

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 54 – Ecosystems and
Biodiversity Hearing

INTRODUCTION

1. Following the Ecosystems and Biodiversity hearing the Hearings Panel has identified matters to be addressed as outlined below.

Planner Caucusing

2. During the hearing the Hearings Panel signaled and have since agreed that there may be value in planner caucusing in relation to the Ecosystems and Biodiversity chapter.
3. The matters of concern are the number of variables the plan provisions seek to cover. Provisions deal with locations, i.e. in Grey District where Significant Natural Areas (SNAs) have been identified and in the other Districts where they have not. Also, the provisions address future steps to assess areas to identify SNAs. As well, provisions seek to deal with the present where a resource consent application may trigger the need for protection. Additionally, the provisions rely on both the Regional Policy Statement and National Policy Statement for Indigenous Biodiversity for differing reasons and in differing circumstances.
4. We now direct that the Planners involved in the Ecosystems and Biodiversity hearing, Ms Easton, Mr Horne, Ms Pull, Ms Styles, Ms Whitney, Ms Sannazzaro, Ms Hunter, Mr Brass and Mr Kennedy caucus on the following matters:
 - i. Can the provisions (objectives, policies and rules) be further simplified and made easier to read, understand and interpret, for example by reducing the length of, and/or better focusing policies on key matters and through the breaking up of rules and/or combining their 'purposes' where there are degrees of similarity; and
 - ii. Is there an ability for non-statutory methods to be incorporated into policies in conjunction with SNA's, i.e. is there an ability for Councils to consider non-regulatory measures as part of the SNA process.
5. The caucusing should use as a basis Appendix 1 of Ms Easton's s42A report and the further changes recommended in her supplementary statement of 8th November 2024.
6. 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. This should include focused comments from the respective parties on why one position is to be preferred over the other.
7. Leave is 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.
8. 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.
9. The Hearing Panel would like to receive a response to the above by the **31st of January 2025**.

Reassessment

10. The Hearings Panel has, based on the evidence received, identified two locations where we consider a reassessment by a suitable expert of the relevant overlay would be appropriate as follows:
 - i. SNA DOC-004, Legal Description Part Lot 1 DP 2132 - submitter Nicholas Johnston.
 - ii. Positioning of the Coastal Environment Overlay and Outstanding Coastal Natural Character and High Coastal Natural Character Overlay between Kumara Junction and Arahura – submitters L Lever and G Tinney.
11. The Hearing Panel would like to receive a response to the above by the **21st of February 2025**.



Dean Chrystal

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

3 December 2024