

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

applications for resource consents to take and use  
water

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**CASE MANAGEMENT MEMORANDUM OF COUNSEL ON BEHALF OF  
MACKENZIE WATER RESEARCH LIMITED, SOUTHDOWN HOLDINGS  
LIMITED, FIVE RIVERS LIMITED AND KILLERMONT STATION LIMITED**

**2 NOVEMBER 2009**

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**MAY IT PLEASE THE COMMITTEE:**

1. Counsel refers to the hearing timetable set out on Environment Canterbury's website that has Mackenzie Water Research Limited ("**MWRL**"), Southdown Holdings Limited ("**SHL**"), Five Rivers Limited ("**FRL**") and Killermont Station Limited ("**KM**") scheduled to present a right of reply on the 21 December 2009.
2. Counsel appreciates that the nature of the hearing has necessitated some movement of the timetable, and that the Committee is conscious to avoid the hearing becoming elongated. However, Counsel respectfully submits that it is neither sensible nor possible for a right of reply to be given on this date as:
  - (a) The depth and breadth of the evidence means that preparation for the presentation of a right of reply will be no small task. It is therefore impractical for a right of reply to be scheduled immediately following the conclusion of the Environment Canterbury presentation.
  - (b) Further, Counsel is unavailable on 21 December as that date had not previously been scheduled for a right of reply.
3. Accordingly, Counsel respectfully requests that alternative directions as to the presentation of the MWRL, SHL, FRL and KM right of reply be made, preferably shifting it to a date in the New Year.

**Dated** 2 November 2009

**C N Whata**

Counsel for Mackenzie Water Irrigation Limited