

**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 at 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.

**Amended MINUTE NO.4 ON HEARING PLANNING AND EXPERT
DIALOGUE Dated 30 November 2023**

- 1 The Panel is newly formed and is not abreast of the complexities of the Application. However, it is plain the issues arising from the proposal are not straightforward. This is taxing for everybody, and added to that burden is the period over which evidence is prepared and filed for a hearing in early February 2024. The range of expert evidence and the identity of all experts giving evidence has yet to be discovered, and peer review work by the Councils is still underway, with some work already available to submitters, so the evidential landscape is very dynamic.
- 2 That reinforces the importance of the parties fully disclosing to Ms Barrow the evidence they intend to call and the time required. That is essential to enable Ms Barrow to organise the hearing.
- 3 For expert disciplines, risk assessments often form a crucial part of impact analysis. These are, in turn, highly sensitive to context that may evolve. Using a hypothetical example, the Applicant may identify risk and modify its operations or activities to mitigate the risk while preparing its evidence or later in response to another party's experts. Then, the question becomes whether the original expert risk assessment was accurate and how the adjustments reduce the risk. That, in turn, affects evaluative evidence on the acceptability of the scale of the risk.
- 4 The point is that environmental interactions are complex, and everyone's task is made more challenging by an ambulatory context.
- 5 Some of the friction associated with getting to the right questions and having the proper context by the time of the hearing can be reduced by experts exploring the issues informally amongst themselves with critical analysis of the matters likely to be important and dialogue about how they can be conveyed and in a common context so that the areas of dispute are plain.
- 6 The Applicant filed a memorandum dated 29 November 2023 expressing its willingness to reduce the friction described above.

- 7 It is helpful to the Panel if there is a collaboration (on all sides) so that the often inevitable and reasonable contest amongst experts on key matters is placed in plain view.
- 8 Recognising the need for a clearer flight path to plan the hearing and to enable experts to engage in dialogue, the parties and their experts are requested to consider the steps in paragraph 11 by **6 December 2023** to facilitate hearing planning and maximise the opportunities for dialogue by experts.
- 9 It is important to add that the Panel acknowledges that an expert's first task is to prepare and distribute evidence or reports following our directions and in a way that sets out the basis for opinions, which may require significant research and effort. So, the Panel does not want this Minute to unduly add to the burden of preparing evidence but rather to enable well-targeted expert evidence where it can be. That will require sensible judgement governed by factors only the participants will know, and in some cases, the obstacles may not be able to be overcome.
- 10 The Panel does not want to later hear evidence or submissions about whether an expert did or did not engage in dialogue or fulfil these requests. This Minute is an exhortation, not an edict.¹
- 11 The requested steps for consideration are:
 - (a) The submitters advise Ms Barrow of any experts (including planners) that will be providing evidence; and
 - (b) Submitters provide contact details to Ms Barrow for the expert if they are willing to have the matching expert from the Applicant contact them to arrange a time to attend informal conferencing (along with other experts with similar expertise); and

¹ The applicant requested directions but the Panel cannot purport to exercise powers of procedural direction it does not have.

- (c) The Councils to confirm by letter posted on the website when and what additional peer-review assessments (if any) are proposed and whether they are likely to be available before the s42A reports are presented. Also, could the Councils advise the Applicant whether the authors of the assessments have the capacity and willingness to engage in dialogue for the purpose in this Minute (along with any submitter and Applicant experts on the same topic)? Note: this is not a change to the s42A directions.



John Maassen
Commissioner (Chairperson)