Fast-track Approvals Act 2024

MINUTE 4 OF THE EXPERT PANEL
Draft conditions and draft decision
Barrytown Minerals Project [FTAA-2605-1238]

5 November 2026

[1] The purpose of this Minute is to inform parties of the Panel's draft decision and draft conditions and to direct the Environmental Protection Authority (EPA) to invite:

a) Comments on the draft conditions of consent from specified parties under section 70 of the Fast-track Approvals Act 2024 (the Act); and

b) Comments on the draft decision and draft conditions from specified Ministers under section 72 of the Act.

[2] The Panel's draft decision and draft conditions can be viewed on the fast-track website here: https://www.fasttrack.govt.nz/projects/barrytown-minerals-project/draft-decision-and-conditions.

[3] Some text on orientation to the draft decisions, matters of focus going forward and housekeeping are at the end of this Minute.

Section 70 of the Act

[4] In accordance with section 70 of the Act, the Panel directs the EPA to invite comments on the draft conditions from the Applicant, everyone who provided comments under section 53, and all relevant local authorities or statutory bodies.

[5] Section 70(2)(a) requires the Panel to set the date by which comments on the draft conditions must be received. The Panel therefore directs that comments on the draft conditions must be received by **16 November 2026.**

[6] As detailed in s 70(4) of the Act, if the Applicant wishes to respond to the comments on the draft conditions, it must do so no later than 5 working days after the date on which comments close. Any response from the Applicant is therefore due by **23 November 2026**.

Section 72 of the Act

[7] In accordance with section 72 of the Act, the Panel directs the EPA to invite comments from the Minister for Māori Crown Relations: Te Arawhiti and the Minister for Māori Development on the draft decision, including any draft conditions.

[8] Section 72(2) requires that the Ministers be allowed 10 working days to comment on the draft decision, including any assessments made by the Panel in relation to relevant Treaty settlements and any draft conditions related to that assessment. Comments from the Ministers are therefore due on **19 November 2026**.

[9] Comments under both section 70 and section 72 can be filed via email to: Substantive@fasttrack.govt.nz.

Orientation to draft decision and some matters of focus going forward

[10] In Part J, the Panel gives a detailed inventory of the changes it made to the Applicant's proposed reply conditions, presented in tables, along with the Panel's rationale. At this stage, the focus is largely on conditions, and Part J is detailed to help the parties understand where the Panel has reached on the Applicant's reply and to comment on matters of substantive concern reflected in the new conditions. The Part J tables focus on the key changes relating to indigenous biodiversity, hydrology, rehabilitation, and radiation.

[11] For the resource management conditions, the Panel has reformatted the Applicant's proposed conditions prior to amendment and added internal hyperlinks to improve cross-referencing. The final conditions will include similar hyperlinking, improving navigability for consent authorities.

[12] To assist parties, the Panel have included track changes of the resource consent, and wildlife approval conditions provided by the Applicant and replies to comments. Where these conflict with the clean versions, the clean versions prevail.

[13] Any requested amendments to the conditions should be made as tracked changes to the clean Word versions of the conditions provided by the Panel. Please also reference the conditions' tables and condition numbers (from the clean version of the conditions), when making comments that reference specific conditions.

[14] The Panel has made significant refinements and additions to the radiation conditions, which are also addressed separately in the conditions' tables. On the evidence, the Panel has done its best to provide a conditions framework that reflects the Applicant's intention and secures outcomes, management, and reporting that ensure appropriate environmental outcomes, support Naturally Occurring Radioactive Material (NORM) guidelines, and secure operations within

the scope of the application. It is foreseeable that these conditions may require further refinement or adjustment. The Panel would be particularly interested to hear from the Office of Radiation Safety on whether the conditions framework is what it had in mind when it commented on ensuring the NORM Guideline was met. It may be desirable to hold a short conditions session with radiation experts, and the Panel is open to considering requests for that from any party, provided the request is satisfactorily justified.

[15] On wetland preservation during mining, the Panel have adopted the Department of Conservation's (DOC) recommended approach, which will exclude Section 1 for the reasons given by Dr Bramley. DOC and the applicant should confer on populating Schedule 4 and preparing the appropriate plan.

[16] In the Word version of the conditions, there are also occasional comments indicating further information requirements to complete the conditions.

[17] While the evidence addressed and relied on management plans and their implementation, in some cases with a view that the Panel will determine their content, the Panel has stopped short of doing so because of the structure of the conditions and the Councils' function of performing certification. However, the Panel was generally impressed with the quality of the management plans and have arranged the conditions so that, broadly speaking, their content governs future management planning, including by ensuring, by condition, that no lesser standards are applied to the goals and methods proposed in the drafts. The Panel acknowledges the detailed evidence from DOC under ss 51 and 53 of the Act on indigenous biodiversity and DOC's desire to review plans such as the revised lizard management plans. The release of the draft decision enables that process, and the Panel is content to consider any responses from DOC to those new documents.

[18] Two other issues are the following:

(a) The Panel is aware that a typical mining response to challenging economic conditions is to place a mine site into "care and maintenance", where a site remains idle, but with sufficient operations being undertaken to allow a swift resumption of mining. Is the condition suite sufficiently flexible to accommodate this outcome, or do specific provisions need to be made in the condition set to address this?

(b) If the Central Block is mined first, is a 5-year lapse date for the Southern Block appropriate, and if not, what is the alternative?

[19] The process of assessing the application and comments and evaluating them across a broad range of disciplines has been extensive and complex, as reflected in the Panel's decision. Given the time available to issue a draft decision, errors and omissions are likely, including cross-referencing errors. The Panel would appreciate any assistance with these matters from the parties invited to comment.

[20] Ngā mihi maioha | As always, thank you for your assistance.



John Maassen
Barrytown Minerals Project Expert Panel Chair