

**IN THE MATTER** of a resource consent application under  
Section 87C(1) of the Resource  
Management Act 1991 (**the Act**)

**BETWEEN** MERIDIAN ENERGY LIMITED  
(ENV-2011-CHC-000090)

Applicant

**AND** HURUNUI DISTRICT COUNCIL  
CANTERBURY REGIONAL COUNCIL

Respondents

**BEFORE THE ENVIRONMENT COURT**

Court: In chambers, at Auckland  
Environment Judge R G Whiting sitting alone pursuant to Section 279 of the  
Act

Date: 17 May 2012

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**MINUTE OF THE ENVIRONMENT COURT IN RELATION TO EXPERT  
WITNESS CAUCUSING**

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**Introduction**

[1] This minute is being issued in response to memoranda and correspondence filed  
with the Court in relation to the evidence of three experts, namely:

[a] Tanya Breen – an Autism Spectrum Disorder expert;

[b] Dr Keith Petrie – a professor of health and psychology; and

Meridian Energy Limited v Hurunui District Council & Canterbury Regional Council (Hurunui Windfarm Direct Referral re witness  
caucus (Minute).doc



[c] Tim Crighton – a registered valuer and chartered accountant.

[2] It is the intent of Meridian to have these experts file evidence in rebuttal to matters raised by witnesses for the other parties.

[3] Mr Carr, for Tipapa Limited has objected to their evidence on the basis that the witnesses have not been named in the list of witnesses Meridian submitted to the Court in January 2012

[4] The matter has been placed before me because the presiding Judge is on leave and a decision needs to be given before caucusing commences next week.

[5] I propose to apply the normal principles that are applied in the course of other proceedings.

[6] The guiding principle is new evidence in rebuttal arising out of a matter raised by the other party's evidence in chief is normally admitted unless it prejudices one or other of the parties. This is so, whether the evidence to be proffered is by an existing witness or a new witness. Further the Court should welcome evidence, in the absence of unfairness, to enable it to make an informed decision.

[7] In this case I can see no unfairness arising to the other parties as evidence is in response to evidence lodged by other witnesses. Further this matter is not being heard until the end of August.

[8] Mr Carr has advised the Court that he wishes to attend the following caucus meetings:

[a] Tourism – as an operator of a tourism business;

[b] Noise – as a delegated representative for Dr Robert Thorne;

[c] Traffic;

[d] Valuation – as an owner of property; and



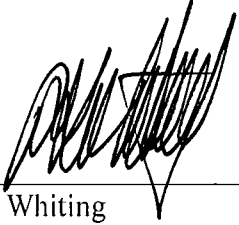
[e] Landscape;

### Directions

[9] From the papers the issue arises whether leave needs to be granted. In the circumstances I think it is appropriate to grant leave. I direct the expert witnesses are to participate in the relevant caucusing sessions as directed by the Court.

[10] Mr Carr is permitted to attend the causing meetings set out in paragraph [8]. He may only participate in areas within his expertise or with the consent of the facilitator.

**DATED** at Auckland this 17<sup>th</sup> day of May 2012

  
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R G Whiting  
Environment Judge

