

**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.

**3rd Minute of Commissioner Rogers
Dated 25 August 2009**

Introduction

1. Our Minute of 21 August 2009 has elicited a response from both the Canterbury Regional Council and also from Meridian Energy Limited (Meridian).
2. Those responses are contained in an email from Ms Gillian Ensor dated Monday, 24 August 2009 and an email from Ms Jo Appleyard of the same date.

Discussion

3. It is understood the section 42A reports are being prepared based on an audit of the Mackenzie Water Research Limited (MWLR) technical reports provided to the Canterbury Regional Council over the last three weeks or so and not based on the MWLR hearing evidence that was originally due to be lodged by MWLR on 24 August 2009, which date has now been extended to Wednesday, 2 September 2009.
4. Given that the evidence from MWLR in all likelihood will be based on the MWLR technical reports, there should in theory be no new information before the hearing that has not been audited by and contained within the section 42A officer reports.
5. Of course it may be the case that the section 42A reports identify a number of outstanding matters that MWLR may wish to address in the hearing during the course of presentation of their evidence.
6. That may result in MWLR preparing an addendum to their hearing evidence to address those matters.
7. Thus, if the MWLR evidence when circulated is the same or similar to the MWLR technical report (which is anticipated), then there should be no need for the Canterbury Regional Council officers to prepare an addendum to their reports as I outlined in my paragraphs 16 and 17(d) of my Minute of 21 August 2009.
8. However, if MWLR do present new evidence at the hearing to address the outstanding concerns of the officers, which will be covered in their section 42A reports, then this new information/evidence will need to be audited during the

hearing and a summary of this audit will be presented by the section 42A officers at the end of the hearing when they present their evidence. This will occur after the submitters have presented their evidence and as is normal take into consideration any evidence presented by submitters.

9. Taking into account the matters raised by Canterbury Regional Council and Meridian, the following directions are made as they relate to Meridian's evidence and the reporting officers' section 42A reports:

Directions

10. We direct that:

- a. In accordance with their request contained within an email dated Monday, 24 August 2009 Meridian produce its evidence as at 16 September 2009 as is the case for all other submitters;
- b. In terms of the section 42A reports, it is confirmed that they be circulated on 7 September 2009.

11. Again, if any party has any difficulty with these further and additional directions, they are to advise the Commissioners of that point no later than Friday, 28 August 2009.

Dated in Christchurch this 25th day of August 2009



Paul Rogers
Commissioner Chair on behalf of the Committee