

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF a joint application by Central Plains Water Trust and Ashburton Community Water Trust to:

Canterbury Regional Council for resource consents to take water from the Rakaia River for use by the Central Plains Water Enhancement Scheme and for use by Ashburton Community Water Trust

IN THE MATTER OF applications by Central Plains Water Trust to:

Canterbury Regional Council for resource consents to take and use water from the Waimakariri River and to use water from the Rakaia River for the Central Plains Water Enhancement Scheme and for associated consents required for the construction and operation of the Central Plains Water Enhancement Scheme; and to

Selwyn District Council for resource consents to construct and operate the Central Plains Water Enhancement Scheme

AND

IN THE MATTER OF a notice of requirement by Central Plains Water Limited to:

Selwyn District Council for the designation of land for works associated with the construction and operation of the Central Plains Water Enhancement Scheme

IN THE MATTER OF applications by Ashburton Community Water Trust to:

Canterbury Regional Council for resource consents to use and divert water from the Rakaia River for the purposes of hydro electricity generation and associated consents required for the construction and operation of the Rakaia Terrace Hydro Scheme.

**Minute/directions of Commissioners (Number 3)
Timetabling and the hearing of submissions
5 June 2008**

1. Further to our earlier directions in relation to this matter, we make the following directions and provide a further indicative timetable.
2. The following is a provisional timetable:
 - June 3-6 Ngai Tahu and Malvern Hills
 - June 10-13 boating groups and others
 - June 24-26 remaining institutional and non individual submissions
 - June 27 CPWT supplementary evidence
 - July 24-25 *directly affected* submitters/landowners (probably held in Darfield)...includes all landowners directly affected by the Notice of Requirement, Colgate and nearby residents, those directly affected by the proposed distribution network.
 - August 4-8 remaining affected landowners (including those who may potentially be raised ground water levels) and start other (non directly affected) submitters
 - August 11-15 remaining other submitters and (with leave) any witnesses recalled by submitters to address CPWT supplementary evidence.
 - August 25-29 officers' presentations and if time permits, CPWT reply including evidence in reply
 - September 9-12 CPWT completes and ACWT starts
 - September 15-19 ACWT continues including ACWT submitters
 - September 29-30 ACWT reserve days
3. We emphasise that this timetable is indicative only. Some evidence is taking longer than we expected and in the case of a number of non individual submitters, we do not yet know how much evidence will be called by some parties. We do not know how long the further information for CPWT will take to present, nor how long the section 42A presentation will take.
4. One or more of the Commissioners may be unavailable during parts of September and possibly for a day in July. If the hearing proceeds beyond September we will not be able to resume until late October or early November.
5. We anticipate that the supplementary information we have requested from CPWT/CIL will be tabled and if possible, presented on 27 June and that relevant submitters will respond during the week of 11 August.
6. Any supplementary material from the officers will be made available to the applicant and on the ECan web site by 21 July. This should include any responses to the applicant's supplementary evidence and any further suggestions as to amendments or additions to the draft conditions proposed by the Applicant.
7. Our expectation is that where relevant, officers will address the evidence that has been presented by the Applicant or other parties, rather than limiting themselves to evidence as tabled by the Applicant. For example, it is our hope that we will be

provided with updated evidence on such matters as ground water mounding, ground water quality, surface water hydrology, economics and effects on the Te Waihora (amongst others).

8. We anticipate hearing directly affected individual submitters first. This includes all landowners directly affected by the Notice of Requirement, Colgate and nearby residents, those directly affected by the proposed distribution network and those who may potentially be affected by raised ground water levels.
9. We will then hear from remaining submitters who are not directly affected by the proposal. We note that there are a large number of these submissions and a high degree of repetition between these.
10. We will then split into two sub panels of 2 commissioners each, to hear individual submissions other than those from directly affected or potentially affected land owners and Colgate residents. Each sub panel will report back to the main panel. We consider that this process will be fair and will ensure the efficient conduct of that part of the hearing which does not involve expert evidence or evidence from directly affected persons.
11. If any submitter opposes this course of action they should notify us of the reasons for their opposition and we will reconsider our position. However in our view it is in no ones' interest to prolong the hearing.
12. All submitters who still wish to be heard should contact johanna.christensen@ecan.govt.nz at ECan, to book a **tentative** time slot. Each day will be divided into 4 time periods for that purpose. Slots can be booked on a first come first served basis. However, submitters need to understand that they are unlikely to be heard at the exact time anticipated and may potentially be transferred to a different day. Submitters should check the ECan web site the day before they are due to be heard to view the most up to date time table. Except with leave, we will hear submitters in the order they are booked in.
13. In addition the following will apply to submissions from those who are not directly affected (that is, those submissions not falling into one of the categories outlined at paragraph 8 above):
 - Original submissions will be pre read by us and **will not** be read out
 - Any additional written material should be provided to at ECan (johanna.christensen@ecan.govt.nz) at least one week prior to presentation.
 - We will allocate an **average** of 5 minutes to each submitter to speak to their submission if they wish, plus a further 5 minutes for questions.
 - We will extend that if necessary, but only for good reasons.
 - Where a submission and supplementary written material only repeats material covered in other submissions or evidence we have already heard, we will not hear that submitter, but will consider their submission. (In practice, this may apply to quite a large number of submissions.)
 - We will not be able to assess whether material comes into this category until we have any supplementary material from the submitter. Accordingly,

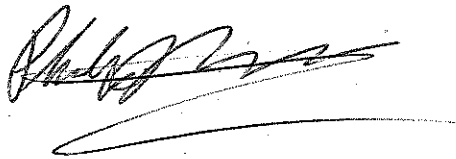
some submitters who have booked a provisional slot may be told at the hearing, or where possible a day or so before they are due to be heard, that we do not intend to hear from them

- Where this occurs, other submitters will be brought forward and heard earlier.
 - Accordingly submitters must (preferably) check the ECan web site or phone Johanna to ascertain when and where to attend. They should provide contact details if they wish to be advised of timetable changes.
 - Submitters who are booked into the first slot of the day should be present at 9.30. Submitters who are booked into the second slot should be present by 11 am. Submitters who are booked into the third slot should be present by 12 am. Submitters who are booked into the fourth slot should be present by 2pm. This is because we will bring submissions forward on the day, if other submitters do not turn up or we decline to hear from them.
 - Submitters may well have to spend some hours at the hearing. That is unavoidable.
 - Please do not phone ECan staff the day you are due to be heard. Check the web site or check the timetable available at ECan reception.
 - If you wish to change your slot or can not attend please advise by email or phone as soon as you are aware of that.
14. If a submitter is not present when required, there is no guarantee that they will be accommodated at a different time, unless prior arrangements have been made for that with ECan staff, or we grant leave for them to be heard later.
15. We appreciate, that some submitters who wish to be heard, will not be heard or will not be provided with as much time as they may have wished. That is unavoidable, given the huge number of submitters who have asked to be heard. The Act provides us with the power to set a fair procedure and to avoid repetition.
16. We are of course particularly interested in the views of those whose properties are or may be directly or indirectly affected and those living nearby the proposed works. Other submissions not supported by any fresh evidence will in practice be of little assistance to our decision making.
17. By way of guidance, and without wishing to discourage submitters, we remind other individual (not directly affected) submitters, that we can only act on evidence. The number of submissions or the degree of passion, or emotion in submissions are not matters we can take into account.
18. We can of course take into account relevant concerns, but those must be backed up by evidence. We have already heard a vast amount of expert and other evidence and have much more to come.
19. Our role is not to "poll" or represent the views of the community, but to weigh the evidence within the context of the RMA and the relevant objectives and policies.
20. Before booking a hearing slot submitters should carefully consider whether they need to be heard and indeed whether we are likely to agree to hear from them. In

particular submitters should ask themselves whether they will be presenting anything new to us that we are unlikely to have already heard, and if so whether that is supported by first hand knowledge or expert evidence.

21. As outlined above the booking of a tentative hearing slot is no guarantee that we will hear from the submitter.

Philip Milne Chair
5 June 2008

A handwritten signature in black ink, appearing to read 'Philip Milne', with a long horizontal flourish underneath.

Independent Commissioners
3 June 2008

