

NZCA comment on the Barrytown Minerals Project by Tāiko Critical Minerals

Please include all the contact details listed below with your comments and indicate whether you can receive further communications from us by email.

1. Contact Details			
Please ensure that you have authority to comment on the application on behalf of those named on this form.			
Organisation name (if relevant)	New Zealand Conservation Authority		
First name	Huia		
Last name	Forbes		
Postal address	[REDACTED]		
Home phone / Mobile phone		Work phone	[REDACTED]
Email (a valid email address enables us to communicate efficiently with you)	[REDACTED]		

2. We will email you draft conditions of consent for your comment			
☒	I can receive emails and my email address is correct	☐	I cannot receive emails and my postal address is correct

Thank you for your comments

New Zealand Conservation Authority – Comments under the Fast-track Approvals Act 2024

Barrytown Minerals Project – West Coast

1. Introduction

The New Zealand Conservation Authority (NZCA) acknowledges and appreciates the opportunity given by the Expert Consenting Panel (Panel) to comment on the Barrytown Minerals Project by Tāiko Critical Minerals. The NZCA offers these comments in line with its statutory role as an independent body established under the Conservation Act 1987. The NZCA's responsibilities include advising on matters of national conservation importance, overseeing the development and implementation of conservation strategies and plans, and ensuring the management of natural and cultural resources gives effect to the Treaty of Waitangi.

These comments are based on the application, and material required under section 18 of the Fast-track Approvals Act 2024 (FTAA), which identifies relevant iwi authorities, Treaty settlement entities, and MACA applicants, as well as the Crown's statutory obligations in relation to existing Treaty settlements and customary rights.

The NZCA's views also take into account the Director-General of Conservation's technical advice, prepared under sections 51 of the FTAA, particularly relating to wildlife.

The NZCA offers a national conservation perspective to help the Panel ensure assessment of the application includes protection of the environment, relevant statutes, and mana whenua rights. Project proposals, submitted under the FTAA, must adequately reflect legislated responsibilities to the environment and the Treaty of Waitangi.

2. Application Summary

Tāiko Critical Minerals have applied to sand mine approximately 700 hectares between Fagan Creak and Maher Swamp, and between the coast and State Highway 6 at Barrytown Flats.

The Minister for Infrastructure has determined, pursuant to section 37A, that Tāiko can lodge a substantive application for a specified stage of the project, being the Southern Block Barrytown Flats.

The site is primarily agricultural production land, much of which was dredged during the 1930's and 1940's. Existing creeks have been highly modified and diverted to drains. There is currently a natural wetland that would be drained..

The application identifies approximately 42 hectares of existing wetlands across the Southern Block, including approximately 36 hectares within the mining disturbance area. These include wetlands associated with historic drainage and dredging. The Department of Conservation's (the Department) pre-lodgement advice questions the classification of some of these wetlands and considers that induced wetlands should be recognised as natural inland wetlands.

The proposal would replace affected wetlands with at least 50 hectares of progressively constructed wetland, which would be rehabilitated progressively as extraction activities are completed. While this offers potential ecological benefits, the extent of those benefits depends on successful establishment, ecological functioning and long-term protection.

Tāiko intends to undertake sustainable environmental practices and commissioned an initial Sustainability Report, followed by a comprehensive Environment, Sustainability and Governance Policy (ESG), to comply with the listing rules on a public exchange. Tāiko will voluntarily report emissions and energy consumption performance of its operations (which is its current standard practice).

Mining will disturb up to 16 ha at any time through vegetation clearance, topsoil stripping, excavation, active mining, tailings and overburden placement, bund construction and progressive rehabilitation.

3. Relevance to NZCA Functions

The proposal engages the Conservation Act 1987, particularly section 4, which requires that all conservation decisions give effect to the principles of the Treaty of Waitangi.

In this submission NZCA wishes to raise a number of specific concerns in relation to:

- The impacts of the proposed activities on protected and wildlife and native fauna

These matters fall within the NZCA's statutory functions to:

- Provide oversight of conservation and wildlife management
- Ensure consistency with the Departments' statutory responsibilities and best practice standards
- Uphold Treaty principles in conservation-related decision-making; and
- Advise on matters of national conservation importance, including protecting taonga species and the integrity of coastal and marine and freshwater ecosystems.

4. Assessment Against the Conservation Management Framework

The NZCA has evaluated this proposal against its statutory conservation oversight role, including under the following legislation:

- Conservation Act 1987
- Wildlife Act 1953
- National Parks Act 1980
- Reserves Act 1977
- Marine Reserves Act 1971
- Resource Management Act 1991 (and relevant national direction)

The proposal is also assessed against:

- General Policy for Conservation (2005)
- General Policy for National Parks (2005)
- Relevant regional Conservation Management Strategies (CMSs) or Plans
- Current Department of Conservation (DOC) operational standards and guidelines.

5. Comments

Consideration of wildlife and native vegetation

Tāiko has applied for capture, handling, relocation and liberation and incidental killing of lizards. They have also applied for handling of petrels and kororā, and disturbance and incidental killing of other birds present under the Wildlife Act 1953.

The application includes a range of mitigation measures, however further recommendations are made in Dr Elizabeths Parlato's assessment and the Department's Section 51 Report. The application should only be approved if these recommendations are adopted.

The NZCA considers that an increase in wetland area alone does not demonstrate an ecological gain. Before approval, the Panel should be satisfied that wetland extent and classification have been adequately resolved and that the effects of wetland loss, including the period before replacement habitat becomes functional, have been assessed.

Additional impacts

The potential impacts of the operation would be in terms of noise, dust and potential recreation use of the beach aligning the site. It is noted in the application that the site will be mined incrementally over 15 years.

A report by Marshall Day Acoustics has recommended that noise is limited to ensure appropriate protection of residential amenity in accordance with New Zealand standards, international guidance, the Grey District Plan and the Te Tai o Poutini Plan.

A dust management plan has been prepared to manage, mitigate, and monitor dust emissions during construction and mining. To ensure that dust generating activities on site comply with the requirements of the West Coast Regional Council's Air Quality Plan.

Monitoring

The mitigation of adverse conservation effects are outlined in the application. These include rehabilitation of the site post mining, relocating lizards and ensuring the operation is sustainable.

If the application is approved, a robust monitoring and compliance process needs to be put in place as a condition of the application approval. This needs to include who is responsible for the monitoring, frequency, mitigations and consequences if the above intentions are not enacted.

6. Treaty Responsibilities under Section 4 of the Conservation Act

Section 4 of the Conservation Act 1987 requires that the Act (and all Acts referred to in Schedule 1 including the Reserves Act and Wildlife Act) be interpreted and administered to give effect to the principles of the Treaty of Waitangi. This principle is integral across all aspects of conservation governance.

The NZCA assesses whether the project:

- Recognises mana whenua and their enduring relationship to the affected area
- Demonstrates alignment with Treaty settlement instruments, including statutory acknowledgements
- Involves early, genuine, and culturally grounded engagement with iwi and hapū
- Protects and upholds Māori customary rights and decision-making roles.

Comment

Tāiko (and its predecessors) have actively engaged with Te Rūnanga o Ngāti Waewae (Ngāti Waewae), since 24 April 2020. Tāiko has actively addressed concerns raised by Ngāti Waewae throughout the development of the Barrytown Critical Minerals Project, and the company values and respects its relationship with mana whenua.

The company has committed to a partnership with Ngāti Waewae and the community to provide funding to improve biodiversity outcomes through predator control and other conservation activities, as well as improving understanding of the Westland Petrel / tāiko through further research, with 7 Barrytown Minerals Project – Southern Block - Substantive Application Mātauranga Māori central to this work.

The partnership will include engagement with the Department, Westland Petrel / tāiko conservation groups, academic institutions, the community and local government. Other opportunities for collaboration to improve biodiversity will continue to be explored.

A letter of support from Ngāti Waewae is included in the application.

7. NZCA Position and Recommendations to the Expert Panel

The NZCA is not opposed to this application, provided the recommendations of the Department and Dr Elizabeth Parlato are adopted, the information gaps they identify are adequately addressed, and enforceable monitoring, mitigation and rehabilitation requirements are secured through the conditions of approval.

Although the site is predominantly farmland and has been modified by historic dredging and drainage, it retains wetland and other habitat values for indigenous wildlife. Its modified condition does not remove the need to assess and manage effects on native lizards, birds and freshwater ecosystems. The NZCA supports the recommendation that existing wetland habitat should be retained until at least an equivalent area of constructed wetland is functioning.

The application proposes measures to mitigate effects on wildlife. However, the Department's report and Dr Parlato's assessment identifies uncertainties and shortcomings in the proposed management measures. The NZCA supports their recommendations for stronger protection of nesting birds, management of lighting effects on tāiko, and an effective lizard survey, salvage and relocation measures. The final management plans should be informed by adequate baseline information and reviewed in consultation with the Department before relevant works commence.

The NZCA acknowledges Te Rūnanga o Ngāti Waewae's support for the proposal and the opportunities for collaborative conservation initiatives. Ongoing engagement with mana whenua should inform appropriate consideration of cultural values, taonga species and freshwater ecosystems throughout the project, including rehabilitation.

The NZCA's conditional non-opposition recognises the proposal's potential benefits while depending on demonstrated and enforceable protection of ecological and cultural values. These outcomes should be secured through clear approval conditions, rather than relying solely on statements of intent or future management plans.