BEFORE INDEPENDENT HEARING COMMISSIONERS

IN THE MATTER   of the Resource Management Act 1991

AND

IN THE MATTER   of the hearing of submissions on Proposed Variation 1 (Selwyn-Te Waihora) to the Proposed Canterbury Land and Water Regional Plan

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MEMORANDUM OF COUNSEL FOR CANTERBURY AGGREGATE PRODUCERS GROUP

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1   The purpose of this Memorandum is to provide answers to the following questions asked of Alanya Limmer (Counsel for Canterbury Aggregate Producers Group (**CAPG**)) and Timothy Ensor (Planning expert for CAPG), respectively, by the Commissioners:

      1.1   whether non-complying status for takes in excess of the allocation limits in the Tukituki Catchment Board of Inquiry decision has been appealed; and

      1.2   how the potential for "Environmental Creep" might be dealt with if the CAPG were to obtain non-complying status for takes beyond the allocation limits.

2   The Environmental Protection Authority's website advises there have been two appeals filed in respect of the Board of Inquiry's decision, see http://www.epa.govt.nz/Resource-management/Tukituki/Pages/default.aspx. The appeals are not available on the website, but we have obtained and reviewed copies of them. The appeals are filed by Hawke's Bay and Eastern Fish and Game Councils and Royal Forest and Bird Protection Society of New Zealand. The Environmental Defence Society has joined Hawke's Bay and Eastern Fish and Game councils as an appellant on additional questions of law.

3   We confirm Commissioner van Voorthuysen's view that neither of those appeals challenges non-complying status for takes in excess of the surface or groundwater quantity allocation limits set for the the Tukituki Catchment.

4   A Memorandum from Mr Ensor is **attached**, responding to the question asked by Commissioner van Voorthuysen as set out at paragraph 1.2 above.

5   CAPG appreciates the opportunity afforded to clarify these points.

Dated this 11th day of November 2014

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A C Limmer / C J McCallum