by the applicant.

The Project site is adjacent to the following public conservation areas:

- Langridge Scenic Reserve
- Canoe Creek Conservation Area
- Marginal Strip – Canoe Creek
- Marginal Strip – Tasman Sea, Barrytown

The Project site is close to:

- Barrytown Flat Conservation Area
- Paparoa Range South Conservation Area
- Punakaiki Scenic Reserve

Conditions

- Resource consent has already been granted to 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 at Rapahoe

(including transportation from Barrytown Flats to the MSP) and to establish and operate a Wet Concentrator Plant for processing on site. The Project is adjacent to the Central Block operations that DOC is involved in monitoring of compliance with resource conditions for.

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 Westland petrel is required;
- No requirements to respond to any 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 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.

Typographical issues

- Appendix L12, Section 9.2 (p.12), last paragraph, states 'Department of Corrections' instead of 'Department of Conservation'.
- Appendix M3 LMP, Section 1.2 (p.2) has text missing at the beginning of paragraph 3.
- Appendix M3 LMP, Section 2.11 (p.14) has text missing at the beginning of the bulleted list under paragraph 3.

Further information

DOC considers 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.

- Adaptive management, offsetting and/or compensation linked to identified triggers for effects on birds.
- Conditions relating to potential effects of lighting on bats.
- The potential impacts on wetland birds.
- Avifauna: The assessment does not comment on the likely number of birds that may be affected, despite three bird surveys having been completed to date (July and October 2024, and February 2025). Monitoring specifically targeted at wetland bird species should also have been undertaken, particularly for marsh crake, spotless crake and Australasian bittern. Although wetland birds are listed in Appendix B to the AEE (L 4) and they may be present, including on an intermittent basis if individuals move between wetland sites, these species are not listed in the Wildlife Act Authorisation Report (L12). The likely number of birds, including wetland birds, that are expected to be affected, and the information that this is based on should be requested.
- Lizard surveys: The report states that a lizard survey of potential habitat will be undertaken before any vegetation clearance. However, it does not include the results of any surveys completed to date or explain why expected numbers of lizards potentially affected could not be provided. The results of surveys and an explanation of the expected numbers of lizards should be requested.
- Lizard release sites: The application indicates that lizards will be released in rehabilitated sites. But, if any lizards are found in the first area mined, there will not be any rehabilitated sites in the Project Site available. It would take several years for the release sites to be recontoured, rehabilitated, and planted. Further information on sites suitable to release lizards into, and when they will become suitable should be requested.

Applications for wildlife approvals

Clause 2 of Schedule 7 outlines the information required in an application for a wildlife approval.

Relevant section	Is the information present?	Application document reference	Is the information provided in sufficient detail?	Comments
Schedule 7 clause 2(1) - For the purposes of section 43(3)(h), an application for a wildlife approval must include the following information:				
(a) specify the purpose of the proposed activity:	Y	Appendix L12 section 3.0	Y	
(b) identify the actions the applicant wishes to carry out involving protected wildlife and where they will be carried out (whether on or off public conservation land):	Y	Appendix L12 Section 4	Y	
(c) include an assessment of the activity and its impacts against the purpose of the Wildlife Act 1953:	Y	Appendix L12 Section 5.0	Y	
(d) list protected wildlife species known or predicted to be in the area and, where possible, the numbers of wildlife present and numbers likely to be impacted:	Y	Appendix L12 Section 6.0	N	The assessment does not comment on the likely number of birds that may be affected, despite three bird surveys having been completed to date (July and October 2024, and February 2025). Monitoring specifically targeted at wetland bird species should also have been undertaken, particularly for marsh crake, spotless crake and Australasian bittern. Although wetland birds are listed in Appendix B to the AEE (L 4) and they may be present, including on an intermittent basis if individuals move

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				between wetland sites, these species are not listed in the Wildlife Act Authorisation Report (L12). The report does not include the results of any surveys completed to date or explain why expected numbers of lizards potentially affected could not be provided.
(e) outline impacts on threatened, data deficient, and at-risk wildlife species (as defined in the New Zealand Threat Classification System):	Y	Appendix L12 Section 7.0	N	Section 7.0 discusses this in very broad terms only (e.g. “only a small number of species of conservation concern are likely”) – there is no baseline against which to assess the effects of the project, and little detail about impacts on specific species.
(f) state how the methods proposed to be used to conduct the actions specified under paragraph (b) will ensure that best practice standards are met:	Y	Appendix L12 Section 8.0	Y	
(g) describe the methods to be used to safely, efficiently, and humanely catch, hold, or kill the animals and identify relevant animal ethics processes:	Y	Appendix L12 Section 9.0	Y	
(h) state the location or locations in which the activity will be carried out, including a map (and GPS co-ordinates if available):	Y	Appendix L12 Section 10.0	N	The application does not include specific information about release sites for salvaged lizards and leaves this to be determined later at the applicant's

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(i) state whether authorisation is sought to temporarily hold or relocate wildlife:	Y	Appendix L12 Section 11.0	Y	discretion – without this information, the effects cannot be determined.
(j) list all actual and potential wildlife effects (adverse or positive) of the proposed activity, including effects on the target species, other indigenous species, and the ecosystems at the site:	Y	Appendix 12 Section 12.0	N	Section 12.0 discusses very briefly and generally potential effects but does not provide sufficient detail to understand the scale or impact, and does not discuss ecosystems or broader effects on indigenous species.
(k) where adverse effects are identified, state what methods will be used to avoid and minimise those effects, and any offsetting or compensation proposed to address unmitigated adverse effects (including steps taken before the project begins, such as surveying, salvaging, and relocating protected wildlife):	Y	Appendix 12 Section 13.0	Y	
(l) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has been convicted of any offence under the Wildlife Act 1953:	Y	Appendix L12 Section 14	Y	
(m) state whether the applicant or any company director, trustee, partner, or anyone else involved with the application has any current criminal charges under the Wildlife Act 1953 pending before a court:	Y	Appendix L12 Section 14	Y	

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(n) provide proof and details of all consultation, including with hapū or iwi, on the application specific to wildlife impacts:	Y	Appendix L12 Section 15	Y		
(o) provide any additional written expert views, advice, or opinions the applicant has obtained concerning their proposal.	Y	Appendix L12 Section 18.0	Y		