

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

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

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

10 FEBRUARY 2010

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MAY IT PLEASE THE COMMISSIONERS:

1. This memorandum is necessary as we now have the benefit of having heard the Investigating Officer's reports, and the new information presented. These reports have raised a number of matters to be clarified for the Committee.
2. In order to properly respond to these matters, and the new data presented MWRL proposes to produce further data and evidence relating to rivers and lakes quality.¹
3. Accordingly, MWRL seeks timetabling orders that its closing be re-scheduled to be heard during the week of 22 March 2010. We understand that this was a week that had previously been scheduled for the Effluent Consent hearings.
4. In terms of order, MWRL seek that the following timetable is pursued:
 - Day 1 - Presentation of evidence in reply from MWRL experts.
 - Day 2 - Mr Chapman's reply for UWAG.
 - Day 3 - Mr Reid's reply for his clients.
 - Day 4 - Mr Whata's reply for SHL, FR and Killermont Station.
 - Day 5 - Mr Whata's reply for MWRL.
5. The reason for this order is that it provides the Committee and individual applicants with the opportunity to hear the expert reply evidence on the rivers and lakes quality before closing their own cases. However given that MWRL is acting on behalf of all applicants it is appropriate for MWRL's legal submissions to be presented as a final summation of the case at the end of the week.
6. I have discussed the revised timetable and order with Mr Kelvin Reid and both parties agree that the hearing date for reply evidence be re-scheduled to the week of the 22 March 2010 in accordance with the order at paragraph 4. I understand that Mr Chapman will be filing a separate memorandum on behalf of UWAG.

¹ In response to new information raised in the s42A reports and the Spigel Report.

Dated 10 February 2010

C N Whata

Counsel for Mackenzie Water Research Limited,
Southdown Holdings Limited, Five Rivers Limited and Killermont Station Limited