

IN THE MATTER OF

the Resource Management Act section
128 review of water permits to take
groundwater within the Rakaia Selwyn
Groundwater Allocation Zone


Minute and directions of the Hearing Commissioners relating to procedural matters

Introduction

1. This minute is issued by Hearing Commissioners Ms Sharon McGarry (Chairperson) and Mr Tom Heller, appointed by the Canterbury Regional Council ("CRC") to hear and decide the review of resource consent conditions for water permits to take groundwater from within the Rakaia Selwyn Groundwater Allocation Zone ("GAZ"), pursuant to section 128 of the Resource Management Act ("Act").
2. The hearing commenced Tuesday 2nd June 2009, and was adjourned on Friday 12th June 2009, with a scheduled resumption of proceedings on Tuesday 30th June 2009.
3. It has come to our attention during the hearing process, that the order of proceedings incorrectly assumed that the CRC, as the initiator of the reviews, was the "applicant" in the review process. Whereas, Section 130(1)(b) of the Act, clearly states that the review shall occur as if "the consent holder where the applicant for the resource consent."
4. In setting the order of proceedings for the hearing, we are of the view that it was appropriate for the CRC to present its' case first, as this provided consent holders with an opportunity to clearly understand the review process and to consider the consent conditions changes being sought.
5. However, in order to ensure that any consent holder heard during proceedings has the opportunity to provide a written right of reply, we have amended the original order of proceedings. An updated order of proceedings is attached.
6. It is our opinion that no party has been prejudiced by the order of proceedings undertaken thus far, and we are satisfied that giving an opportunity for consent holders to provide a written right of reply will ensure a fair and transparent hearing process.
7. We have also amended the order of proceedings to allow consent holders the opportunity to provide final wording for any alternate consent conditions at the conclusion of hearing evidence on 3 July 2009, and to allow CRC the opportunity to respond to alternate conditions by acknowledging support or opposition. In providing for further comment, all parties are reminded to remain within the scope of their original evidence, and not to introduce any new evidence.

8. In addition to the order of proceedings attached, we wish to indicate the following timeframe for the proceedings to continue:
- Within five working days from the adjournment of the hearing on 3rd July 2009, consent holders who have been heard may provide final alternate consent condition wording to CRC.
 - Within ten working days from receipt of any alternate consent conditions, CRC shall provide a response indicating either support or opposition, and may clarify any matters raised during the hearing. CRC shall circulate any specific response to each consent holder, and any general response to all parties heard.
 - Within ten working days from receipt of any CRC response, consent holders may provide a written right of reply.
9. The hearing will re-convene at 10.30am on Tuesday 30th June 2009, at the offices of the CRC in Kilmore Street, Christchurch. Details of parties to be heard can be obtained by visiting www.ecan.govt.nz on Friday 26th June 2009.
10. These directions are made without prejudice to the powers of the Hearing Commissioners to, as appropriate, exercise any other powers provided for by sections 39 to 42 of the Act.


Sharon McGarry
Hearing Commissioner (Chairperson)


Tom Heller
Hearing Commissioner