

## **Before The Canterbury Regional Council**

In the Matter of an Application by  
**South Canterbury Irrigation Trust  
and Meridian Energy Limited**  
to take and use water from the Waitaki River  
for the proposed Hunter Downs  
Irrigation Scheme, CRC071029

### **Fifth Minute of Commissioner Skelton Relating to Pre- Hearing Procedural Meeting**

1. On 11 July 2007 I conducted a pre-hearing procedural meeting at Oamaru in respect of these proceedings in accordance with a notice sent to the applicants and the submitters (both in support and in opposition) dated July 2007.
2. As participants entered the meeting room they registered their interest with staff from Environment Canterbury.
3. I opened the meeting by introducing myself and welcoming the participants. I then discussed hearing times for this application as well as the Waitaki River North Bank Tunnel Power Scheme and advised that the hearings would be held in Timaru. As a general matter I also asked submitters with the same or similar interests to consider joining together to avoid duplication and thus make an efficient use of the hearing time.
4. Having explained the procedure to be followed at the meeting I proceeded to hear from those parties with interests in the Waitaki River North Bank Tunnel Scheme and after a luncheon adjournment I heard from the above applicants and the submitters with an interest in this application. I sought to establish as far as possible what part they would be taking in the hearing, how many witnesses they intended to call, and how much time they estimated they would require. On this last matter submitters were also advised that when the notice of hearing is issued for these proceedings it will be accompanied by an invitation to contact staff at Environment Canterbury to book hearing times on the dates allocated for the hearing of submitters' cases both in support of and in opposition to the applications.
5. I now set out in summary form the advice I received from the applicants and from the submitters.

### **Meridian Energy Limited and South Canterbury Irrigation Trust - the applicants**

Counsel Mr Hamish Cuthbert provided a list of the witnesses the applicants intend calling. Attached to this Minute is a copy of that list. In total there are 27 witnesses and allowing for a full opening Mr Cuthbert estimated a total hearing time of 7 sitting days would be required.

Mr Cuthbert also advised that preparation of the applicant's evidence was underway and as it was completed copies would be posted on Meridian Energy Limited's website. He undertook to have this process completed by 14 September 2007. This will enable other parties to have access to the applicants' evidence at least 10 days before the hearing commences. Mr Cuthbert asked and I agreed that the applicants would have the right to amend their witnesses statements after they had been posted on the website to address any matters that the witnesses may need to address following receipt of Environment Canterbury's report under section 42A of the Resource Management Act 1991.

***Postscript***

*Since conducting the pre-hearing meeting at Oamaru a number of matters have arisen in respect of the time frames and procedures for the hearing.*

*The previous investigating officer, Mr Warwick Pascoe, is no longer processing the Hunter Downs Irrigation application. He is to be replaced by Mrs Gillian Ensor and Mr Jeff Page. In order to give sufficient time for the new officers to complete their s42A report and to otherwise accommodate the time requirements for the hearing, I note:*

- (1) The Officers s42A Report will be available on 10 October 2007.*
- (2) The applicant will provide its evidence in draft form via the Hunter Downs Irrigation website [www.hunterdownsirrigation.co.nz](http://www.hunterdownsirrigation.co.nz) by 24 October 2007. This is a correction to the website address that appears earlier in the minute. The later date will enable the applicants to address matters raised in the S42a report.*
- (3) The hearing will now commence on Monday 29<sup>th</sup> October 2007 in Timaru.*

**The Royal Forest and Bird Protection Society Inc – a submitter in opposition**

Counsel Ms Marion Yoder advised that she was appearing for the national body and for the branches of the Society that had also made submissions on this application and would join with the national body to present one case.

The present intention is to call evidence from 3 expert witnesses on wetlands, braided river birds an habitat, and native fish plus 3 lay witnesses. Counsel would also make submissions.

**Central South Island Fish and Game Council – a submitter in opposition**

Counsel Ms Camilla Owen advised that she was appearing for the national body and for the Otago Fish and Game Council and that there would be a combined case. It is intended to call 3 expert witnesses on hydrology, fisheries, and water quality and either 2 or 3 salmon anglers. The hearing time required was 1.5 days.

**Waihao Downs Irrigation Irrigation Limited –a submitter in opposition**

Counsel Ms Nicola Hornsey advised that in addition to submissions this party would be calling expert evidence from an engineer.

### **The Canterbury Regional Council – a submitter in opposition**

Ms Leigh Skerton told me that this submission is mainly concerned with flood protection issues in the Waitaki River and evidence on these matters will be called from two river engineers. In addition there may also be evidence from a groundwater scientist.

### **K& D Farms Limited and Kakoamo Farm Limited and Marewhenua District Water Resources Co Limited- submitters in opposition**

These submitters will be represented by counsel. Mr Matt Ross and intend calling 3 lay witnesses. They estimate 1 hour for their case.

### **Lower Waitaki Irrigation Co – a submitter in opposition**

This group was represented at the meeting by Mr Chris Dennison. There are in fact 125 other submitters in opposition who are also members of this group and Mr Dennison advised me that all of them would join with the group for the purposes of this case. The group will be represented by Ms Prue Steven as counsel and intends calling 1 technical witness and 2 lay witnesses. Half a day was sought for this case.

### **John Waugh - a submitter in support**

Mr Waugh is a hydrologist and wishes to appear on his own behalf to give evidence about water flows in the Waitaki River including evidence about minimum flows and also surface water resources in South Canterbury. He thought his evidence would take about an hour of hearing time.

### **Gary Mulvena - a submitter in opposition**

I am uncertain as to this submitter's intentions as regards this irrigation application. Mr Mulvena is a submitter on this application and entitled to appear accordingly. However, as I recorded in my Second Minute dated 23 July 2007, on the applications by Meridian Energy Limited he is not a submitter in respect of those applications and although he was advised in that Minute about his right to apply for leave to file a submission out of time no such application has been made. Nonetheless he is a submitter on the Hunter Downs Irrigation Scheme and he is now advised that if he does wish to be heard on that matter he should advise the staff at Environment Canterbury accordingly.

### **Mr Jim Gibson - a submitter in opposition**

Mr Gibson advised that he will not present at the hearing and would have his submission covered by joining with the Lower Waitaki Irrigation Group

### **Diana Taylor – a submitter in opposition**

This submitter has interests below the rail bridge across the Lower Waitaki River and is also an adjoining landowner. She is part of a group that has promoted a Lower River Management Plan and will give evidence as part of that group.

### **Wayne Read a submitter in opposition**

In my Second Minute dated 23 July 2007 I recorded that Mr Read wishes to give evidence on his own behalf concerning the topics of didymo and “dirty dairying” as he described it as they affect the Lower Waitaki River. I also recorded my conclusion reached after the pre-hearing meeting that Mr Read was not a submitter on the North Bank Scheme. However again as recorded in that Minute he is a submitter on the present applications and entitled to be heard accordingly. At the appropriate time he should apply for a time slot for this purpose.

### **Waitaki River Users Liason Group – a submitter in opposition**

At the meeting this group was represented by Mr A. R Holmquist. The group has 600 members. At the hearing it proposes to call 2 witnesses, Dr Bronwyn Lowe an ecologist and one other. It sought 30 minutes for its case.

### **Waitaki Protection Trust- a submitter in opposition**

At the meeting this submitter was represented by Alan Cubitt. He advised me that at the hearing this submitter would be represented by Mr Royden Sommerville Q.C and intended calling 5 witnesses including an economist, a landscape architect, a hydrologist an ecologist and a planner. Mr Cubitt sought 1 day for this submitter’s case.

### **John Highton - a submitter in opposition**

At the meeting this submitter was represented by Helen Brookes who advised me that he may be wishing to raise issues about priority of water takes

### **Waitaki Charitable Trust - a submitter in opposition**

At the meeting this submitter was also represented by Helen Brooks. She told me that at the hearing this submitter intends calling evidence from 2 lay witnesses.

### **Waitaki First Inc - a submitter in opposition**

At the meeting this submitter was also represented by Helen Brooks. She told me that that at the hearing this submitter intends calling 3 lay witnesses.

### **Jet Boating New Zealand Inc- a submitter in opposition**

Noel Joyce could not stay for the afternoon session but advised Environment Canterbury staff that the group would be presenting at the hearing and require the same time as for the North Bank Tunnel hearing of 1 hour.

### **New Zealand Salmon Anglers Association- a submitter in opposition**

Mr Wayne Olsen could not stay for the afternoon session but advised Environment Canterbury staff that there was a real possibility that the Association would join with the Fish and Game Council. He is to advise Environment Canterbury staff about the outcome of discussions in this regard.

### **Primeport Timaru Limited – a submitter in support**

Jeremy Boys could not stay for the afternoon session but advised Environment Canterbury staff that he would present at the hearing and need 10-15 minutes.

### **Waitaki Development Board Limited – a submitter in support**

A representative could not stay for the afternoon session but passed a note to Environment Canterbury staff that the Board would be represented by 1 director and need 30 minutes.

### **Irrigation North Otago - a submitter in opposition**

At the meeting Environment Canterbury staff were told this submitter intends calling evidence from one technical expert.

### **Waitaki District Council and other councils – submitters in support**

Micheal Ross, the Councils Chief Executive Officer, advised that the Waitaki District Council would present on behalf of itself and 2 other councils and would need 10 minutes of hearing time.

### **Dr KL and SM Palmer-submitters in opposition**

Dr Palmer could not stay for the afternoon session but advised that he would require the same time of 1 hour that he advised for his North Bank Tunnel evidence.

### **Kerian and Julie Pavletich –submitters in opposition**

These submitters were unable stay longer in the day and advised Council staff that they would need approximately 10 minutes of hearing time to present their submission. No witnesses will be called.

### **N J Small – a submitter in opposition**

This submitter was unable to stay for the whole of the meeting. He advised staff that he would not be calling any witnesses and wanted 10 minutes of hearing time to speak to his submission.

### **R G and Z L Pringle – submitters in opposition**

These submitters represented by Mrs Pringle, were unable to stay for the whole of the meeting. They advised staff they required 30 minutes of hearing time to speak to their submission.

**Mr J Slee and Mr R Slee**

Dr June Slee advised that the above submitters would need 30 minutes to present at the hearing.

Dated at Christchurch this        day of September 2007

PR Skelton  
Commissioner