

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

applications for resource consents to take and use
water in the Upper Waitaki Catchments

**MEMORANDUM OF COUNSEL ON BEHALF OF SOUTHDOWN HOLDINGS
LIMITED, WILLIAMSON HOLDINGS LIMITED AND FIVE RIVERS LIMITED**

28 JANUARY 2010

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MAY IT PLEASE THE COMMISSIONERS:

1. I refer to the direction made by the Minister for the Environment on 27 January 2010 to call-in Southdown Holdings Limited, Williamson Holdings Limited and Five Rivers Limited ("**Applicants**") effluent applications.
2. In light of the Minister's direction, the Applicants seek an urgent determination from the Committee as to whether the Committee can and will now make a determination on the Applicants' water right applications without resolution of the effluent applications as this will affect the course adopted by the Applicants.
3. Given the proximity to closing it is imperative that clarity is achieved so that the Applicants can assess how to proceed as soon as possible.

Dated 28 January 2010

C N Whata

Counsel for Southdown Holdings Limited,

Williamson Holdings Limited and Five Rivers Limited