

Before the Hearing Commissioners
Appointed by the Grey District Council
and West Coast Regional Council

Under the Resource Management Act 1991

In the matter of resource consent applications by TiGa Minerals and Metals
Limited to establish and operate a mineral sands mine on
Barrytown Flats (RC-2023-0046 and LUN-315/23)

Memorandum of Counsel (No.1) in response to Minute No.2

29 November 2023

Applicant's solicitor:

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**anderson
lloyd.**

May it please the Panel

- 1 We act for TiGa Minerals and Metals Limited, the Applicant for the resource consent application. This memorandum seeks directions from the Panel with respect to experts conferring through the evidence preparation period to narrow issues.
- 2 The Applicant appreciates the detail and guidance provided in Minute No.2 by the Chairperson. Minute No.2:
 - (a) encourages the efficient coordination of evidence amongst parties with similar interests and concerns (paragraph 9.1);
 - (b) asks that parties promptly respond to a questionnaire from Ms Barrow and identify the hearing time required by 6 December 2023 (paragraph 6.3); and
 - (c) encourages participants to advise the Council as soon as possible if they intend to call a planner (paragraph 9.1).

Expert witnesses

- 3 Due to the broad range of issues raised, the Applicant would like to reach out to matching experts to informally or formally discuss and seek to narrow issues where possible. Doing this in advance of the Applicant's evidence being filed (on 19 January 2024) will assist to focus evidence on matters in contention (as directed in paragraph 5.3).
- 4 We understand the questionnaire circulated by Ms Barrow asks submitters to identify experts they intend to provide evidence. It would also be useful to understand if any expert identified is willing to have the matching expert from the Applicant contact them to arrange a time to attend informal conferencing pre-hearing, and the best contact details to reach them.

Availability of peer review assessments

- 5 The Application was lodged in April 2023. Draft peer reviews for noise (dated 5 May 2023), landscape (dated 11 May 2023) and hydrology (dated 4 July 2023 and 4 September 2023) have been uploaded to the Grey District Council website and were available prior to public notification. We understand a number of other peer reviews were engaged.
- 6 Some submitters have noted the unavailability of peer review reports in submissions. For example, the Coast Road Resilience Group (S175) noted that as the ecology peer review was not completed and available during the notification period, this put their submission at a disadvantage as it may have contained critical information which is key to their understanding of effects.

- 7 It would be helpful for case preparation for both the Applicant and submitters if the West Coast Regional Council and Grey District Council could advise:
- (a) the areas where peer reviews have been engaged. We understand additional peer reviews have been commissioned for ecology, landscape, economics and radiation pursuant to Section 42A RMA; and
 - (b) when the expert peer review assessments will be available publicly, and that they will be available prior to the period from 20 December 2023 – 10 January 2023 (the **Christmas shutdown period**); and
 - (c) if peer review experts are available for informal conferencing to narrow issues (along with any submitter and Applicant experts in the same topic).
- 8 The Applicant is conscious of the limited availability of experts leading up to and after the Christmas shutdown period. Confirming when the peer review assessments are available (and that they will be available before the Christmas shutdown period) will assist experts to manage availability and would greatly assist to focus evidence on matters of contention.

Directions sought

- 9 The Applicant seeks directions that:
- (a) The Submitters advise of any experts (including planners) that will be providing evidence at the hearing; 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
 - (c) The Councils confirm when peer review assessments will be available, and if the authors of the assessments are available for informal conferencing to narrow issues (along with any submitter and Applicant experts in the same topic).
- 10 Providing a response within the same timeframe for the questionnaire responses (i.e. **6 December 2023**) would be appropriate.

11 Thank you for considering this request.

Dated this 29th day of November 2023

A handwritten signature in black ink that reads "A Booker". The signature is written in a cursive style with a large, stylized initial 'A'.

Alex Booker / Alex Hansby
Counsel for the Applicant