

Minute from the Hearing Panel – regarding:

Beef and Lamb New Zealand Limited (B+LNZ) seeking to file supplementary expert planning evidence (revised planning provisions) for the Block 2 Hearing.

B+LNZ has lodged supplementary expert planning evidence from Ms Jordan in the form of a revised marked up version of the plan provisions from those attached to her evidence-in-chief.

Mr Thomsen, B+LNZ legal counsel, set out in his Memorandum (25 July 2019) at paragraphs 2 – 4:

The amended proposed plan provisions have now been finalised and are attached to this memorandum as Appendix 1.

These proposed provisions replace those attached to Ms Jordan's 9 May 2019 evidence. They do not greatly change the provisions filed with Ms Jordan's evidence (changes are marked with a yellow highlight), but the drafting of the provisions has benefited from further review and reflection.

It is these provisions that will be addressed by Counsel and Ms Jordan at the hearing.

The Panel considers that although few in number, the amendments Ms Jordan has made to the plan provisions are substantive in nature (including specifying numeric kgN/ha/yr values applying in different parts of the catchment for the purposes of the 75th percentile rule).

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.*

B+LNZ will need to seek leave for Ms Jordan's revised planning provisions to be received as supplementary planning evidence. This would 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 2 hearing.

B+LNZ is scheduled to be heard before the Hearing Panel (the Panel) at 9.00 am on 27 June 2019.

If any other party wishes to be heard on whether Ms Jordan's supplementary evidence should be received by the Panel, they may either file a memorandum with Mr Rice or appear at the hearing at 9.00am 27 June 2019.

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

Greg Hill

Chairman of the Hearing Panel.

25 June 2019