

**THE CANTERBURY REGIONAL COUNCIL**

**IN THE MATTER OF**      The Resource Management Act 1991

**A N D**

**IN THE MATTER OF**      Applications for resource consent to take and use water in the  
Waitaki River Catchments

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**MEMORANDUM OF COUNSEL FOR THE FOLLOWING APPLICANTS:**

**SIMONS HILL STATION LIMITED, SIMONS PASS STATION LIMITED; PUKAKI  
IRRIGATION COMPANY LIMITED, ROSEHIP ORCHARDS NEW ZEALAND LIMITED,  
HIGH COUNTRY ROSEHIP ORCHARDS LIMITED AND LONE STAR FARMS LIMITED;  
IN RESPONSE TO 26<sup>TH</sup> MINUTE OF COMMISSIONERS DATED 29<sup>TH</sup> OCTOBER 2010**

**DATED THIS 5<sup>TH</sup> DAY OF NOVEMBER 2010**

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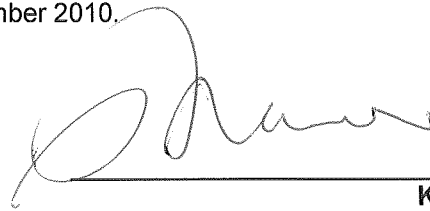
Solicitor acting: K G Reid

**MAY IT PLEASE THE COMMISSIONERS:**

- 1 In the Commissioners' minute of 29 October 2010 (paragraph 21) the Commissions gave directions as to the resolution of the issues relating to the conditions. These directions include a process for submitters not already involved in the condition development process to comment on conditions
- 2 At paragraph 12 the Commissioners note that some submitters have indicated they are not yet part of the condition development process.
- 3 The Applicants I represent oppose an expanded condition development process which would allow additional submitters to comment on the specifics of the conditions being developed.
- 4 The conditions, which have been the subject of the process to date, are directed towards dealing with cumulative water quality issues and are highly technical. Other site specific conditions have already been the subject of discussion and many of them were included as part of the Officers' individual reports.
- 5 Counsel's understanding of the process agreed and set up at the conclusion of the hearings was that it was intended to allow for those parties who had given expert evidence on, and been involved in, the expert debates concerning cumulative water quality issues to be involved in the development of conditions. Those parties were the Applicants, ECan and Meridian. No other party had given expert evidence regarding cumulative water quality.
- 6 In the view of the Applicants I represent, any opening up of the process at this point has the potential to significantly complicate matters and result in further delay. The conditions are at a virtually final stage and all that remains is for Meridian to provide its final comments before they are submitted to the Commissioners. It would be inappropriate at this very late stage to allow a further opening up of the process. Counsel requests therefore that direction 21.5 be deleted from the directions dated 29 October 2010.
- 7 If, contrary to the comments made above, the Commissioners intend to continue with directions providing for additional submitters' comments, it is submitted that any revised process should follow as closely as possible the process agreed in July 2010 at the conclusion of the hearings.

- 8 The previously agreed process involved a final opportunity for the Applicants to have input into the condition table after receiving the comments from the submitters. This could be accommodated by having submitters present their comments by 3 December 2010 with the Applicants final reply comments due by 17 December 2010. It is noted that ECan provided copies of the proposed conditions for all of the clients I represent to submitters on 29 October 2010. On this timetable, if required to comment by 3 December 2010, submitters would have had five weeks to review the conditions.

DATED at Christchurch this 5<sup>th</sup> day of November 2010.



**K G Reid**

*Counsel for the following Applicants:*

Simons Hill Station Limited, Simons Pass Station Limited,  
Pukaki Irrigation Company Limited, Rosehip Orchards New Zealand Limited,  
High Country Rosehip Orchards Limited and Lone Star Farms Limited