

**Bay of Plenty Regional Council  
DIRECTIONS OF THE COMMISSIONERS  
Ngāti Tūwharetoa Geothermal Assets**

**Introduction**

- [1] Pursuant to section 34A(1) of the Resource Management Act 1991 (RMA), the Bay of Plenty Regional Council (BOPRC) has delegated to independent commissioners Rauru Kirikiri and Rob van Voorthuysen the functions of hearing and deciding the application lodged by Ngāti Tūwharetoa Geothermal Assets (NTGA or Applicant) to change or cancel the consent conditions relating to consent 67151. The change sought would defer the timeframe in which NTGA can discharge spent geothermal fluid to the Tarawera River from the East Bank Discharge Point; from 1 January 2021 until 1 January 2035.

**Hearing**

- [2] The hearing is scheduled for **Thursday, 22 and Friday, 23 April 2021** in the Concert Chambers, Plunket Street, Kawerau.
- [3] The hearing will commence at **9.00 am** each day.
- [4] The following directions relate to the hearing:
- (a) The order of appearance will be:
    - Applicant
    - Submitter(s)
    - Section 42A Report author(s)
    - Applicant's right of reply (which may be given at the hearing or in writing thereafter)
  - (b) A Section 42A Report<sup>1</sup> from BOPRC will be available on or before **Wednesday, 31 March 2021**, allowing the Applicant and Submitters to have regard to its contents when preparing their evidence. It would be extremely helpful to the Commissioners if the Applicant and Submitters could indicate in their evidence if they agree or disagree (with reasons) with the Section 42A Report author's recommendations.
  - (c) Pursuant to section 41B(2) of the RMA, the Applicant is directed to provide their expert<sup>2</sup> evidence (if any) to the Hearings Administrator no later than **2.00pm on Wednesday, 7 April 2021**.
  - (d) If experts for the Applicant intend to base their evidence on technical reports that they authored, and which were included as part of the application, then the experts need not repeat material contained in those reports in their evidence. It will be sufficient for the evidence to cross-refer to that material.
  - (e) Pursuant to section 41B(3) of the RMA, Submitters who intend to call expert evidence in support of their submissions are directed to provide a written statement of that evidence to BOPRC no later than **2.00pm on Wednesday, 14 April 2021**.
  - (f) If submitters intend to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested and strongly urged to also provide a written statement of that evidence to BOPRC no later than **2.00pm on Wednesday, 14 April 2021**.
  - (g) If Applicant or Submitter evidence to be presented by non-expert people is not provided to BOPRC by the above dates, then those people should bring ten (10) hard copies to the hearing.
  - (h) If the Applicant proposes to have legal counsel present opening legal submissions, the Applicant is requested to provide those submissions to the Hearings Administrator no later

<sup>1</sup> A Section 42A Report includes a discussion of the application and the submissions. It recommends (with reasons) whether the consent applications should be granted or not. That recommendation does not bind the Commissioners.

<sup>2</sup> Expert evidence is that written by qualified planners, engineers or scientists, for example, prepared in accordance with the Environment Court's Practice Note 2014 for expert witnesses.

than **2.00pm** on **Tuesday, 20 April 2021**.

- (i) All original submissions, pre-circulated evidence and legal submissions will be taken as read at the hearing. Accordingly, pursuant to section 41C(1)(b) of the RMA, the Applicant and Submitters are directed that all such material will not be read aloud at the hearing, as that would be an inefficient use of time as the Commissioners will have already read it.
- (j) At the hearing the Applicant's experts may table and read aloud supplementary or rebuttal evidence responding to any expert evidence lodged by Submitters. The Commissioners anticipate that any such evidence will be concise.
- (k) All people appearing at the hearing will be allowed to verbally and briefly highlight key points from their evidence or legal submissions for the benefit of the Commissioners. The Commissioners will then ask any questions they may have.
- (l) Should any Submitter wish to speak in Te Reo, utilise Sign Language, or utilise visual aids (PowerPoint, etc) they are requested to liaise directly with the Hearings Administrator, as soon as possible, but prior to **Friday, 2 April 2021** regarding their needs.

### **Website**

- [5] All information relevant to the hearing will be made available on the BOPRC website:  
<https://www.boprc.govt.nz/environment/resource-consents/notifications>.

### **Correspondence**

- [6] Participants must not attempt to correspond with or contact the Commissioners directly. All correspondence relating to the hearing must be addressed to the Hearings Administrator, Melanie (Mel) Jones.

### **Service on the Council**

- [7] All evidence and legal submissions addressed by this Minute must be lodged with BOPRC:
- Preferably by email to [Melanie.Jones@boprc.govt.nz](mailto:Melanie.Jones@boprc.govt.nz)  
or
  - By post addressed to Melanie Jones, Bay of Plenty Regional Council, PO Box 364, Whakatāne 3158, New Zealand.
- [8] Evidence and legal submissions lodged must be provided in **Microsoft WORD** format. The documents must be 'unlocked' so that they can be annotated by the Commissioners.



Rob van Voorthuysen  
On behalf of the Commissioners  
23 February 2021