

**IN THE MATTER of
the Resource Management Act 1991**

AND

**IN THE MATTER of
Hearing of submissions and further
submissions on the Proposed Te Tai O
Poutini Plan**

**MINUTE 12 – ENERGY INFRASTRUCTURE
AND TRANSPORT**

INTRODUCTION

1. During the hearing on Energy, Infrastructure and Transport we indicated that the hearing process might benefit from further caucusing on provisions by the planners. While we acknowledge and are grateful that some caucusing has already taken place, there remain a number of outstanding matters which we consider would benefit from more focused and facilitated caucusing.
2. While not an exhaustive list and in no particular order some of the matters we consider require further discussion are:
 - The changes to vehicle movements associated with integrated transport assessments proposed by Waka Kotahi.
 - The definitions of Critical Infrastructure/Regionally Significant Infrastructure and Infrastructure and what those definitions should include and how they are used. We note that this has broader implications across the whole Plan.
 - The proposal by Poutini Ngai Tahu to introduce a matter of discretion relating to significant cultural values.
 - The various proposals by Westpower to amend the Energy provisions to make them more enabling for line distribution companies.
 - The proposal by the Telecommunication Companies for a 'carve out' from the proposed non-renewable energy provisions for generators providing backup power.
3. We therefore direct that the planners who have been involved in the Energy, Infrastructure and Transport hearing process are to undertake further caucusing on the matters identified above and any other matters which remain outstanding before the parties. We consider this can be undertaken virtually.
4. The outcome of this process should be a Joint Witness Statement which identifies where agreement has been reached and where there remain differences between the parties on the plan provisions including objectives, policies and rules. Where agreement is reached one set of provisions should be provided but where there is disagreement then a marked-up versions detailing areas of disagreement including focused comments from the respective party on why one position is to be preferred over the other.
5. We acknowledge that Bathurst Resources Limited and BT Mining Limited and the other mining companies - Birchfield Coal Mines Limited et al whilst not providing planning evidence at this particular hearing may well now have an interest in this caucusing process relating in particular to the provisions sought by Waka Kotahi which have now been detailed in evidence. Leave is therefore granted for a planning witness from each of these submitters to be involved.
6. Leave is also granted for any submitter who considers their matters have been fully addressed to not have their planning witness involved in the caucusing process. However, they should be aware that a potential outcome of the caucusing and Joint Witness Statement could well be changes to what they thought had been addressed.

7. As all witnesses have agreed to abide by the Expert Witness Code of Conduct (Code) set out in the Environment Court's Practice Note we remind those involved that they are bound by the Code in caucusing and in particular those matters under clause 9.4.
8. We are hopeful that a time can be arranged for caucusing on the week beginning the 18th of December 2023 and we understand a facilitator is available. This would then enable the hearing to be reconvened during the week of the 12th of February 2024.



Dean Chrystal

Independent Commissioner – Chair - on behalf of the Hearing Panel members

1 December 2023