

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

Introduction

- [1] By way of a Memorandum dated 6 April 2021 Counsel for Ngāti Tūwharetoa Geothermal Assets (NTGA) sought an adjournment of the Hearing currently scheduled to commence on 22 April 2021 regarding NTGA's s127 application to change or cancel the conditions of consent number 67151. The change sought will defer the timeframe in which NTGA can discharge spent geothermal fluid to the Tarawera River from the East Bank Discharge Point (EBDP) from 1 January 2021 until 1 January 2035.
- [2] Counsel requests the adjournment in order to enable NTGA to obtain and provide further expert evidence regarding the commercial effects for NTGA should the application not be granted. Counsel advise that this evidence will take four to six weeks to prepare and so they seek a revised hearing date in early to mid-June 2021.

Discussion

- [3] The Commissioners have no objection to the requested adjournment. However, the provision of new expert evidence necessitates a number of procedural steps.
- [4] The Commissioners advise that a Hearing could be held in the week commencing **28 June 2021**. Earlier dates in June are not suitable due to existing commitments that the Commissioners have.
- [5] On the basis that a Hearing can be held during that week in June, the following preliminary directions are made:
 - a) The additional NTGA expert evidence is to be provided to the BOPRC Hearings Administrator on or before **Friday, 21 May 2021**. The Commissioners respectively direct and request that all other NTGA expert and non-expert evidence is also provided to the Hearings Administrator at the same time;
 - b) An addendum to the BOPRC section 42A report is to be provided on or before **Friday, 4 June 2021** assessing the additional NTGA expert evidence (and non-expert evidence) and outlining any amendments to the conclusions and recommendations (with reasons) contained in the 19 March 2021 Officers Report;
 - c) If Te Rūnanga o Ngāti Awa (TRoNA) intends to call expert evidence in support of their submission they are directed to provide written statements of that evidence to the Hearings Administrator on or before **Friday, 18 June 2021**.
 - d) If TRoNA intends to provide written evidence themselves, or have non-expert people appear on their behalf, then they are requested to also provide that evidence to the Hearings Administrator on or before **Friday, 18 June 2021**;
 - e) If NTGA proposes to have Legal Counsel present opening legal submissions, it is requested that those legal submissions are provided to the Hearings Administrator no later than **Wednesday, 23 June 2021**.
- [6] All other procedural directions outlined in Minute 1 continue to apply.

Matters of interest to the Commissioners

- [7] Having read the material circulated to date, the Commissioners take this opportunity to request that the NTGA submissions and/or evidence address the following matters:
 - a) How many geothermal wells NTGA currently operate and their location;
 - b) What reinjection, (if any), of NTGA spent geothermal fluid currently occurs;
 - c) Where that reinjection, (if any), occurs;

- d) The reason(s) why reinjection of the EBDP discharge of spent geothermal fluid has not occurred to date given the very clear indication in the existing conditions of consent 67151 that the EBDP discharge to the River was to cease by 1 January 2021;
- e) The annual and total load of contaminants, (particularly heavy metals), that would be discharged to the Tarawera River over the next 14 years should the NTGA s127 application be granted; and
- f) The effect of that contaminant load on downstream depositional environments including the Tarawera River estuary.

Liaison with TRONA and BOPRC

- [8] Following receipt of this Minute, NTGA, (or their Counsel), are requested to liaise with TRoNA and BOPRC to determine if the above dates are acceptable and either:
 - a) confirm their acceptability with the Hearings Administrator; or
 - b) propose alternative dates to the Hearings Administrator.
- [9] With regard to [8](b) above, it should be noted that the Commissioners are unavailable in the weeks commencing 5 July and 19 July 2021.



Rob van Voorthuysen
On behalf of the Commissioners
7 April 2021