

**Before Hearing Commissioners at
Waikato Regional Council**

**I mua i te kaikōmihana
ki te kaunihera o te rohe o Waikato**

Under the Resource Management Act 1991
In the matter of Proposed Plan Change 1 to the Waikato Regional Plan and in the
matter of Hearing Block 2

Between

Genesis Energy Limited

Submitter 74052

And

Waikato Regional Council

Consent Authority

**Memorandum of Counsel on behalf of Genesis Energy
Limited**

24 June 2019

BELL GULLY

BARRISTERS AND SOLICITORS

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May It Please the Hearing Panel:

1. We refer to the Minute of the Hearing Panel regarding the 'Director-General of Conservation (**DoC**) seeking to file supplementary expert planning evidence (a section 32AA further evaluation) for the Block 2 Hearing' dated 21 June 2019.
2. Genesis Energy Limited (**Genesis** - submitter 74052) opposes the introduction of the supplementary planning evidence in the event DoC seeks leave for Ms Kissick to present this at the Block 2 hearing.
3. Genesis submits it would be prejudiced by its late introduction as Ms Kissick's further evaluation seeks to justify DoC's position which should have been provided as part of Ms Kissick's evidence-in-chief, Genesis is adversely affected by the proposed amendments including to the point source discharge policies, and Genesis and other affected parties have not had an opportunity to respond.
4. Further we note that in its Minute regarding 'no additional expert evidence in relation to the joint witness statement from expert conferencing' dated 21 June 2019, the Hearing Panel has reiterated that it will not accept any further expert evidence in relation to Table 3.11-1 or the Joint Witness Statement on Table 3.11-1.
5. Based on an initial review of Ms Kissick's further evaluation it appears to include expert evidence in relation to Table 3.11-1 as it endeavours to justify the inclusion of additional attributes.¹

¹ For example, see the discussion of the proposed amendments to Policy 10 (page 149-151 of the PDF of DoC's legal submissions and attachments).

6. In the event the Hearing Panel decides to receive Ms Kissick's supplementary evidence, then Genesis requests the opportunity to file supplementary rebuttal evidence in response to the matters raised.



N Garvan
Counsel for Genesis Energy Limited