

12 March 2009

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«SUBURB»  
«TOWNCITY» «POSTCODE»

«Attention»

Dear «Salutation»

**RESOURCE CONSENT APPLICATIONS IN THE UPPER WAITAKI CATCHMENT –  
ADVICE OF TENTATIVE HEARING DATES**

This letter is written to advise applicants and submitters of the dates that have been set aside to hear and decide 126 resource consent applications for water and associated resource consents in the upper Waitaki catchment. A list of resource consent applications to be heard is attached to this letter (Attachment One).

**Pre-hearing procedural meeting: Tuesday 19 May 2009**

A pre-hearing meeting will be held on the above date to discuss procedural matters relating to the hearing. The purpose of the pre-hearing procedural meeting will be to hear from applicants, submitters who wish to be heard and Council officers regarding how each party intends to run their case. This will include among other matters, an indication from parties of issues that will be addressed at the hearing, who will be presenting evidence on behalf of each party, how long each party's case will take, and the pre-circulation of evidence. This information will assist Council staff to prepare a hearing timetable and to organise the hearing.

At this meeting Commissioner Skelton who will be conducting the meeting will consider further the request by Williamson Holdings Limited to hold a two stage hearing process. A copy of the Williamson Holdings memo has been circulated to applicants for their consideration. Responses to that memo were received from various parties and have been forwarded to the Commissioners for their consideration. Other parties may also wish to be heard on this matter and a copy of the memo is attached to this letter accordingly (Attachment Two).

Notice of the pre-hearing meeting will be circulated to all parties at least 20 working days prior to the meeting. This will confirm the date, venue and purpose of the meeting. Please note that the meeting will be held in Twizel.

**Our Ref:** Donald Fraser / Ciana Cerri  
**Your Ref:**  
**Contact:**           CO6C/26005

## Hearing dates

The following dates have been set aside for the hearing. At this stage, it is anticipated that the hearing may take up to six weeks. Note that this may change as a result of information provided to Council staff at the pre-hearing meeting.

Week One:	7 – 11 September 2009
Week Two:	14 – 18 September 2009
Week Three:	21 – 25 September 2009
Week Four:	5 – 9 October 2009
Week Five:	19 – 23 October 2009
Week Six:	27 – 30 October 2009

Notice of the hearing will be circulated to all parties at least 20 working days prior to the commencement of hearing. This will confirm dates, hearing schedule and venue. Please note that the hearing will be held in Twizel.

Please contact Ciana Cerri (Consents Hearings Officer) on 03 364 9808 for all enquiries regarding procedural matters relating to the hearing, and Gillian Ensor (Consents Project Leader) on 03 364 9809 for all matters relating to the resource consent applications.

«Complimentary»



Donald Fraser  
**CONSENTS HEARINGS OFFICER TEAM LEADER**

Encl

cc. Councillors Bronwyn Murray and Mark Oldfield

## Attachment One - List of applications

Applicant Name	Resource Consent Application Number	File Number
Anderson K J, S R & D K	CRC012017	CO6C/17865
	CRC012019	
	CRC012032	
	CRC012033	
Aviemore Limited	CRC031578	
	CRC041031	CO6C/21154
	CRC083692	CO6C/05688
	CRC011987	CO6C/17884
Bellfield Land Company Ltd	CRC012733	
	CRC071649	
	CRC071650	
	CRC012290	CO6C/17995
Birchwood Run Limited	CRC012291	
	CRC082211	CO6C/27947
	CRC082212	
Classic Properties Limited	CRC063106	CO6C/24937
	CRC070406	
Dennis FE & AE	CRC082361	CO6C/28014
Dunstan Peaks Limited	CRC011361	CO6C/17556
	CRC011362	
	CRC011363	
Falconer SM, Macassey RN & Cook Allan Gibson Trustee Co Ltd	CRC060253	CO6C/23679
Five Rivers Limited	CRC061154	CO6C/24179
	CRC061155	
Glenmore Station Limited	CRC052501	CO6C/20924
	CRC052502	
	CRC052503	
	CRC073109	
Glentanner Station Limited	CRC071362	CO6C/19677
	CRC083609	
	CRC092721	
Graham, F.I.	CRC072363	CO6C/11039
Grays Hills Station Limited	CRC042661	CO6C/19054
Haldon Station (1991) Limited	CRC042561	CO6C/08031
	CRC082268	
	CRC082269	
	CRC082270	
	CRC082271	
High Country Rosehip Orchards Ltd	CRC072232	CO6C/24247-02
	CRC072233	
Hope A N	CRC041542	CO6C/21411
	CRC041543	
	CRC041545	
Horo, Maree	CRC042011	CO6C/20562
	CRC042014	
	CRC042015	
	CRC042016	
	CRC042017	
	CRC042018	
	CRC042019	
	CRC042020	
	CRC042021	
	CRC042022	
	CRC042023	
	CRC042024	
	CRC042025	
CRC042026		
Irishman Creek Station Limited	CRC011845	CO6C/06151
	CRC011846	
Killermont Station Limited	CRC040180	CO6C/20666
	CRC040181	
	CRC041798	
	CRC041330	
	CRC041331	
	CRC041332	
	CRC041776	
	CRC041777	
Lilybank Station Ltd	CRC071785	CO6C/23950
	CRC071786	

## Attachment One - List of applications

Applicant Name	Resource Consent Application Number	File Number
Lone Star Farms Limited	CRC031175	CO6C/20133
	CRC031176	
	CRC073235	
	CRC073236	
McAughtrie D W	CRC011939	CO6C/17864
	CRC011940	
McAughtrie DW, Ellis-Lea Farms Ltd & Greenfield Rural Opportunities Ltd	CRC991473	
	CRC991474	
	CRC991475	
Munro SJB	CRC060938	CO6C/07792-2
Otamatapaio Station (1993) Limited	CRC012047	CO6C/17886
	CRC012049	
	CRC012727	
Otematata Station Limited	CRC020355	CO6C/17850
	CRC041032	
	CRC041033	
	CRC052739	
	CRC052740	
	CRC052741	
	CRC052742	
	CRC052743	
Pukaki Irrigation Company Limited	CRC062866	CO6C/24823
	CRC062870	
	CRC062871	
	CRC062872	
	CRC082300	
Rosehip Orchards NZ Limited	CRC021749	CO6C/18701
	CRC021750	
	CRC072117	
	CRC072118	
Simons Hill Station Limited	CRC062842	CO6C/24822
	CRC062843	
	CRC082304	
Simons Pass Station Limited	CRC062867	CO6C/24824
	CRC062869	
	CRC082311	
Southdown Holdings Limited previously Williamson Holdings Ltd)	CRC040835	CO6C/21026
	CRC040836	
	CRC041787	
	CRC041788	
	CRC073112	
	CRC073113	
	CRC073114	
	CRC073115	
Totara Farming Company Limited	CRC020584	CO6C/18669
	CRC031315	
Twin Peaks Station Ltd	CRC063564	CO6C/21812
	CRC063565	
Upper Waitaki Community Irrigation Company Limited	CRC001128	CO6C/16535
	CRC092847	
	CRC092849	
	CRC092850	
	CRC092851	
	CRC092852	
Waitangi Station Limited	CRC030944	CO6C/20016
	CRC031013	
	CRC031014	

**IN THE MATTER**

of the Resource Management Act 1991

**AND**

**IN THE MATTER**

applications for resource consents to take and use  
water in the Waitaki River Catchments

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**CASE MANAGEMENT MEMORANDUM OF COUNSEL  
ON BEHALF OF WILLIAMSON HOLDINGS LIMITED REGARDING  
MACKENZIE WATER RESEARCH LIMITED**

**15 SEPTEMBER 2008**

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**RUSSELL MEVEAGH**

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Auckland

## **MAY IT PLEASE THE COMMITTEE:**

### **Introduction**

1. The purpose of this case management memorandum is to address:
  - (a) Hearing process for water take applications in the Upper Waitaki Catchment, and in particular a proposal to allow, as a preliminary step, Mackenzie Water Research Limited to present legal submissions and evidence on the cumulative nutrient effects of the Upper Waitaki Applications; and
  - (b) Timing of hearing.

### **Background**

2. I refer to the Memorandum of Counsel on behalf of Williamson Holdings Limited, dated 12 March 2008. As noted, three individual applicants for water takes in the Upper Waitaki Catchment have formed a company, Mackenzie Water Research Limited ("**MWRL**"), with the specific task of researching the cumulative effects issue.
3. Many additional applicants in the Upper Waitaki Catchment have now subscribed to MWRL's research, representing a very large portion of the land subject to applications in the Upper Waitaki Catchment. The MWRL research is being undertaken as an independent project, without specific regard to the interests of any individual applicant. It therefore represents a significant neutral and collaborative effort.
4. The independent expert research by MWRL on the water quality / cumulative effects issues (among other issues common to the applicants) is well underway and is proposed to be completed in the final quarter of this year.

### **Hearing process**

5. In terms of hearing process, it is proposed that MWRL's evidence will address common "cumulative nutrient effects" issues relevant to most, if not all applications. While individual applicants are not specifically bound to the MWRL evidence, it will provide a significant reference work for applicants, submitters, Council and the Committee. In this regard, the presentation on behalf of MWRL will be led by Nick Davidson QC, as independent counsel for MWRL.

6. I therefore submit it would be most efficient to present the MWRL reportage first, with appropriate legal submissions, thereby allowing individual applicants to supplement or address the MWRL evidence, as appropriate and as specific to each application, and reducing the potential for duplication of evidence and argument.
7. In these circumstances, WHL respectfully requests directions that MWRL be allowed to present legal submissions and evidence specifically addressing the cumulative nutrient effects of the Upper Waitaki Applications and that a two stage process be adopted for hearing of applications for the Upper Waitaki Catchment as follows:
  - (a) Stage One: MWRL to present submissions and evidence on the cumulative nutrient effects (and mitigation) of the Upper Waitaki Applications; and
  - (b) Stage two: individual applicants to present submissions and evidence addressing matters particular to their applications, as well as where necessary, referring back to and relying on matters arising from the MWRL case.
8. I note for completeness, that if necessary, the MWRL presentation can be treated as forming part of the presentation on behalf of the three founding applicants without affecting the priority position of any applicant. However, given the independent nature of the investigations, it is proposed that if a direction is made to allow MWRL to present, then Nick Davidson QC assume the role of case managing the presentation on behalf of MWRL.

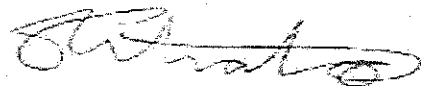
#### **Timing**

9. Counsel understands that a hearing for this matter is likely to take place in early 2009. It is respectfully requested that the hearing for these applications take place in March / April 2009.
10. MWRL anticipates that 2-3 days of hearing time will be required to present its submissions and evidence.
11. As WHL has not obtained consent for this course from applicants or submitters, copies of this memorandum will need to be served on them.

**Summary**

12. WHL seeks the following procedural directions:
- (a) ECan to serve a copy of this memorandum on all applicants and submitters;
  - (b) All applicants and submitters to notify whether they support or oppose the application for directions sought within 7 days of service;
  - (c) If a hearing is necessary on the application, that a date for such a hearing be set down as soon as practicable for the Committee.
13. WHL also seeks the following substantive directions that:
- (a) MWRL be allowed to present legal submissions and evidence on the cumulative nutrient effects (and mitigation) of the Upper Waitaki Applications;
  - (b) The MWRL presentation take place as a preliminary step, as set out in paragraph 7 above.

**Dated** 15 September 2008



**C N Whata**

Counsel for Williamson Holdings Limited