

BEFORE THE CANTERBURY REGIONAL COUNCIL

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER of the hearing of submissions on Proposed
Plan Change 3 to the Waitaki Catchment
Water Allocation Regional Plan

**MEMORANDUM OF COUNSEL FOR THE WAITAKI IRRIGATORS COLLECTIVE
LIMITED REGARDING CONTROLLED ACTIVITY REGIME**

Dated 30 September 2015

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MAY IT PLEASE THE PANEL

- 1 By Minute 9 the Hearing Commissioners directed that any party supporting the controlled activity regime is to file submissions by 5.00pm Wednesday 30 September.
- 2 The Waitaki Irrigators Collective Limited (**WIC**) supports Meridian's request that it achieve controlled activity status for re consenting of the Waitaki Power Scheme, in light of the High Court decision in *Rangitata Diversion Race Limited and Ors v Canterbury Regional Council*,¹ which had overruled a decision of the Council holding that such activity status was unlawful.
- 3 WIC's position is that it supports the certainty that will result where re consenting is sought on terms that complies with the required flows and allocations in the WAP, and particularly Rule 7, as communicated to the Panel at the hearing.

Dated this 30th day of September 2015.



P A Steven QC

Counsel for Waitaki Irrigators Collective Limited

¹ CIV-2014-409-62; CIV-2014-409-76; CIV-2014-409-61; [2015] NZHC 2174