

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

applications for resource consents to take and use
water

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

7 OCTOBER 2009

RUSSELL McVEAGH

C N Whata
Phone 64 9 367 8000
Fax 64 9 367 8163
PO Box 8
DX CX10085
Auckland

MAY IT PLEASE THE COMMITTEE:

1. As set out in the case management memorandum of counsel of 24 September 2009, Mackenzie Water Research Limited ("MWRL") proposed to produce the technical experts from GHD responsible for the Water Quality Study in accordance with the request of the Committee and in particular in the areas of groundwater, surface water and modelling.
2. As indicated to counsel for Meridian on the final day of the MWRL presentation, this will include evidence from John Male and Dr Douglas Mzila. It may also include Dr Nimal Gamage in relation to surface water and lake water quality. The availability of these experts may affect whether they are called by MWRL.
3. MWRL also proposes, for the assistance of the other parties and the Committee, to produce its evidence in relation to the s42 reports and the evidence of other parties at the same time as producing the further technical evidence. I am not in a position to indicate who will be called. Counsel is awaiting expert advice on these matters.
4. I wish to record for completeness:
 - (a) MWRL had specifically sought at the prehearing conference full exchange in advance of the MWRL hearing to avoid issues relating to exchange.
 - (b) This was rejected on the express basis set out in the minute of Commissioner Skelton of 29 May 2009 that "all applicants will have a right of reply in which they will be entitled to address submitters evidence on the Water Quality Report as well as the evidence on individual applications".
 - (c) This sequential timetable was agreed to by all parties at the prehearing conference.
5. I further record that the submitters and ECan have had the basis of the MWRL evidence for several months in the form of the draft WQS study and then the final reports. By contrast the experts for MWRL have had less than a month to digest the reports and evidence. I submit that it would be prejudicial to truncate the ability of the applicants to respond any further.

6. Given that MWRL will be presenting reply evidence earlier than anticipated it means that it is simply not possible to serve evidence on other parties prior to 10 November 2009. Meridian still has three weeks from 10 November until it begins the presentation of its case which is ample time for it to review the evidence.

Dated 7 October 2009

C N Whata

Counsel for Mackenzie Water Irrigation Limited