

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 AND TIMETABLING**

DATED 26 SEPTEMBER 2019

- 1 On 20 September we issued a minute regarding hearing process in which we proposed that any evidence given on matters that relate to both Woldwide hearings may be relied on in making both decisions without needing to be heard twice. Submitters involved in both hearings would be able to give their evidence only once.
- 2 In reply we received confirmation from two submitters that they wished to present evidence only once, and a response from applicants' counsel, Mr van der Wal. No other responses were received, and in accordance with our earlier minute, we will treat those parties who did not respond as having agreed to the process identified.
- 3 Mr van de Wal indicated that the applicants agreed to the proposed approach, subject to a number of provisos.
 - That we recognise that despite the reliance on evidence that is the same for some parts of the applications, these remain two separate hearings for three distinct proposals by four separate persons.
 - That the applicants' agreement to the approach in no way signals acceptance that these are not distinct applicants or that, apart from the overtly stated joint applicant status of Woldwide One Ltd and Woldwide Two Ltd, they deal with essentially one land use or proposal.
 - That the approach is best suited to the evidence of Mr Duncan and Dr Roberts.
 - That all questions would need to be put, where possible, in a manner in which it is possible to distinguish which parts relate to which hearing.
 - That witnesses who provide evidence in both hearings, but need to be present at both, such as Dr Freeman and Mr and Mrs De Wolde, should still appear in both, but the Panel and other parties should be prepared to take the parts of their evidence that are the same for both hearings, as having been addressed and not needing to be revisited.
 - That the approach to legal submissions will be the same as for the previous point. Separate submissions for the second hearing will also be filed.
 - That all timeframes, procedures and decisions need to maintain the separation between the two hearings
- 4 In response:
 - a. We confirm that the two hearings are separate hearings and that the applications are likewise separate. Timeframes, procedures and decisions will apply separately to each hearing. Where relevant and practical, we will indicate where questions relate to the 'other' hearing. We are anticipating that a number of questions will apply to both. We may pose questions later in the week to the applicants' experts that are relevant to both hearings. This will depend on answers given and issues identified.

- b. We acknowledge the applicants' position on the "one landholding issue". For obvious reasons, we cannot predetermine the issue as to whether there is a global "landholding"; and, if so, whether that is relevant to the merits of the respective applications. That is a matter to be addressed as part of the hearing.
 - c. For clarity, all parties, including the applicants, must identify when giving evidence which information or evidence is relevant to only one hearing and which is relevant to both.
- 5 Ms Bragg has drafted a hearing timetable based on the approach outlined taking into account witness availability, which will be circulated with this minute. This provides for each submitter to give evidence once. The timetable should be considered approximate and any parties not intending to remain in the hearing prior to presenting their evidence should keep in touch with Ms Bragg by email or text to ensure they are aware of their speaking time.
- 6 We remind the parties that time has been set aside at the beginning of each hearing to confirm which reports and evidence is the most up to date and which versions have been superseded and should be disregarded. To aid in this, we require the applicant provide a written list of the relevant application documents which we are to be relied on for the purposes of the hearing.


Further Information

- 7 We request that the following information is provided. This information will assist in addressing matters raised in the pre-circulated evidence. We note that we have not formed a view on any matter. The applicant(s) are not obliged to provide this information, however we anticipate we will raise questions relating to these issues. Prior provision of this information will ensure an efficient hearing process.
- a. Nicole Phillips in evidence at [55]-[106] identifies that installation of winter barns may mitigate nutrient losses (and therefore water quality effects) of all relevant proposals. What is Dr Freeman's position on this issue? In particular we are interested in the water quality benefits or otherwise of earlier installation of wintering barns for the Woldwide Four and Woldwide Five farms. This information may be provided at the time Dr Freeman gives evidence.
 - b. Cain Duncan in his evidence relating to the Woldwide 1 and Woldwide 2 hearing at [79] states that:

"[79] A 2018/19 nutrient budget has not been supplied as the application was submitted prior to the end of the season and the relevant end of season data was not available."

The lack of this budget has been raised as an issue in the s42A Report. We request that the nutrient budget for 2018/19 is provided so that up to date data is available to determine the issue of nutrient loss changes, or alternatively a more complete explanation of why it cannot be provided.

- 8 If any party disagrees with our directions above, they must raise this as a preliminary issue to be addressed at the start of the hearing at 2.30pm on Monday 30th September 2019.



Emma Christmas

Chair

Dated: 26 September 2019