

BEFORE THE WEST COAST REGIONAL COUNCIL

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF applications by Taylorville Resource Park Limited for a discharge permit to discharge contaminated water (mixed landfill leachate and stormwater) from a retention pond to land, and to change Condition 11 of its current resource consent RC-2021-0097-V10

**MINUTE NO 2 OF HEARING COMMISSIONERS ADDRESSING MATTERS
RELATING TO THE HEARING AND THE MEMORANDUM OF COUNSEL FOR
THE APPLICANT DATED 19 AUGUST 2025**

Dated 21 August 2025

1. We have commenced our preparation for the hearing, including reading the application documents and an initial read of the s42A report (**report**) and the Applicant's evidence.
2. In his Memorandum of 19 August 2025,¹ Counsel for the Applicant, Mr Schulte, identifies a concern that the "suite of documents" provided to the reporting officer on or about 25 November 2024 are not referred to in the report and notes it is possible (or even probable) that those documents were not included as part of the application in the bundle of documents provided to the limited notified parties, or to WCRC's own experts.
3. The Memo also records Counsel's position that the documents do not amend the scope of the application but responded to points of detail that had been raised in correspondence with the reporting officer. These included identification of necessary freeboard and provision of a draft set of consent conditions. Mr Schulte identifies that these remain matters of "apparent contention" in the report.
4. The Applicant wished to make the Panel and the interested parties aware of the situation but Mr Schulte submitted he did not believe it to be an error of such significance that it should affect the hearing proceeding. He recorded that it may prove to be that the position of the parties or their experts may have differed. Again Mr Schulte identified that the situation in relation to experts may be more balanced, but submitted that if some caucusing is able to occur prior to or during the hearing, the additional information that is also raised in the evidence can be factored into discussions. Finally, Mr Schulte submitted that in the Applicant's view the omission did not impact on matters of scope that would require renotification but may impact on the cases of others.

Consideration

5. We consider Mr Schulte's Memorandum raises several issues. The first is whether those documents were included, as part of the application, in the bundle of documents provided to the limited notified parties. The second is whether they were provided to WCRC's own experts.
6. If the Applicant's concerns are correct, that does raise issues of potential prejudice, particularly for those submitters wishing to provide expert evidence. That evidence is due on Tuesday 26 August 2025.
7. We therefore direct that the reporting officer (or counsel for WCRC) provide its response to the matters identified by Mr Schulte. If possible, we require that advice by no later than **4.00pm tomorrow, Friday 22 August 2025**. If not, Monday 25 August 2025.

¹ Memorandum of Counsel for Applicant to the Independent Commissioners dated 19 August 2025,

Caucusing

8. In our view, if the position is as identified by Mr Schulte, the hearing should not proceed in the week scheduled. It should be adjourned or put on hold to enable caucusing to occur. We advise that Commissioners Caldwell and Cussins can make themselves available for a hearing in the week commencing 29 September 2025.
9. On a wider basis, and noting that we have not yet received Grey District Council's expert evidence, there are a large number of issues which appear to be in contention as between the experts, and which we consider would benefit from caucusing prior to hearing.
10. While we will consider and address this aspect following receipt of the Grey District Council's evidence, we can indicate that we consider it to be in the interests of all participants that caucusing occurs prior to hearing irrespective of the position in relation to the matters raised by Mr Schulte. Given our availability to convene in reasonably short timeframes, and again given the number of issues which appear at this time to be in contention, we identify that, and the likelihood of an adjournment, now. As noted, and as we record again, we consider that caucusing of experts prior to the hearing would be of considerable benefit to the participants and in our decision-making process.
11. If there are any issues arising from this Minute and proposed course of action, they should be raised as soon as possible through tin.nguyen@wrcr.govt.nz.



David Caldwell
Chair for and on behalf of the Commissioners

Dated: 21 August 2025