

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 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 Recovery Park, Taylorville

**MINUTE NO 5 OF HEARING COMMISSIONERS IN RELATION TO
PROCEEDING WITH THE HEARING AND EXPERT WITNESS CONFERENCING**

Dated 25 August 2025

1. This Minute addresses matters arising from the responses to our Minute No 3, and providing directions in relation to expert conferencing.
2. As the parties are aware, in our Minute No 2 we indicated our preliminary views in relation to expert conferencing and how that should proceed. As advised in that Minute, we considered it likely that our decision-making would be much better informed by that expert conferencing occurring. As the parties will recall, we indicated our concerns with that being conducted during the hearing and identified our availability for the week commencing 29 September 2025 to enable that expert conferencing to be undertaken.
3. We sought an indication from the Applicant's counsel in our Minute No 3 in relation to our Minute of 21 August 2025, Memorandum of Counsel we had received from Grey District Council, and the response that had been provided by Dr Durand.
4. We received Mr Schulte's response which recorded that in the circumstances the Applicant's preference would be to proceed to the hearing as scheduled and agreed that caucusing could still occur within the scheduled timeframes, and noting that for the Applicant timing does remain an issue.¹
5. We issued a Minute No 4 dated 25 August 2025 advising that if we were to proceed with the hearing, we intended to extend the date for receipt of Grey District Council expert evidence to 4.00pm Thursday 28 August 2025, and we would require expert conferencing of the technical witnesses, in accordance with the Code of Conduct, together with joint witness statements by 4.00pm Friday 29 August 2025. We requested Grey District Council's advice on that matter.
6. We received that advice by way of Memorandum of Counsel for Grey District Council advising that the extension of time for its expert evidence proposed, would address the material prejudice it had raised, but identified that the timeframe for the proposed joint witness statement of experts by 4.00pm Friday 29 August 2025 was unlikely to be sufficient due to reasons it elaborated on.²
7. It suggested extending the time for the joint witness statements until Monday 1 September 2025 at 4.00pm to enable sufficient time for the evidence of the Grey District Council experts to be read by the other parties, and for caucusing and preparation of the joint witness statements to follow.
8. Overall, having considered the correspondence which has passed on this issue, and informed by the recent Grey District Council Memorandum, we confirm that we will proceed with the hearing on the dates specified. In reaching that view we have taken into account all of the responses received.

¹ Further Memorandum of Counsel for the Applicant 22 August 2025.

² Memorandum of Counsel for Grey District Council 25 August 2025.

9. Having reached that view, we record that we remain of the view that conferencing should not be left for hearing. That would defeat one of the purposes of conferencing, as we would not be informed of the remaining matters in contention between the relevant parties' experts prior to our questioning.
10. We therefore direct that the expert witnesses undertake caucusing/conferencing on the matters within their expertise, and in accordance with the Environment Court's Code of Conduct for Expert Witnesses. That can be held remotely and as counsel will be aware, it is only the experts who may attend. The expert conference is confidential to the experts who participate in it, and there is to be no communication of what took place during the expert conference, or of its outcome other than by way of the joint witness statements produced by the experts.
11. As recorded in the Code, parties (through their counsel where they have been engaged) have obligations to assist in preparation for expert conferencing including providing experts with all relevant information, an agreed statement of facts if possible, to liaise to prepare an agreed conference agenda addressing the key issues and pre-circulate that to the conference participants.

Matters to be addressed

12. Given the evidence, we consider there would be benefits in conferencing between the ecologists. Without limitation, they should address the actual and potential effects on the ecological values of what is described as No Name Creek and the Grey Tributary, and the risks of the same.
13. In terms of geotechnical and hydrogeological issues, we consider this should be a joint conference and should include, but in no way be limited to, those matters identified by counsel for Grey District Council including:
 - (a) Potential contamination pathways from the discharge point to the Grey District Council drinking water supply abstraction area; and
 - (b) Potential conditions to avoid contamination of the Grey District Council drinking water supply.
14. The relevant experts should address any matters arising from their respective statements of evidence and associated documentation, clearly identify points in contention, identify any points that have been resolved, and provide reasons for any areas of disagreement.
15. In relation to planning, while we acknowledge that to some degree the planning evidence will reflect the outcome of the caucusing of the technical experts, we consider there is benefit in the planning experts conferencing. Again without limitation, that conferencing can address the statutory framework in terms of applicable documents and their relevance, consistency or

otherwise of the proposals with those; section 104G matters, section 105, section 107, and of course conditions.

16. As identified earlier, counsel can assist in preparation of the questions/agenda and it would be helpful if the legal counsel involved in this process engage on those matters.

Directions

17. Grey District Council is to lodge its expert evidence by no later than **4.00pm Thursday 28 August 2025**.
18. Given the short timeframes prior to hearing, we direct, pursuant to section 41C, that the expert witnesses confer in their areas of expertise, and that Joint Witness Statements be provided to the WCRC no later than **4.00pm Monday 1 September 2025**, to enable the material to be circulated to all parties prior to the hearing.
19. Any issues arising from this Minute can be raised in the usual manner, through tin.nguyen@wcr.govt.nz.



David Caldwell
Chair for and on behalf of the Commissioners

Dated: 25 August 2025