

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**Under** the Resource Management Act 1991

**and**

**In the matter** of resource consent applications by various parties to take and use water in the Upper Waitaki Catchment

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**MEMORANDUM ON BEHALF OF UPPER WAITAKI APPLICANT GROUP (UWAG)  
IN OPPOSITION TO JOINT HEARING OF THE APPLICATIONS OF FIVE RIVERS  
LIMITED, SOUTHDOWN HOLDINGS LIMITED AND WILLIAMSON HOLDINGS**

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1. On 18 December 2009 the submission period closes in relation to the effluent discharge consents applied for by Five Rivers Limited, Southdown Holdings Limited and Williamson Holdings Limited.
2. The Commissioners have expressed their intention to group these consents in with the present applications by various parties to take and use water in the Upper Waitaki Catchment.
3. UWAG requests that these applications together with the take and use applications for these applicants are disconnected with the present applications being heard for the take and use of water in the Upper Waitaki Catchment. UWAG has read and understood the Commissioners' minute for the need to evaluate the suite of effluent discharge and treatment applications as part of an overall proposal.
4. UWAG is a group of smaller applicants consisting of applicants applying for new takes and those applying for renewal of existing consents. It is procedurally unfair to group together the present applications for an activity which was never contemplated when it was decided that the present applications would be jointly heard.
5. The context of this hearing has taken a turning point in relation not only to the nature of the consents applied for but also in relation to the attention that has been attracted by the media. These proposals have even gained criticism in the media from Government as being negative to New Zealand's image, further; John Key has stated that the proposals will not be supported by Government.
6. There has been regional and national public outcry opposing the consents sought to allow "factory farming" in the Mackenzie District. To associate UWAG with these applications, negatively tarnishing their image for applications is contrary to procedural fairness and the right to be treated without bias. UWAG's applications are for take and use of water from the Upper Waitaki Catchment which are so clearly black and white in comparison to the applications of Five Rivers, Southdown Holdings and Williamson Holdings applications to permit an integrated proposal involving effluent treatment, land use consents, construction of large scale holding ponds and sheds and other systems.

7. It is submitted these proposals no longer fall into the category of an irrigation proposal which was the original reasoning for the grouping of consents.
8. UWAG fully supports the Commissioners' need to undertake a sound and reasoned evaluation of the applications by the three major players. However, it is UWAG's position that these applications to operate an intensive dairy farming facility by way of cubicle storage change the nature of the hearing to more than take and use applications. The applications that you have before you now change the status of the hearing from take and use applications, to applications for an intensive farming operation consisting of 17,850 cows housed in cubicle stables.
9. In relation to the assessment of renewal consents, separate considerations are required by the Commissioners as these applicants are not relying on predictive analysis. The effects are already known. The position of the renewal applicants is already compromised by being grouped into new takes and their position is further compromised if the renewals were to be grouped into the proposed effluent consents.
10. All these applications before you are being tested on a worst case scenario, it is not appropriate to group these applications into the context of UWAG's applications. It can be confirmed that UWAG, Simons Hill and Simons Pass do not need to apply for effluent discharge consents.
11. 1300 submissions have been received with submissions closing on 18 December 2009. District wide public meetings have been held in relation to these applications by the Omarama Residents Association, expressing their rage over the applications.
12. It is unreasonable and unfair to our clients who are paying for part of the consent hearing process to be grouped in to a completely different stocking proposal.
13. It is for the above reasons UWAG requests that it be separated from the hearing of the consents applied for by Five Rivers, Southdown Holdings and Williamson Holdings. UWAG is fully supportive of a revised timetable.

Dated 15 December 2009

A handwritten signature in blue ink, appearing to be 'Ewan Chapman', written in a cursive style.

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Ewan Chapman