

Minute from the Hearing Panel – regarding:

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Expert Conferencing - Table 3.11-1.

**Updating the Minute in relation to - No Additional Expert Evidence
in relation to the Joint Witness Statement from Expert
Conferencing; and**

Experts to present on behalf of the Nutrients Sub-Group.

This is an update of the Minute issued on the 21 June 2019 regarding **No Additional Expert Evidence in relation to the Joint Witness Statement from Expert Conferencing.** The amended wording is underlined below – clarifying that expert planning evidence may be lodged in relation to the Joint Witness Statement (JWS) of the experts in relation to table 3.11.1, and heard at the Block 3 Hearing.

In a Minute dated 31 May 2019 the Hearing Panel (Panel) directed that 18 July 2019 be set aside to hear from the experts who attended the expert conferencing in relation to the Joint Witness Statement (JWS) and any recommended changes to Table 3.11.1.

In that Minute the Panel set out that to facilitate efficient use of hearing time on that day:

- The Panel requests that:
 - Where there is a consensus (of all or some of the experts) on any particular matter/topic, the experts supporting the consensus view nominate one of them to be available to answer the questions of the Panel on that matter/topic.
 - The expert or experts who is/are not part of the consensus group on any particular matter/topic be available to answer the questions of the Panel regarding the reasons for their disagreement with the consensus group's findings.
 - **No further expert evidence on Table 3.11.1, other than the JWS, will be accepted.**
 - The Panel will not be seeking or hearing any legal submissions in relation to the JWS and/or the amended table 3.11.1 on that day.
 - To the extent that any party wishes to present legal submissions regarding the JWS and/or the amended table 3.11.1, including any implications they may have for other provisions of the Plan Change, they may do so as part of any legal submissions to be presented at the Block 3 hearings.

No Additional Expert Evidence in relation to the Joint Witness Statement from Expert Conferencing

The Panel has been asked to clarify its position on whether further evidence in relation to the JWS will be able to be presented at the Block 3 hearing - where the Panel has enabled "*legal submissions regarding the JWS and/or the amended table 3.11.1, including any implications they may have for other provisions of the Plan Change*".

The Panel was clear in its Minute (see the highlighted bullet point above) that no further expert evidence on Table 3.11.1, other than the JWS, would be accepted. While the Panel accepts this could be interpreted as not accepting further evidence on the 18 July 2019, it was the Panel's clear intent that it would **not** be accepting any further evidence in relation to the JWS in the Block 3 hearings.

The Panel wishes to clarify that it does not wish to receive any further expert 'technical' evidence. However, it accepts that expert planning evidence may need to be updated in relation to the implications of the JWS and suggested changes to Table 3.11.1 for the objective, policy and rule framework.

Given the date of this Minute, the Panel requests that any evidence be provided by the **5 July 2019** with the evidence-in-chief for the Block 3 hearing. However, if this is not possible, the Panel extends the time for lodging the evidence in relation to the JWS and suggested changes to Table 3.11.1 until no later than **12 July 2019**. Any rebuttal evidence must be lodged by **19 July 2019**.

Experts to present on behalf of the Nutrients Sub- Group.

In the Memorandum provided by Mr David Hill - Facilitator of the Table 3.11.1 Expert Conferencing (17 June 2019), he set out at paragraph 6 that:

The nutrients sub-group has suggested that it may be more beneficial for 2 or 3 of the principal authors to present to the Panel on 18 July 2019 because, as you will see, there are a number of option alternatives indicated. I leave that suggestion with the Panel.

The Panel is happy for 2 or 3 of the principal authors to present to the Panel, and leave it to those authors to decide who the presenters will be.

Greg Hill



Chairman of the Hearing Panel.
25 June 2019