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## **MINUTE 3 OF THE PANEL CONVENER**

### **Post-conference decisions on panel appointment and decision timeframe**

#### **Barrytown Minerals Project [FTAA-2605-1238]**

**10 August 2026**

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#### **Purpose of minute**

- [1] On 30 July 2026 I held a convener conference in respect of this application. The conference was attended by the Applicant (Taiko Critical Minerals Limited), the local authorities (West Coast Regional Council (WCRC), and Grey District Council (GDC)), the Department of Conservation (DOC) and Heritage New Zealand Pouhere Taonga (HNZ) as administering agencies in respect of several approvals.
- [2] In advance of the conference, I received written memoranda from the Applicant, DOC and HNZ but not the local authorities. For the avoidance of doubt, all relevant iwi authorities and Treaty settlement entities were invited to the conference (see Minute 2).
- [3] As summarised in the Applicant's conference memorandum, the application involves a further stage (Southern Block) of an existing mineral sands mining activity on the Barrytown Flats, north of Greymouth. A range of consents have previously been obtained by the Applicant through standard RMA approval processes for the Central Block and associated processing activities. The existing consents were the subject of an Environment Court appeal that was ultimately resolved by consent order in late 2024.

[4] The purpose of this minute is to:

- a. Briefly summarise the views expressed by conference participants on the matters of panel composition; and
- b. The timeframe required for the expert panel to deliver its decision; and
- c. Confirm my decisions on those two matters.

### **Participant views**

[5] Turning firstly to the issue of decision timeframe, the Applicant's memorandum indicates that the statutory starting point of 30 working days following receipt of comments is appropriate for determination of this application. The detailed reasons for this view are set out in the memorandum but can be summarised as follows:

- a. As the second stage of an existing project the technical issues are well understood by the councils and their experts and the consent conditions need minimal work, having already been tested by independent hearing commissioners and the Environment Court;
- b. There has been good engagement with the councils and mana whenua, but not with DoC or HNZ (which the Applicant is keen to remedy);
- c. Any legal issues (including the need for integration with existing consents, and the application of a precautionary approach to some issues) have been identified and discussed in a legal memorandum filed with the substantive application documents;
- d. The Applicant appears to be aligned with DoC on the effects issues that will require particular attention, notably the impact of the project on tāiko (West Coast petrel) breeding areas (an issue that did not arise in

the earlier consent applications, according to DoC) and wetlands (including an issue as to their extent). Other issues as to amenity effects, cultural and heritage effects and water quality are capable of being managed by consent conditions and management plans.

[6] WCRC's view was largely aligned with that of the Applicant. The Regional Council is familiar and comfortable with the activity and while there may be some changes proposed to conditions, there is nothing considered to be materially outstanding. The application was described as being of moderate complexity, but the Regional Council did not offer a view on appropriate timeframe.

[7] GDC confirmed that the Applicant has undertaken active engagement with the councils, mana whenua and the local community. The application is comprehensive and the conditions are well advanced.

[8] Other conference participants expressed the following views in relation to matters that may influence decision timeframe:

- a. DoC itemised at paragraph 15 of its conference memorandum a range of matters on which further information is required to enable it to properly and comprehensively advise the panel by way of its section 51 report. These include management of effects on avifauna, further detail on lizards (survey results and proposed release sites), a range of assessment matters for wetlands including rehabilitation post-completion of mining activity and the risk of activities leading to partial or complete drainage, water quality conditions and the management of access to adjacent public conservation land. DoC has had limited engagement with the Applicant and is keen to discuss these issues. It would also welcome a briefing to understand how the proposed conditions work, including their integration with existing consent conditions;

- b. HNZ expressed no particular concerns but noted a couple of matters that had not been addressed in the application. It will discuss these directly with the Applicant soon and sees no complexity that would influence timeframe.

[9] In relation to panel composition:

- a. The Applicant recommended a 3 person panel of a similar composition to the independent hearings panel appointed by the councils for the earlier resource consents, namely a legally qualified chair and two members with planning, hydrology or local mining expertise, with one or both of those also having a good understanding of te ao Māori and Māori development;
- b. The councils expressed no specific views on panel composition, other than in relation to their intention to nominate the environmental barrister who has chaired earlier consent hearings;
- c. DoC was keen to see the appointment of a panel member with ecology expertise, though acknowledged that the panel was able to obtain ecology advice from specialist technical advisers if necessary.

[10] I record my thanks to all conference participants for their attendance and thoughtful participation.

## **Decisions**

[11] I am appointing the following persons to the Expert Panel to determine the substantive application lodged for the Waikanae Land Development Project:

- a) John Maassen (chair) – joint nominee from WCRC, GDC and Te Rūnunga o Ngāti Waewae;
- b) Sharon Dines;

c) Cameron Lines.

[12] I am satisfied that, collectively, the Expert Panel will hold appropriate expertise and experience in relation to decision-making, law, planning & policy, cultural effects, mining, and ecology (including offsetting) matters as well as district and regional consent conditions. The Expert Panel will be free to commission further technical specialists to support their decision-making process once they have commenced work.

[13] On the matter of timeframe, I do not agree with the Applicant that 30 working days post-receipt of comments will be sufficient, given that at least 15 of those days will be taken up with notification of and receipt of comments on the draft conditions prior to release of the final decision. While it appears that there is a high level of confidence that outstanding matters can be resolved, and that many issues can be answered by conditions that have been in use for some time as a result of previously consented stages of the mining project, the Southern Block does raise some new issues. The Applicant has also acknowledged that it has had little engagement with DoC, and there is some work to do to clarify for all participants the relationship between this and earlier stages and how the conditions overlap.

[14] While DoC has identified a need for further information, I do not consider it necessary to issue directions to require the provision of that information before panel appointment. However, I do encourage the Applicant to meet with DoC as soon as possible to resolve those matters so that DoC can progress its section 51 report.

[15] The date on which the Expert Panel is appointed is **10 August 2026**, and it will commence work on **17 August 2026**.

[16] After careful consideration of the matters raised at the conference, I consider that a timeframe of **50 working days** following the receipt of invited comments is appropriate. The Expert Panel decision will therefore be due on

**8 December 2026**, subject to the application being suspended for any of the reasons outlined in section 60 of the Act, and to comments on the application being invited on 31 August 2026.

[17] I note that if the application is suspended for more than a week, the decision due date would slip into January 2027, which would be problematic for all participants given the holiday period. For that reason, if suspension is required, I encourage the Applicant to confer with the other participants as to the length of that suspension, to ensure that they will be in a position to provide commentary on conditions when asked to do so.

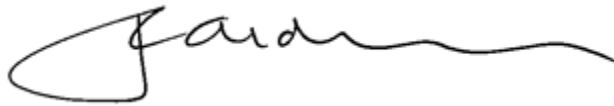
[18] In setting this timeframe I have had regard to the following relevant matters:

- a. The issues in contention appear to be well understood and narrowed as a result of engagement undertaken by the Applicant with the Councils and Ngāti Waewae. Engagement is continuing, and the Applicant is taking active steps now to engage with DoC and HNZ, which did not occur prior to lodgement;
- b. There is some work to do on conditions, particularly those that are unique to this stage of the mining operation and that will be required to address DoC concerns in relation to avifauna and wetland management;
- c. I have allowed time for expert conferencing on limited issues if necessary, and for section 67 further information requests to be issued by the Expert Panel, and for the Councils and DoC to assess any information provided in response to those requests by the Applicant. The Applicant has indicated that the information sought by DoC is either available (within the application package) or can be provided relatively quickly. I encourage the Applicant to use the next couple of weeks prior to invitations to comment being issued to provide clarity to all participants regarding the location of information, and the interrelationship between the existing consents (and their conditions)

and the approvals now sought.

[19] I recommend that the Applicant make early arrangements for the Expert Panel to undertake a site visit as soon as possible.

[20] In terms of next steps, the participants will be contacted by the Expert Panel upon their commencement.

A handwritten signature in black ink, appearing to read 'J. Caldwell', with a large loop at the start and a wavy line extending to the right.

Jennifer Caldwell

Associate Panel Convener for the purpose of the Fast-track Approvals Act 2024