

**BEFORE THE WEST COAST REGIONAL COUNCIL & GREY DISTRICT
COUNCIL OPERATING AS JOINT DECISION-MAKERS THROUGH THEIR
APPOINTED COMMISSIONER PANEL**

IN THE MATTER OF An application under Part 6 of the Resource
Management Act 1991

AND

IN THE MATTER OF An application by TIGA Minerals and Metals
Limited for resource consents. Reference
WCRC: RC-2023-0046 and GDC: LUN-315/23

AND

IN THE MATTER OF An application at a Site - on Barrytown Flats,
State Highway 6, approximately 9km south of the
Punakaiki Township and 36km north of
Greymouth- to establish and operate a mineral
sands mine in an area of roughly 63 ha over 12
years, including the construction of associated
infrastructure, such as a processing plant and
associated facilities of an area of about 2.0 ha up
to 15m in height and for a minimum average of
50 truck movements per day.

**CHAIRPERSON'S MINUTE No. 2 ON HEARING, PROCEDURE and GENERAL
HOUSEKEEPING**

Dated 23 November 2023

To: WCRC, GDC

And

To: The Applicant and Submitters.

Note: Unless otherwise stated, *the Council* means WCRC and, in context, may refer to the Panel Administrator in particular.

1.0 Introduction

- 1.1. This Minute identifies the hearing arrangements, procedure, and other related housekeeping matters.
- 1.2. The two Councils appointed a Panel of Commissioners to conduct a hearing on the application and submissions.
- 1.3. The Panel is made up of three Commissioners:

John Maassen.

Robert van Voorthuysen.

Timothy Vial.

- 1.4. The Panel Administrator is Rasela Barrow at WCRC.

2.0 The Hearing

- 2.1. WCRC has scheduled the hearing for February 5, 7-9, 2024. The 6th is Waitangi Day, a public holiday the Panel will observe.
- 2.2. The venue is the Council Chambers of the West Coast Regional Council, 388 Main South Road, Paroa 7805.

3.0 Late Submissions

- 3.1. Minute No. 1 addressed late submissions, and those submitters' submissions are now formally accepted.

4.0 Circulation of Evidence under RMA, s 103B

- 4.1. The Council's s 42A report and expert evidence for the applicant and submitters must be provided following RMA, s 103B requirements. That means:

4.1.1. The consent authorities' reports and evidence by 12 January 2024.

4.1.2. The applicant's evidence by 19 January 2024.

4.1.3. The submitters' expert evidence by 26 January 2024.

5.0 Evidence and submissions will be pre-read

5.1. Before the hearing, the Panel will read the application, the consent authorities' 42A report, pre-circulated evidence, and the submissions.

5.2. Evidence and submissions will not need to be read at the hearing.

5.3. At the hearing, the experts should give a short outline of the main matters they address and a summary of their opinion on key issues in contention.

6.0 Hearing timetable and coordination or joint presentation of cases

6.1. It is important that the hearing is conducted efficiently.

6.2. It is hoped, but difficult to assess at this early stage, that the hearing can be completed in four days. About 100 people have requested hearing time, suggesting opportunities to streamline the hearing to avoid the repetition of evidence.

6.3. The Panel encourages efficient coordination of evidence amongst parties with similar interests or concerns.

6.4. With this Minute or shortly after it, Ms Barrow will send submitters a questionnaire to assist with hearing timetabling, which is a challenging task, so helping Ms Barrow with this is essential.

6.5. The Panel asks the parties to promptly respond to the questionnaire and identify to the Hearing Administrator after this Minute what time is required to present their case by 6 December 2023.

6.6. The Administrator will confer with the Panel Chair on timing, and any issued timetable should be followed. The Panel may restrict time allocations.

6.7. Because of the short week, the Panel will likely sit for extended hours on Monday, Wednesday, and Thursday. That is, commencing at 9.00 am and sitting until 6.30 pm.

6.8. The Department of Conservation identifies that one of its witnesses may not be available in the hearing week and is available on 16 February 2024. The Panel will be flexible if reasonably necessary but may meet those requests

using a virtual hearing. Evidence should be exchanged following the directions in this Minute.

- 6.9. Please communicate with the Panel Administrator concerning any needs, and the Panel will endeavour to address them.

7.0 Site Visit and other matters

- 7.1. The Panel members will arrange a site visit. Planning is underway for that.
- 7.2. Any volunteered conditions by the Applicant, including to address matters in contention, must be provided as part of pre-circulated expert planning evidence and a Word version supplied to the Panel.
- 7.3. Experts should address the predicted effects considering these offered conditions.
- 7.4. A party may file their legal submissions in advance for pre-reading if preferred.

8.0 Electronic Distribution of materials lodged with the Council

- 8.1. All hearing reports, evidence, minutes, etc., provided to the Council will be posted on the Council website in the first instance, and hearing participants are directed to that site.
- 8.2. This Minute is notice under RMA s 103B (6) that the Council website should be used to receive and download evidence following the timetable.
- 8.3. All material, including legal submissions, must be provided electronically.

9.0 Planning instruments bundle

- 9.1. All participants are encouraged to advise the Council if they will call a planner as soon as possible.
- 9.2. The Panel encourages all planners, led by the Council reporting planner, to confer about providing the Panel with a paginated joint planning instrument hyperlinked and indexed bundle comprising the important elements of relevant planning provisions under s 104. Any planning maps and overlays should be included.
- 9.3. If any non-statutory documents are relevant and the Panel is asked to consider them, please provide them electronically.

10.0 Graphics Bundle

- 10.1. It is helpful for the Applicant to provide a graphics bundle that contains the key natural or physical features of the locality and the site in A3 printed format at the hearing and sent earlier in electronic form.
- 10.2. The bundle can include the location of any proximate submitter properties in the locality diagram and show the relationship to those properties, e.g., by using isochrones if relevant. Also, it can consist of details of activities surrounding the site that may be relevant to assessing effects, including cumulative impacts.
- 10.3. The site diagram can have essential features, including proposed mitigation and other information pertinent to the implementation of the activity.
- 10.4. Other diagrams may include those relevant to expert evidence addressing crucial environmental issues.

11.0 Order of Proceedings at Hearing

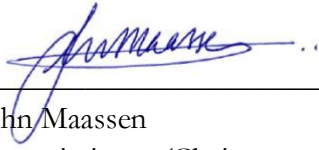
- 11.1. The programme for the hearing is, in outline, as follows:
 1. Introductions, housekeeping and procedural matters (if any).
 2. The Applicant presents the application.
 3. Commissioners' questions.
 4. Submitters who have indicated they wish to be heard (and their witnesses).
 5. Commissioners' questions of submitters and their witnesses.
 6. Council officer(s) present their report and respond to any new information.
 7. Applicant's right of reply.

12.0 AVL Arrangements and recording of the hearing

- 12.1. Parties wishing to have a witness attend the hearing by AVL must coordinate that with the Council.
- 12.2. The hearing will be recorded and will be livestreamed.

13.0 Communication and Queries

- 13.1. WCRC is the lead agency for this joint council hearing and will coordinate all aspects of the hearing.
- 13.2. Any questions about the process, this Minute or logistics should be directed to Rasela Barrow at the Council. Inquiries should be sent via email to rasela.barrow@wrc.govt.nz



John Maassen
Commissioner (Chairperson)