

**BEFORE THE SOUTHLAND REGIONAL COUNCIL**

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

**and**

**IN THE MATTER OF** an application by Woldwide 4 and 5 for various land use, discharge and water permits associated with expansion of a dairy farm (**APP-20191140**)

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**MINUTE OF HEARING COMMISSIONERS  
RESPONSE REGARDING EXPERT WITNESS STATUS**

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- 1 Commissioner Rob Enright and I have been engaged by Southland Regional Council to hear and decide a number of resource consent applications by Woldwide 4 and 5 to expand a dairy farm at Bayswater. The hearing will take place in August.
- 2 We have received a request from Dr Mike Freeman, witness for the applicant, asking whether we would accept both planning and water quality evidence from him as an expert witness in both areas. The question has arisen as a result of our recent decision for M&C Adams (AUTH-20181750), in which we preferred the opinion of the applicant's expert planner over that of Dr Freeman. We record our response in a minute in case it is of wider interest to other parties.
- 3 Our concern in the M&C Adams decision was the lack of a statement of Dr Freeman's expertise in planning, as required by the Environment Court Practice Note 2104. The Practice Note is widely used in resource consent hearings.
- 4 Our view is that if any witness can demonstrate the appropriate experience and qualifications, they may present as an expert witness in any field or fields. The appropriateness of one person being an expert in two fields in the same hearing is a matter between the witness and their client. It is possible that another party to the hearing may challenge any witness's expertise, and if that is the case we would have to make a decision on the weight given to the witness's evidence.
- 5 If any witness chooses to give expert evidence in more than one field, we ask that both sets of evidence are kept separate, and it is clear at all times which expertise is relied on.



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**Emma Christmas**

Chair

Dated: 9 July 2019