

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

By **Tāiko Critical Minerals**

Applicant

Statement of evidence of Nichola Costley in relation to Planning Matters

19 April 2026

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Introduction

- 1 My name is Nichola Ann Costley.
- 2 My role in relation to the application by Tāiko Critical Minerals (**the application**) for approvals relating to the Barrytown Mineral Sands – Southern Block (**SB**) Project (**the Project**) has been to provide expert advice in relation to planning and policy matters.
- 3 I have been involved in the application preparation, and I prepared the Barrytown Mineral Sands Project: Southern Block, Planning Assessment contained in Part 3 of the Application (**Application**) with support from my colleague Luke McNeish. This document has been provided as part of the application package. It is accompanied by Appendix N: Rules Assessment, Appendix O: Planning Assessment, Appendix P1: Proposed Conditions.
- 4 The purpose of this evidence is to:
 - (a) provide my qualifications and experience relevant to the application;
 - (b) confirm my compliance with the Code of Conduct for expert witnesses, contained in the Environment Court of New Zealand Practice Note 2023;
 - (c) provide a brief summary of my assessment; and
 - (d) confirm the approach taken to the proposed conditions.

Qualifications and experience

- 5 I have 20 years' experience across the planning space including 10 years' experience in RMA policy and planning at the West Coast Regional Council before moving into corporate and strategic planning, and communication management roles. Over the past three years I have worked as a Resource Management Consultant drafting consent applications as well as processing overflow consents for the Grey District Council. I hold a Masters Degree in Resource and Environmental Planning from Massey University (2007).
- 6 My experience spans across the full spectrum of policy development, including development, interpretation and implementation of regional policy statements and plans, including freshwater and land management frameworks; preparation of resource consent applications and advising on statutory planning instruments; and applying the provisions of the Resource Management Act 1991 in both policy and regulatory contexts.

Expert witness Code of Conduct

- 7 While this application is not being considered by the Environment Court, I confirm that I have read the Code of Conduct for expert witnesses contained in the Environment Court of New Zealand Practice Note 2023 and that I have complied with it when preparing this evidence. Other than when I state I am relying on the advice of another person, this evidence is within my area of expertise. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- 8 The purpose of this statement is to provide, from a planning perspective, an overview of the:
- (a) Resource consent approvals:
 - (i) Assessment of effects
 - (ii) Management of effects
 - (iii) Assessment of the Project against relevant statutory documents
 - (iv) Approach to proposed conditions
 - (b) Wildlife Act approval:
 - (i) Assessment of effects
 - (ii) Management of effects
 - (iii) Assessment of the Project against the Wildlife Act.
 - (c) Archaeological authority approval:
 - (i) Assessment of effects
 - (ii) Management of effects
 - (iii) Assessment of the Project against the Heritage New Zealand Pouhere Taonga Act 2014.

Resource Consents

Assessment of effects

- 9 My assessment of actual and potential effects required by Sections 13(4)(h) and Schedule 5, Clauses 5-7 of the FTAA has been prepared based on the technical expert reports / effects assessments and summary statements prepared for:
- (a) Economics;
 - (b) Mine Planning;
 - (c) Hydrology;
 - (d) Ecology (freshwater, terrestrial and water quality);
 - (e) Soil and Sediment Erosion Control;
 - (f) Landscape and visual effects;
 - (g) Noise;
 - (h) Metallurgy;
 - (i) Archaeology;
 - (j) Coastal hazards;
- 10 I have also considered Māori cultural values as expressed through engagement with Te Rūnanga o Ngāti Waewae, and through formal letters provided by Te Rūnanga o Ngāti Waewae and Te Rūnanga o Ngāi Tahu as part of consultation on the Application.
- 11 When considering the assessments and values outlined above, and when viewed in the context of the staged and sequential development of the Project, the potential adverse effects of the proposed mining activities are considered to be no more than minor and acceptable following the implementation of the proposed mitigation measures and conditions of consent. In several instances, there is anticipated to be a positive effect (economic and social benefits, and natural character values) or a net gain in ecological benefit (wetland creation, riparian planting and habitat enhancement providing improved habitat diversity and supporting freshwater and terrestrial ecosystems beyond the highly modified baseline environment).

- 12 Where effects have been assessed as being minor or, in some instances, more than minor, the significance of those effects is considered to be low as they will be temporary in duration and location, and reversible following completion of mining.

Management of effects

- 13 A suite of management plans are proposed to ensure that the effects of the Project are managed in a detailed, responsive and site-specific manner. Given the scale and duration of the mining activity, and the range of environmental values potentially affected, it is impractical for all operational detail to be fixed solely through the consent conditions. Instead, the Management Plans provide the necessary framework to inform on-the-ground procedures, monitoring requirements, responsibilities and adaptive management responses. They also provide the process for regular review and refinement as monitoring results, annual work programmes and site conditions evolve, ensuring the Project can be undertaken in a manner that remains compliant, efficient and environmentally responsive over time.
- 14 The management plans required for this Project, and provided in draft with the application, include:
- (a) Noise Management Plan
 - (b) Avian Management Plan
 - (c) Lizard Management Plan
 - (d) Native Freshwater Fish Capture and Relocation Plan
 - (e) Dust Management Plan
 - (f) Rehabilitation Management Plan
 - (g) Water Management, Monitoring, and Effects Management Plan
 - (h) Erosion and Sediment Control Plan
- 15 A Landscape Mitigation Package has been prepared for this Project which sets out the pre-mining, during mining and post mining landscape mitigation and rehabilitation to take place.

Assessment of Project against relevant statutory documents

- 16 Having regard to the relevant statutory documents, including the Resource Management Act 1991 (RMA), National Policy Statements, Regional Policy Statement and Plans and the District Plans, I consider the Project to be

environmentally responsible mining and broadly consistent with the relevant sections, objectives and policies.

- 17 I consider that the Project achieves the purpose of the RMA as set out in section 5 by enabling the efficient use and development of a finite, location-specific mineral resource while ensuring that the associated natural and physical resources are appropriately managed. The activity will deliver significant and enduring social and economic benefits while safeguarding the life-supporting capacity of air, water, soil and ecosystems through a robustly designed, effects-managed approach. A framework of avoidance where practicable, otherwise minimisation and then remediation measures (as required by the effects management hierarchy), supported by enforceable conditions of consent and detailed management plans underpin the activity.
- 18 In terms of sections 6, 7 and 8, I consider the Project appropriately recognises and provides for matters of national importance and has regard to other relevant matters. The site is highly modified. The site is in the coastal environment but is not an area of outstanding natural character. It does not contain any outstanding natural features or landscapes, and the Project avoids adverse effects¹ on natural character, outstanding landscapes, indigenous biodiversity and the coastal environment. Cultural values have been meaningfully recognised through ongoing engagement with Te Rūnanga o Ngāti Waewae and embedded management responses. Temporary adverse effects associated with mining are appropriately managed and are broadly no more than minor, with progressive rehabilitation delivering long-term positive environmental outcomes, including substantial wetland creation, enhanced freshwater systems, and improved ecological function.
- 19 With respect to the various National Policy Statements (NPS), the Project will:
- (a) Maintain and enhance freshwater values over time through a closed-loop system, application of the effects management hierarchy and substantial wetland and stream rehabilitation giving effect to the NPS Freshwater Management;
 - (b) Avoid adverse effects on the coastal marine area and coastal environment through setbacks and design, while enabling a location-

¹ In the resource consent context, and in case law decisions which consider the NPS-IB and NPS-FW, the Environment Court has applied the word "avoid" to mean "avoid material harm".

specific activity with long-term environmental enhancement giving effect to the New Zealand Coastal Policy Statement.

- (c) Protect identified biodiversity values and deliver a net gain in indigenous biodiversity through large-scale wetland creation and habitat restoration giving effect to the NPS Indigenous Biodiversity;
 - (d) Adopt a risk-based approach with setbacks and adaptive management, ensuring no increase in hazard risk or exposure giving effect to the NPS for Natural Hazards.
- 20 I consider the Project is broadly consistent with the regional planning framework in that it will:
- (a) Achieve an appropriate balance between enabling regionally significant economic benefits and safeguarding environmental values, consistent with integrated management under the Regional Policy Statement. This also includes avoiding adverse effects on natural character, wetlands and river extent and values.
 - (b) Maintain water quality, flows and ecosystem health through containment, treatment, setbacks and progressive rehabilitation with no more than minor effects under the Land and Water Plan.
 - (c) Avoid offensive or objectionable discharges through best practice dust management under the Air Plan.
- 21 In terms of the District Planning framework, the Project is:
- (a) Consistent with the objectives for rural and coastal environments by managing effects within a modified landscape and delivering long term enhancement under the Grey District Plan.
 - (b) Enables mineral extraction in an appropriate location while managing effects and achieving a net positive environmental outcome through progressive rehabilitation.
- 22 The proposal has a clear functional need to occur within the application area, as the mineral resource is fixed in location and the dredge-based mining methodology requires long, continuous runs that cannot practicably avoid all creeks, margins or wetlands intersecting the resource strandlines. This approach is consistent with the NPS-FM, NZCPS and relevant regional and district provisions, as effects are managed through the application of the effects management hierarchy, including avoidance where practicable, then minimisation where practicable, and then remediation through creek reconstruction, wetland construction and riparian enhancement, resulting in

no loss of values or extent for creeks and natural inland wetlands and improved ecological outcomes over time.

Proposed conditions

- 23 While the mining methodology differs between the Central Block and the Southern Block, the conditions proposed as part of this application have, where appropriate, been aligned with those applying to the Central Block to ensure consistency in environmental management, operational standards and to align with community expectations.
- 24 The proposed conditions establish a comprehensive framework to manage the mining operation, progressive rehabilitation and environmental effects and have been reviewed by the relevant technical experts to confirm that they are appropriate to manage any unacceptable effects of the activity.
- 25 I have drafted the proposed conditions and included all of the recommendations made by the experts in their assessments. I consider that they are appropriate to manage the risks of potential adverse effects of the Project, and to ensure an environmentally responsible mining project.

Wildlife Act approval

Assessment of effects

- 26 Ecological assessments undertaken for the Project identified the potential for effects on protected wildlife species, including avifauna and lizards, associated with vegetation clearance and mining activities. Overall, the potential effects are considered to be low and capable of being appropriately managed having regard to the highly modified nature of the site and the limited extent of higher-value habitat within the application area.

Management of effects

- 27 Potential effects on wildlife will be appropriately managed through proposed conditions and implementation of the Avian Management Plan and Lizard Management Plan. These measures include pre-clearance surveys, bird deterrence and nest management, kororā exclusion fencing, procedures for handling injured wildlife, and the capture, relocation and habitat enhancement for lizards. Monitoring and adaptive management measures are also proposed to ensure effects on protected wildlife are appropriately avoided, remedied or mitigated throughout the life of the Project.
- 28 The proposed conditions of the Wildlife Act approval are provided in Appendix P2 and are based on the technical advice of Ecological Solutions. With the conditions in place, it is considered that impacts would be avoided,

minimised or remedied. I consider these provide an appropriate and practical framework for the management of effects on wildlife values.

Assessment of the Project against the Wildlife Act

- 29 The primary purpose of the Wildlife Approval is for protection of wildlife from mortality or physical injury associated with vegetation clearance and other mining activities, consistent with the purpose of the Wildlife Act.

Archaeological authority approval

Assessment of effects

- 30 An archaeological assessment identified two previously recorded archaeological findspots and several points of interest within or near the Project area. The recorded sites are not expected to be affected, as no remaining in situ material was identified, however, there remains potential for unrecorded archaeological material to be encountered during earthworks and mining activities across the site.
- 31 While any effects on unrecorded sites could range from moderate to major at an individual site level, the overall significance of those effects has been assessed as low in the broader context of the highly modified environment and the mitigation proposed.

Management of effects

- 32 Potential archaeological effects and the relationship of Māori and their culture and traditions will be appropriately managed through proposed conditions, archaeological monitoring of high-potential areas, recording and reporting requirements, protection measures for identified features, and implementation of an Accidental Discovery Protocol developed in consultation with Te Rūnanga o Ngāti Waewae.
- 33 The proposed conditions of the Archaeological Authority are provided in Appendix P3 and are based on the technical advice of Ms Bree Wooller. I consider these provide a robust and practical framework for the management of effects on archaeological values.

Assessment of the Project against the Heritage New Zealand Pouhere Taonga Act

- 34 The Project has been assessed against the Heritage New Zealand Pouhere Taonga Act 2014 (**HNZPTA**) and, with the proposed conditions, is broadly consistent with the HNZPTA purpose to promote identification, protection, preservation, and conservation of New Zealand's historical and cultural

heritage, and associated principles. The historical and cultural heritage values and Māori values of any potential archaeological sites have been appropriately considered through comprehensive assessment and engagement with Te Rūnanga o Ngāti Waewae. Landowners have confirmed they support the conditions of any Archaeological authority approval.

Summary

- 35 In consideration of the above, I am satisfied that the potential adverse effects of the Project have been comprehensively identified, assessed and appropriately addressed through a combination of project design, operational controls, proposed conditions of consent and detailed management plans. The overall effects of the activity are considered to be no more than minor and acceptable, and where effects are greater than minor on a localised or temporary basis, they are of low significance, appropriately managed, and ultimately reversible through progressive rehabilitation. The Project is also anticipated to deliver positive economic and social benefits, alongside net ecological gains over the long term.
- 36 The Project is considered to be broadly consistent with the relevant provisions of the RMA, including Part 2, and gives effect to the direction of the applicable National Policy Statements and regional and district planning framework. The Project is considered to be broadly consistent with the relevant provisions of the Wildlife Act and the HNZPTA.
- 37 The proposed conditions for each approval, and supporting management plans provide a comprehensive, enforceable and adaptive framework to ensure that adverse effects are appropriately avoided, minimised, or remedied throughout the life of the Project.
- 38 For these reasons, I consider that the Project meets the relevant planning expectations under the Fast-track Approvals Act, and that the resource consents and approvals sought are appropriate and should be granted, subject to the proposed conditions.

- 39 The Archaeological Authority and Wildlife Act Authority sought as part of the Application are supported by the relevant technical assessments and proposed management frameworks and are appropriate to enable the Project while ensuring that potential effects on archaeological and ecological values are appropriately managed.

A handwritten signature in black ink, appearing to read 'Nichola Costley'. The signature is fluid and cursive, with the first name 'Nichola' and the last name 'Costley' clearly distinguishable.

Nichola Costley
19 April 2026