

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

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

14 JANUARY 2010

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MAY IT PLEASE THE COMMISSIONERS:

Introduction

1. This memorandum is lodged on behalf of Southdown Holdings Limited, Williamson Holdings Limited and Five Rivers Limited ("**Applicants**").
2. Counsel refers to the memorandum filed by the Applicants on 23 December 2009 requesting direct referral of the effluent management applications and responding to the Commissioners' minute of 23 December 2009 raising jurisdictional concerns with the request.
3. The purpose of this memorandum is to formally request to be heard in respect of the request for direct referral. Given the jurisdictional concerns expressed by the Commissioners, counsel requests an opportunity to appear before the Commissioners in respect of the request and in particular to address the Commissioners in respect of the jurisdictional concerns raised.
4. The Commissioners minute at paragraph 11 seeks a response from the Applicant in respect of timing of the Commissioners' consideration of the request. The Applicants wish to advise that they do not have any objection to the Commissioners taking further time (beyond 29 January 2010) to consider these matters, particularly given the above request for the Applicants to be heard on the application.

Dated 14 January 2010



C N Whata

Counsel for Southdown Holdings Limited, Williamson Holdings Limited
and Five Rivers Limited