

Minute from the Hearing Panel – regarding:

The Director-General of Conservation (DOC) seeking additional time to file supplementary expert evidence in response to a correction made by the Council Officers to questions posed by the Hearing Panel.

The Hearing Panel (Panel) received a Memo from Mr McCallum-Clark (dated 5 July 2019) providing the council officers' responses to the questions and requests posed by the Panel at the Block 1 and 2 hearings.

In its Minute (dated 7 June 2019) the Panel set out, " *To ensure 'natural justice' to all submitters the Panel will issue a Minute once it has received the responses, enabling any submitter to file 'supplementary' evidence in relation to the s42A officers responses; to be heard at the Block 3 hearings. That Minute will specify that supplementary evidence will need to be filed by the **19 July 2019**; coinciding with the closing date for filing any Block 3 rebuttal evidence.*"

On 17 July 2019, Mr McCallum-Clark filed an erratum, correcting his answer to Question 14 posed by the Panel.

DOC's legal counsel, in a Memorandum dated 17 July 2019, set out that it wishes to file further evidence in response to Mr McCallum-Clark's erratum. However, given the date of the erratum, additional time is sought to file that evidence (until Wednesday 24 July 2019).

DOC Memorandum set out at paragraph 9:

However, it is not been possible for the Director General to complete and file that evidence by the due date for rebuttal evidence for Block 3 (being today 19 July) because;

- a. Mr McCallum-Clark's erratum memorandum was only received by the Department after 8pm on 17 July.*
- b. Prior to its receipt, the Department and its witnesses had no clarity as to the exact contents of that memo.*
- c. As the Hearings Panel will be aware, Ms McArthur has been engaged in attending, travelling to and from, and preparing for the hearing regarding the Joint Witness Statement held on 18 July.*
- d. Ms Kissick's planning evidence is evaluative, and can not be completed until Ms McArthur's evidence is finalised.*
- e. In all the circumstances, the amount of time available to the Department's witnesses to respond to this important issue raised in Mr McCallum-Clark's erratum memorandum is unfairly and unreasonably limited.*

The Panel accepts DOC's leave request to provide the supplementary evidence from Ms McArthur and Ms Kissick no later than Wednesday 24 July 2019. The reasons for this are those set out above.

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

Greg Hill

Chairman of the Hearing Panel.

19 July 2019