

**IN THE ENVIRONMENT COURT
CHRISTCHURCH REGISTRY**

**ENV-2018-CHC-000040
ENV-2018-CHC-000037
ENV-2018-CHC-000050**

IN THE MATTER of the Resource Management Act 1991
(the Act)

A N D

IN THE MATTER of appeals pursuant to clause 14 of the
First Schedule to the Act

BETWEEN **Federated Farmers of New Zealand
(Southland)**

(ENV-2018-CHC-000040)

Southland Fish and Game Council

(ENV-2018-CHC-000037)

**Royal Forest and Bird Protection Society
of New Zealand Inc**

(ENV-2018-CHC-000050)

Appellants

A N D

SOUTHLAND REGIONAL COUNCIL

Respondent

MEMORANDUM OF COUNSEL ON BEHALF OF BALLANCE AGRI-NUTRIENTS LIMITED


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MAY IT PLEASE THE COURT:

1. This Memorandum of Counsel is filed on behalf of Ballance Agri-Nutrients Limited (**Ballance**) with respect to the scope of the evidence in chief filed by Southland Fish and Game Council (**Fish and Game**).
2. Ballance is a s 274 party to the Fish and Game appeal and opposes the relief sought.
3. On 13 March 2019 the Respondent filed a Memorandum of Counsel outlining issues with the evidence in chief of Professor Russell Death and the evidence in chief of Mr Ben Farrell, both filed on 15 February 2019 and in support of Fish and Game's appeal.
4. The Respondent raised the following two issues with the evidence:
 - (a) The relief sought with respect to Objectives 6 and 7 appears to be outside the scope of the relief sought and issues raised in the Fish and Game appeal, and any other appeal; and
 - (b) Some of the matters covered by the evidence are issues that the Court has previously directed form part of the Topic B hearing.
5. Counsel agrees with the Respondent that the inclusion of region-wide numeric outcomes is not within the scope of Fish and Game's appeal, or any other appeals, and respectfully seeks directions on how the Court wishes to deal with this issue.
6. If the Court considers that there is scope to seek numeric outcomes, then Counsel also agrees with the Respondent's following proposal for dealing with Professor Death's and Mr Farrell's evidence:

- (a) Any description or information related to the current state of environment to be dealt with in Topic A;
- (b) Any amendments to Objectives 6 and/or 7 to refer to region-wide numeric outcomes/limits (subject to the issue of scope) to be dealt with in Topic A; and
- (c) Any amendments to the Proposed Southland Water and Land Plan to set out what the numeric outcomes/limits should contain to be dealt with in Topic B.

DATED at Tauranga this 20th day of March 2019



Vanessa Jane Hamm

Counsel for Ballance Agri-Nutrients Limited