

IN THE MATTER OF

the Resource Management Act 1991

IN THE MATTER OF

applications by Central Plains Water Trust to:

Canterbury Regional Council for resource consents to take and use water from the Waimakariri and Rakaia Rivers for the Central Plains Water Enhancement Scheme and for associated consents required for the construction and operation of the Central Plains Water Enhancement Scheme; and to

IN THE MATTER OF

applications by Central Plains Water Trust to:

Selwyn District Council for resource consents to construct and operate the Central Plains Water Enhancement Scheme

AND

IN THE MATTER OF

a Notice of Requirement by Central Plains Water Limited to:

Selwyn District Council for the designation of land for works associated with the construction and operation of the Central Plains Water Enhancement Scheme

**Minute 13 of Commissioners
Directions regarding finalisation of conditions**

28 January 2010

1. At the end of Minute 12 we indicated a suggested timetable to address finalisation of proposed draft conditions for the consents and designation and for further evidence relating to that as follows:

- *Having set out our conclusions on the overall scheme and the Waimakariri take, we can now move on to finalising conditions. We will issue a further brief Minute on the Rakaia take regime and suggestions as to key issues in terms of conditions before Christmas. In the meantime we would like the officers of both Councils to start work on their recommendations as to conditions. In doing so they should work with CPW advisers and key submitters to endeavour to reach agreement on as much as possible.*
- *Our suggested timetable is for the officers' recommendations on conditions to be available to CPW and submitters by the end of January. Relevant submitters (being those who have called expert evidence on conditions in question) would have until 15 February to respond.*
- *CPW would have until mid March to respond. We will then decide whether the hearing needs to be re convened. If that is necessary it would be in the last week of March or early April. If CPW desires a shorter timetable we are happy to try and accommodate that. However, we suspect that with the break almost upon us it may not be practical to bring these dates forward by more than a few weeks.*

2. As it transpires, we were unable to complete the foreshadowed Minute regarding conditions prior to Christmas but will do so in the next few days. We understand that officers and CPW representatives have been making progress regarding the redrafting of conditions. Given that the purpose of the intended Minute is to assist the officers and CPW with that task by outlining matters which will or may require amendment from the original draft, we propose to amend the suggested timetable to allow time for our comments to be considered. The revised timetable is as follows:

- 1 February we will issue Minute 14 which will outline some preliminary comments on conditions other than those relating to the Waimakariri take (which we have already addressed). Minute 14 will be placed on Environment Canterbury's website. Hard copies can be made available on request.
- 15 February: officers and CPW to lodge a set of draft conditions indicating matters which are agreed and matters where there are differing view points (using revision marking and a comments column).
- 15 February: Officers and CPW to each lodge a summary of the main points of difference and the reasoning behind each party's position.
- 28 February: Officers to file reports detailing the basis for their position on any matters in dispute (including Waimakariri flow conditions if there are residual issues).
- 28 February: *relevant submitters* to lodge any evidence and/or submissions (including legal submissions) relating to particular conditions. ("Relevant submitters" being those who have previously provided evidence and/or legal submissions in relation to matters

which relate to particular conditions (eg Waimakariri take conditions, fish screens, effects on mounding etc) or who will be directly affected by particular conditions. (eg gravel extractors and lowland farmers in relation to ground water mounding).

- 15 March: CPW to lodge any evidence and submissions it may have regarding proposed conditions and the matters raised by officers and submitters in relation to conditions.
 - Resumed hearing to deal with any issues relating to conditions on 24 and if needs be on 25 of March.
 - We will hear from relevant submitters at the resumed hearing if necessary to clarify any aspects of their written comments on conditions. Submitters will not have any right of submission beyond that except to comment on any new or amended proposals for conditions from the applicant which arise after 15 February and which could not therefore have been addressed in written submissions.
3. We will then finalise draft conditions during April and will have the final version of those reviewed by the officers and may seek further written comment from the applicant. We are hopeful that this process will enable us to issue a final decision by the end of April. We have yet to decide whether it is necessary for us to issue a Minute dealing with the Rakaia take or whether that can be left to be addressed in our final decision. We will however provide comments on Rakaia take conditions in Minute 14.
4. We emphasise that the resumed hearing is not an opportunity for any party to re litigate issues which were or could have been addressed at earlier stages of the hearing, nor to endeavour to persuade us to change our minds on matters which we have already expressed a firm view on. In particular, we note that there have been draft conditions available for comment since the applicant's evidence was filed. Relevant submitters are however entitled to address changes which have been made to those proposals.



Philip Milne
Chair

28 January 2010