Before Independent Commissioners appointed by the West Coast Regional Council

In the matter of	the Resource Management Act 1991 (**the Act**)
And	
In the matter of	an application for resource consent under sections 88 and 127 of the Act
And	
In the matter of	Discharge to land consent (RC-2024-0122) and variation of resource consent (RC2021-0097-V10) to enable the exercise of the discharge consent where that could lead to the discharge of contaminants off-site at Taylorville Resource Park, Taylorville.

Joint witness statement for planning

Dated: 1 September 2025

Joint witness statement

Introduction

1. A conference of the planning experts was conducted on Monday 1 September 2025. This joint witness statement has been prepared to clarify the matters on which the expert witnesses agree and disagree relating to:

    1.1. Relevant statutory documents;

    1.2. Conditions and term of consent;

    1.3. Scope of submissions;

    1.4. Assessment of alternatives; and

    1.5. Section 127.

2. The participants were:

    2.1. Karl Cook, on behalf of Taylorville Resource Park Limited ("TRPL"); and

    2.2. Michael Durand, on behalf of West Coast Regional Council ("WCRC").

3. Where the participants' views are reliant on expert evidence, this JWS is subject to the outcome of expert caucusing being held in parallel.

4. In preparing this statement the experts have reviewed and agree to comply with the Code of Conduct for Expert Witnesses contained in Part 9 of the Environment Court Practice Note 2023.

Relevant statutory documents

5. In relation to key direction in the RMA provisions and national and regional planning documents, we agree that:

    5.1. The NES-SHDW applies.

    5.2. Even though the NPSFM objective and hierarchy of obligations are out of scope (refer RMA section 104(2F)), effects on drinking water supply are relevant under WCRLWP Policy 3.3.1.

5.3. WCRLWP Policy 3.3.1, relating to adverse effects, directs giving priority to avoiding adverse effects in preference to remedying or mitigating.

5.4. Based on our understanding of the others experts' evidence, that priority could be achieved through consent conditions intended to avoid adverse effects on the identified water supply values of GRE001. We expect that these conditions would relate to matters such as testing water prior to discharge, controlling the rate of discharge and monitoring for contaminants off-site.

6. We agree that the following policies and other guidance in the planning framework applies when addressing sections 104 and 104G of the RMA, and that:

6.1. In relation to the NES-SHDW, we agree:

6.1.1. That Regulation 7 applies.

6.1.2. That Regulation 7 is a gateway test. [1]

6.1.3. However, our understanding of the evidence is that Regulation 7 is not engaged because it would not result in the health quality criteria no longer being met.

6.2. In relation to the NPSFM, we agree:

6.2.1. Clause 1.6 is relevant to the consideration of the NPSFM because it relates to best available information.[2]

6.2.2. If best information in terms of clause 1.6 of the NPSFW is considered not to be available when the application is considered, we agree that:

6.2.2.1. In the context of the application and supporting information and evidence, this can be addressed through the exercise of the consent (e.g., by a

[1] It states "a regional council must not grant a water permit or discharge permit for an activity that will occur upstream of an abstraction point […]".
[2] Noting that section 104(2F) of the RMA provides that "a consent authority must not have regard to clause 1.3(5) or 2.1 of the NPSFM 2020 (which relates to the hierarchy of obligations in the NPSFM 2020)".

consent condition on the discharge involving monitoring trigger values or limits and actions to be taken); provided that

6.2.2.2. Information collected during the exercise of the consent can be acted on to avoid, remedy or mitigate adverse effects (either ahead of or following any action, even if there is incomplete information in other areas).

Conditions and term of consent

6.3. We agree that it is likely to be necessary for some bottom lines to be ensured through conditions. Some of these could be via a Discharge Management Plan (DMP) or another document annexed to the consent that clearly sets out "how" the discharge would be managed.

6.4. In relation to the proposed the proposed DMP in Condition 6 in Attachment 1 to Karl Cook's evidence-in-chief dated 18 August 2025, we agree:

6.4.1. That, if consent is to be granted, the discharge and monitoring of the receiving environment (e.g., surface water, groundwater, ecology) could be appropriately managed via conditions that could include a DMP.

6.4.2. Subject to the outcome of other expert conferencing, conditions would be expected to include trigger levels and actions and location of monitoring points that provide early-enough warning to achieve outcomes including avoiding adverse effects in the water supply.

6.4.3. Any DMP should be "approved" as part of the consent, therefore the DMP needs to be finalised to reflect the expert evidence.

6.4.4. Provision could be made for changes to certain parameters in the DMP via WCRC certification but

that there may be certain things, based on expert evidence and having regard to the statutory framework, that could not be changed by WCRC certification (i.e., that would need a s127 consent, which would be subject to the RMA process).

6.4.5. The following change to DMP condition wording would make its implementation clearer:

"Discharge may only occur in accordance with the DMP approved as part of this consent reference [specific document]" ~~occur subject to a discharge management plan (DMP)~~."

6.5. In relation to other conditions, we anticipate that the wording for other elements and parameters would be confirmed based on expert evidence.

6.6. We anticipate that expert evidence would inform the duration of any conditions that might apply beyond the discharge ceasing.

Scope of submissions

7. We agree with the assessment in paragraphs 95-98 of the s42A report regarding the parts of submissions that are beyond the scope of the application.

Assessment of alternatives

8. We agree the assessment of any possible alternative methods of discharge is a relevant consideration under section 105(1)(c) and clause 6(1)(d) in Schedule 4 of the RMA.

9. We agree that as the likelihood of an adverse environmental effect, including on drinking water, increases, greater consideration of alternatives would be needed (i.e., it is relevant to the risk/consequence).

10. KC considers that the extent of consideration given to alternatives in the application and evidence on behalf of TRPL is appropriate, being proportionate to the context of the application and the risk of adverse effects.

11. MD considers that an assessment of possible alternative methods should be comprehensive if an adverse effect of high potential impact could be avoided by using one of those other methods. MD considers the application did not provide a comprehensive assessment of possible alternatives.

Section 127

12. We do not agree with the GDC submission that the applications are fundamentally at odds with the existing consents.

13. We agree that there are two perspectives to this aspect of the application and that:

    13.1. It may be that a change is not required to Condition 11 of RC-2021-0097 for implementation of the temporary discharge consent that has been sought.

    13.2. But that, in relation to the application that has been made, we agree with the analysis at paragraphs 137 to 157 in the s42A report.

Date: 1 September 2025

Signatures:

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Karl Cook

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Michael Durand