

**Before the Hearing Panel  
At Masterton**

Under the Resource Management Act 1991 (the Act)

In the matter of Proposed Natural Resources Plan for the Wellington  
Region (Hearing Stream 3)

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**Memorandum of Counsel for A J Barton and Ongaha Farms Limited  
Hearing Stream 3: Water Allocation**

Dated 4 September 2017

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**May it please the Panel:**

1. This memorandum is on behalf of AJ Barton and Ongaha Farms Limited (the Submitters) in response to the Application for Directions filed by Counsel for the Council on 1 September 2017. It is supported by the Wairarapa Water Users Society which has asked counsel to assist with aspects of this memorandum.
2. In relation to the issues raised by the submitters (and the Wairarapa Water Users Society) the differences between the technical experts (Dr Gyopari and Jon Williamson) are significant.
3. By way of context of it might be useful for the Panel to know that all of the information presented by Mr Williamson has either been provided to his Council counterparts through Environment Court facilitated conferencing on almost identical issues, or was publicly available at all times.
4. Nonetheless, the Submitters (and the Wairarapa Water Users Society) agree in principle with the proposal that time be made available to the technical experts to conference on the evidence as it relates to the Lower Ruamahanga Groundwater Management Area.
5. The week of 18 September is suitable for this conferencing to occur in Wellington but the submitters respectfully suggest that the process be confined to Dr Gyopari and Mr Hughes for the Council and that it commence with Mr Williamson demonstrating the parameters and sensitivity of the WWA model, and running that model before any attempt is made to input different parameters into a Council model.
6. At 5.2 of her application counsel for the Council suggests that the submitters present their evidence and the submissions in the usual way. That opportunity is scheduled for the morning of 7 September. With respect, the Submitters (and the Wairarapa Water Users Society) suggest that this would seem an inefficient use of time and resources.
7. If there is to be a new timeframe for the experts to be heard on the conferencing outcomes<sup>1</sup> then the most efficient way forward would be for any agreements and/ or remaining evidence and any submissions to be presented at that time rather than presenting this week on technical evidence that Council's experts seek to "park" and which could conceivably change as a result of the suggested directions.

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<sup>1</sup> Council's Application at paragraph 5.5

8. The Wairarapa Water Users Society has raised issues beyond the Lower Ruamahanga Groundwater Management Area and whilst Mr Williamson's work is limited to the Lower Valley, it may have implications elsewhere in the Valley.
9. For these reasons, the Submitters (and the Wairarapa Water Users Society) respectfully request that their hearing times be re-scheduled to a convenient time following the proposed conferencing.



IM Gordon

Counsel for AJ Barton and Ongaha Farms Limited

4 September 2017