

BEFORE THE SOUTHLAND REGIONAL COUNCIL

IN THE MATTER OF The Resource Management Act 1991 (**Act**)

and

IN THE MATTER OF an application by Woldwide One Ltd and Woldwide Two Ltd for various land use, discharge and water permits associated with expansion of a dairy farm (**APP-20191052**); and

an application by Woldwide Four Ltd and Woldwide Five Ltd for various land use, discharge and water permits associated with expansion of two dairy farms (**APP-20191140**)

**MINUTE OF HEARING COMMISSIONERS
REGARDING HEARING PROCEDURE**

- 1 The hearings for Woldwide 1 Ltd & Woldwide 2 Ltd, and Woldwide 4 Ltd & Woldwide 5 Ltd, are set to commence on 30 September and 3 October respectively. We have now received the officer's s42A reports and applicants' evidence.
- 2 It is clear that there are a number of issues, reports and evidence in common to the two hearings, including (for example) a large degree of commonality for relevant planning provisions. A number of individuals are involved in both hearings (all Council witnesses, most submitters, a number of witnesses for the applicants and Counsel for the applicants).
- 3 We have been considering how the two hearings can be run most efficiently. Of particular concern is that we are likely to ask questions and receive evidence in each hearing on matters that are common to both, and which we may wish to rely on when writing up both decisions. For example, matters relating to the existing environment, interpretation of policies and legal submissions on the meaning of landholding. If a strict approach were taken to the separate applications, then in order to rely on this evidence for both decisions, the same questions may need to be asked of the same witnesses, twice. This does not promote efficient and effective decision-making under the RMA, and does not assist with quality of information received.
- 4 In addition, Ms Bragg has advised us that some submitters have requested that they appear only once, to present their submission on both applications at the same time.
- 5 We have identified, on a preliminary basis, a method for managing the above issues, on which we seek feedback from all parties.

Evidence in each hearing may be relied on for both decisions

- 6 Two separate hearings are held, as planned. However, any evidence given on matters that relate to both applications may be relied on in making both decisions. Submitters on both hearings would be able to give their evidence only once. Counsel for the applicants will need to identify commonalities and differences, during the course of opening submissions. All parties will have opportunity to respond.
- 7 The advantage of this is that some evidence or legal submissions may only need to be given once. In addition, for matters that are common to both hearings, it will not be necessary to repeat questions to experts in both hearings in order to separately obtain the evidence needed for each decision.

- 8 However, this approach may prejudice any party which is involved in only one hearing, as they may not hear evidence raised in the other hearing that is then relied on. The applicant(s) may also have other issues or concerns with this approach.
- 9 Our current view is that the case management approach identified above is appropriate, but we would prefer to have the agreement of all parties. If any party considers itself prejudiced by this approach, then (subject to further consideration) we may decide to run the hearings separately. This is likely to take longer and be less efficient.
- 10 If any party wishes to comment on the proposed approach above or objects to it they should advise Ms Bragg in writing by 4pm Monday 23 September. If a party does not notify any concerns, then we will treat that party as having agreed to the process identified above. We will consider the responses and issue a direction as to the hearing timetabling as soon as practical after that date.
- 11 Any party may request a teleconference to discuss the above issues. This would be convened on Tuesday 24 September 2019 at 1pm. If a teleconference is held, any parties wishing to be heard on this issue will need to provide contact details and an authorised representative to attend the teleconference.



Emma Christmas

Chair

Dated: 20 September 2019