

**BEFORE THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER** of the Resource Management Act 1991

**AND**

**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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**28<sup>th</sup> Minute of Commissioners**

Dated 6<sup>th</sup> day of December 2010

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## 28<sup>th</sup> MINUTE OF COMMISSIONERS

### Introduction

1 We have received a number of memoranda from Counsel for:

- Simons Hill Station Limited;
- Simons Pass Station Limited;
- Lone Star Farm Limited;
- Rosehip Orchards New Zealand Limited; and
- High Country Rosehip Orchards Limited.

2 In particular, there are two memoranda both dated 26 November 2010, one from Counsel A C Limmer and H G Marks, and the other from Counsel A C Limmer and P J Newland.

### **Memorandum of Counsel AC Limmer/HG Marks – Simons Hill Station, Simons Pass Station, Lone Rose Hip Orchards NZ Ltd, High Country Rosehip Orchards Ltd**

3 Dealing with the memorandum from Counsel AC Limmer/H G Marks, that memorandum at paragraph 10 seeks leave to file a further set of conditions responding at least to the comments of ECan and Meridian by 10 December 2010.

4 This request is made on the basis that the applicant did not receive the comments from Meridian or ECan in time before the relevant conditions were circulated to the balance submitter group.

5 In response, we agree that it is entirely appropriate that the applicant be given an opportunity to respond to the ECan and Meridian comments. However, our overall objective is to bring to a close this elongated condition process.

6 To that end, we had required that the entire process be completed by 17 December 2010.

7 At that point we will have before us in tabular form a table setting out the applicants' view of the all of the relevant conditions, the view of the reporting officers, and those submitters who want to be involved in the condition process.

8 Provided the process is completed on or before 17 December 2010 we do not have difficulty with what Counsel request in terms of paragraph 10.

9 However, so as to ensure that the submitters have before them the applicant group's response to the ECan and Meridian comments and they are given fair opportunity to

consider them, we do think that 10 December 2010 is the latest point in time to prevent the submitter group from being potentially disadvantaged.

Direction:

- 10 Accordingly, the applicants as described above are given leave to file a further set of conditions responding at least to the comments of ECan and Meridian by 10 December 2010.

**Memorandum of Counsel AC Limmer/PJ Newland - acting for Lone Star Farm Ltd**

- 11 This memorandum at paragraph 5 to 9 sets out the position relating to Meridian's comments. Unfortunately, Meridian's comments had not been received by this applicant and the applicant seeks our approval to file a further set of conditions responding to any comments Meridian provides, as originally intended. The applicant expects that if Meridian responds in a timely manner, then the applicant's response to the Meridian response could be circulated to submitters well in advance of 17 December 2010, as originally proposed.
- 12 At paragraphs 10 to 15 of this memorandum the issue of monitoring conditions is addressed in particular, replacing conditions 45 through 49 concerning Lake Benmore and the Mistake River with the monitoring and regulatory condition in respect of Lake Tekapo.
- 13 The applicant advises that it will by 3 December 2010 provide either a substantially altered monitoring and regulatory condition set to replace those found at condition 45 through 50 or, alternatively, will confirm by 3 December 2010 that no amendments will be made.
- 14 That is acceptable on the basis that if there are amendments they be completed by 3 December 2010 and circulated to the submitter group for comment.

Direction:

- 15 The applicant is given leave to file a further set of conditions responding to any comments Meridian provides. However, this is to be completed on or before Friday, 10 December 2010, on which date the circulation of the amended conditions inclusive of Meridian's comments is to be provided to the submitter group. This amended set of conditions is to be properly and adequately identified so as to avoid confusion among the submitter group.
- 16 Accordingly, the applicant is also granted leave to provide by 3 December 2010 either:
- (a) A substantially altered monitoring and regulatory condition set to replace those found at current conditions 45 through to 50; or
  - (b) confirmation writing that no amendments will be provided.

Dated at Christchurch this 6<sup>th</sup> day of December 2010

A handwritten signature in black ink, appearing to read 'P. Rogers', written in a cursive style.

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Paul Rogers  
Commissioner Chair on behalf of the Committee