

TABLED AT HEARING

Date 13/10/2009

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**

13 OCTOBER 2009

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MAY IT PLEASE THE COMMITTEE:

1. Counsel refers to the memorandum from Mike Freeman, dated 12 October 2009, setting out the proposed process for undertaking an audit of the Farm Environmental Management Plans ("FEMPs") under s42A of the Resource Management Act ("Memorandum").
2. MWRL wishes to advise that it does not object to the production of a further s42A report provided that:

- (a) It is confined to the following assessment set out in the Memorandum:

The basic scope of the audit would be to check specific on-farm characteristics/inputs used as inputs to the Overseer model and to make an assessment of whether they are accurate and appropriate for each farm.

- (b) The report will not seek to assess whether Overseer is an appropriate tool for the purpose of the FEMP process.
- (c) It will however be important for the expert to place the review in its proper context and to caucus with the MWRL experts to ensure that this occurs. This may involve taking into account matters beyond the Overseer inputs.
- (d) The expert will also caucus with the experts for MWRL and individual applicants (to be identified by them) in advance of the finalisation of the report.
- (e) An estimate of costs will be provided to the applicants prior to the commencement of the work for consideration.

Meridian

3. Counsel has also discussed the scope of the reply evidence with representative of Meridian. I understand that Meridian does not object to the production of such reply evidence (i.e. to evidence raised after MWRL produced its primary evidence), provided it is presented in November.
4. I note for completeness that I understand further evidence was submitted by Meridian last week relating to farm economics.

5. MWRL will also need to be able to reply to any such new evidence, including new evidence produced by the submitters at the hearing.

Dated 13 October 2009

C N Whata
Counsel for Mackenzie Water Irrigation Limited

