



22 June 2010

Environment Canterbury  
58 Kilmore Street  
Christchurch

Attention: Ciana Cerri

**BY HAND**

RECEPTION		2/005H	
EC - CHCH			
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22 JUN 2010		ACTION	INFO
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CERRI			

**Simons Hill Station Limited and Simons Pass Station Limited - Upper Waitaki Hearings**

We enclose by way of filing Memorandum of Counsel in relation to the above mentioned.

Yours faithfully  
**Goodman Tavendale Reid**

**Kelvin Reid**  
Director  
**Direct Dial: (03) 353 0723**  
Email: kelvin.reid@gtrlaw.co.nz  
Mobile: 021 221 0723

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**THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER OF**      The Resource Management Act 1991

**A N D**

**IN THE MATTER OF**      Applications for resource consent to take and use water in the  
Waitaki River Catchments

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**MEMORANDUM OF COUNSEL  
DATED THIS 22<sup>ND</sup> DAY OF JUNE 2010**

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**Goodman Tavendale Reid**  
Lawyers, Christchurch  
Level 1, 96 Oxford Terrace  
PO Box 442  
Christchurch 8140  
Telephone: (03) 374-9999, Facsimile (03) 374-6888

Solicitor acting: K G Reid

**MAY IT PLEASE THE COMMISSIONERS:**

- 1 This memorandum is on behalf of Simons Hill Station Limited, Simons Pass Station Limited, Pukaki Irrigation Company Limited, Rosehip Orchards New Zealand Limited, High Country Rosehip Orchards Limited and Lone Star Farms Limited.
- 2 The purpose of this memorandum is to:
  - 2.1 Request the opportunity to exercise a right of reply in relation to the further evidence that Meridian Energy may produce in respect of the Aqualinc Report relating to the ground water movement in Simons Hill/Simons Pass;
  - 2.2 To request that the Commissioners allocate a timeframe for any response to further evidence of Meridian Energy; and
  - 2.3 To suggest an amended timetable in relation to consent conditions.

**Background**

- 3 On 27 May 2010 a joint memorandum was filed containing the following timetable for consent conditions:
  - 3.1 Applicants to circulate the final suite of conditions to Meridian Energy and ECan reporting officers by **30 June 2010**;
  - 3.2 ECan reporting officers and Meridian Energy to add comments to the table and to return to the Applicants by **7 July 2010**;
  - 3.3 Applicants to make any final amendments and lodge the final condition table with the Committee by **14 July 2010**.
- 4 Following the setting of the timetable, the above Applicants have been involved in detailed discussions with Dr Freeman that have proved particularly productive and now wish to suggest an extension of the aforementioned timetable in order for the changes discussed to be included in the conditions.
- 5 We understand that Mr Freeman is also in agreement that the aforementioned discussions have been productive in understanding applicant and CRC positions on the proposed conditions. Counsel consider that it would be inefficient for the CRC Investigating Officers to review the suite of proposed conditions as originally submitted to the CRC under the original

Commissioner's timetable but then to find that a new updated suite of conditions has already been prepared which takes account of changes agreed by the applicant groups and Mr Freeman.

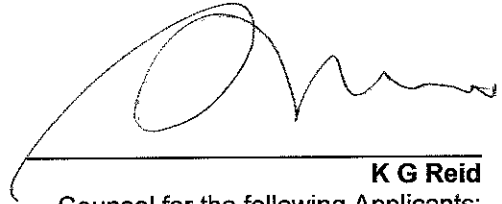
- 6 Counsel suggest the following timetable:
- 6.1 Applicants to circulate the final suite of conditions to Meridian Energy and ECan reporting officers by **2 July 2010**;
  - 6.2 ECan reporting officers and Meridian Energy to add comments to the table and to return to the Applicants by **16 July 2010**; and
  - 6.3 Applicants to make any final amendments and lodge the final condition table with the Committee by **30 July 2010**.
- 7 Counsel appreciates that there has already been an extension of the initial six week timeframe proposed at the end of the hearing. However, Counsel submits that if the Committee agree on the proposed timetable, it will allow the fuller participation of all parties in the process of the development of conditions.
- 8 The UWAG Group supports the timetable changes and, it is understood that there is no objection to the timetable changes by the Applicants represented by Mr Whata.

#### **Response to the ground water audit**

- 9 In response to the memorandum of Counsel of Meridian Energy dated 24 May 2010, the memorandum from Dr Freeman for Environment Canterbury dated 3 June 2010 and the 24<sup>th</sup> Minute of the Commissioners dated 26 May 2010, the Applicants request that they be given the opportunity to exercise a brief right of reply written in relation to any further evidence Meridian Energy may produce in relation to the Aqualinc Report on the ground water in the Simons Pass and Simons Hill area. In addition Dr Freeman makes reference to a number of transcription errors in the ground water quality data supplied with the Aqualinc Groundwater Report. The Applicants seek leave to correct these errors and reply to the technical issues raised in the Ecan audit, and Aqualinc are in the process of completing the work corrections. The correction work will be available in the next few days as we understand it from Aqualinc.

10 Such a brief reply would occur in the context of the provision of final conditions by 30 July 2010.

**DATED** at Christchurch this 22<sup>nd</sup> day of June 2010.



**K G Reid**

Counsel for the following Applicants:

Simons Hill Station Limited, Simons Pass Station Limited,  
Pukaki Irrigation Company Limited, Rosehip Orchards New Zealand Limited,  
High Country Rosehip Orchards Limited and Lone Start Farms Limited