

## Minute from the Hearing Panel – regarding:

### **Miraka Limited's (Miraka) Block 3 evidence from Ms Addenbrooke; and whether parts of it are a Block 2 matter in relation to the concept of Land Use Capability as an allocation framework.**

Miraka has lodged an expert evidence brief of Ms Addenbrooke (Environmental Management) for the Block 3 hearing, largely focused on Policy 7. Policy 7 is a Block 3 matter. However, the Hearing Panel (Panel) considers that parts of Ms Addenbrooke's evidence addresses an allocation regime proposed by some submitters as part of the rule framework, and therefore part of Block 2.

Specifically, paragraphs 4.16 to 4.21 of Ms Addenbrooke's evidence, under the heading *Other approaches (Natural Capital and Land Use Capability)*, sets out why Miraka opposes using the concept of Land Use Capability (LUC) as an allocation framework. The evidence then appears to rebut the evidence of Beef and Lamb New Zealand Limited, the Director General of Conservation and "*..other parties within the drystock sector*"<sup>1</sup>. It also directly references two of the Federated Farmers expert witnesses who provided Block 2 rebuttal evidence regarding "*criticisms of the LUC approach, both in its own right and a proxy for natural capital*"<sup>2</sup>.

The Panel considers that Ms Addenbrooke's evidence (paragraphs 4.16 to 4.21) is evidence that should have been filed for the Block 2 hearings. On this basis Miraka will need to seek leave for this evidence to be filed late, and heard within the Block 3 hearing period.

The Panel's Hearing Procedures and Directions document (5 November 2018) sets out at section 12 - Late or supplementary evidence (paragraph 60)

*Late or supplementary evidence will only be accepted at a hearing session:*

- a. where circumstances make it necessary for such evidence to be provided; and*
- b. with the leave of the Hearing Panel.*

Any leave application shall be filed with the Hearing Coordinator not later than **5 pm on Friday 26 July 2019** and will need to address:

- The circumstances that make it necessary for this evidence to be provided; and
- Potential prejudice to other parties from its provision at this point in the Block 3 hearing.

If any other party wishes to address any leave application filed by Miraka, they may file a memorandum with the Council's Independent Hearings Coordinator within 3 working days of that leave application being provided to the parties and/or on the WRC website.

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<sup>2</sup>Paragraph 4.20 of Ms Addenbrooke's evidence.

A handwritten signature in black ink, appearing to read "Greg Hill", followed by a period.

Greg Hill

Chairman of the Hearing Panel.

23 July 2019