

BEFORE Commissioners appointed by the Waikato
Regional Council

IN THE MATTER of the Resource Management Act 1991

AND

IN THE MATTER Waikato Regional Proposed Plan Change 1 –
Waikato and Waipā River Catchments

**MEMORANDUM OF COUNSEL ON BEHALF OF THE WAIKATO AND
WAIPĀ RIVER IWI IN RELATION TO WITNESS AVAILABILITY**

3 July 2019

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LEGAL

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WELLINGTON

MAY IT PLEASE THE PANEL:

1. This memorandum is filed on behalf of the Waikato and Waipā River Iwi¹ (**River Iwi**) in relation to the availability of certain of the River Iwi's expert witnesses.

Joint Witness Statement Hearing – 18 July 2019

2. In relation to the forthcoming Joint Witness Statement hearing on 18 July, representatives of the River Iwi have been communicating with Mr Rice regarding:
 - (a) Dr Olivier Ausseil's inability to attend the hearing in person (as he will be overseas on 18 July); and
 - (b) whether alternate video or teleconference facilities may be available to enable Dr Ausseil to participate in the hearing on 18 July and answer any questions from the Panel.
3. Counsel understands from Mr Rice that the Panel is aware of Dr Ausseil's unavailability and the proposals being considered to facilitate Dr Ausseil's attendance.
4. Alternatively, should it not be possible for Dr Ausseil to remotely participate in the hearing on 18 July, Dr Ausseil is able to provide written answers to any questions from the Panel (and would restrict such answers to those specific questions consistent with the Panel's minute of 25 June 2019).
5. While counsel and Dr Ausseil are continuing to work with Mr Rice on options for the hearing on 18 July 2019, this memorandum formally records Dr Ausseil's unavailability and seeks leave for Dr Ausseil to attend the hearing by video or teleconference or, in the alternative, to answer any questions from the Panel in writing.

¹ Waikato-Tainui, Ngāti Maniapoto, Raukawa, Te Arawa River Iwi and Ngāti Tūwharetoa.

Extension of time for rebuttal evidence of Mr Hamish Lowe

6. In its minute of 30 May 2019 relating to the Block 3 Hearing, the Panel directed that rebuttal evidence is due not later than 19 July 2019.
7. The River Iwi intend to file evidence that includes farming system evidence of Environmental Scientist, Mr Hamish Lowe. Unfortunately, due to family travel commitments that were arranged prior to the 30 May minute, Mr Lowe is on leave and unavailable between 6 and 20 July 2019.
8. In these circumstances, Counsel respectfully requests an extension to the timetable to allow Mr Lowe's rebuttal evidence (including responses, if any, to the pending section 42A Officers' answers to Panel questions) to be lodged by **Friday, 26 July 2019**.
9. The River Iwi will file all other evidence, including Mr Lowe's evidence in chief, in accordance with the dates in the Panel's 30 May minute.

DATED this 3rd day of July 2019



Jamie Ferguson/ Maia Wikaira
Counsel for the River Iwi