

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER**

of 61 consent applications to take, use, divert and dam water and 51 associated discharge and land use consent applications in the Upper Waitaki Catchment

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**20<sup>th</sup> Minute of Commissioners re timetabling**

Dated 23 March 2010

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## **20<sup>th</sup> MINUTE OF COMMISSIONERS RE TIMETABLING**

### **Introduction**

- 1 Legal counsel for MWRL and a range of applicants, Mr Christian Whata, has requested revisions to the hearings timetable.
- 2 A level of discussion occurred between the panel and Mr Whata on Tuesday, 9 March 2010.
- 3 At the same time we sought views from the reporting officers via Dr Freeman and also we had the opportunity to discuss Mr Whata's timetabling suggestions with Mr Ewan Chapman, legal counsel for the UWAG group.
- 4 Essentially, Mr Whata was seeking alterations to the timetable that would result in the panel not sitting the week commencing 22 March though until 25 March inclusive, but as an alternative, sitting Monday 19 April through to 23 April inclusive and the following week 26 April through to 27 April 2010.

### **Consideration**

- 5 We have considered the request and the effect of the request on parties to the proceeding.
- 6 We have asked the consents hearing officer, Ciana Cerri, to check with those submitters who wished to respond to the amended FEMPs and the further information response in relation to the effluent disposal consents, and she has confirmed that they have no objection to Mr Whata's suggested amendments to the timetable.

### **Directions**

- 7 Accordingly, we direct that:
  - 7.1 The timetable be amended; we will resume the hearing on Monday, 19 April through until Friday, 23 April inclusive at the Boaters Restaurant, Christchurch Town Hall; and the following week Monday, 26 April at the Boaters Restaurant, Christchurch Town Hall through to Tuesday, 27 April 2010 (at Copthorne Hotel, Cnr Durham & Kilmore Streets, Christchurch), commencing at 9.30am each day.
  - 7.2 A copy of the amended timetable will be posted to the website, along with a copy of this Minute.

### **Other matters**

- 8 After review of officer reports, which provide responses to the Commissioners in relation to questions raised during the course of the hearing, we have asked that those officers present those "response reports". We have scheduled time for this on Monday, 19 April 2010, commencing at 9.30am.

- 9 It is has now become clear to us that the applicants for the discharge consents, namely Five Rivers Limited, South Down Holdings Limited, and Williamson Holdings Limited, have withdrawn what are commonly known as the "effluent discharge" applications, which were to be heard by the Board of Inquiry resulting from the Ministerial call-in of these consents. That being the case, a question emerges as to what effect, if any, that development has on the matters that the Panel can take into account. In particular, should the Panel take the withdrawal of the effluent discharge applications as a signal that the dairy farm system proposed by the above-described applicants is no longer to be pursued before this Panel?
- 10 In addition, given the effluent discharge consents are now withdrawn as described above, what effect, if any, does that have on the ambit of this Panel's consideration of the resource consents before it?
- 11 Undoubtedly legal counsel for the applicants will wish to address us on this point. We have asked this memorandum be circulated to other parties to this proceeding to enable them to signal whether or not they wish to be heard on this development as well. If they do, they are to advise Ciana Cerri, the hearings officer at Environment Canterbury, of that desire and we will determine a way forward thereafter.

Dated at Christchurch this 23<sup>rd</sup> day of March 2010



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Paul Rogers, Commissioner Chair on behalf of the Committee