

**IN THE ENVIRONMENT COURT
AT CHRISTCHURCH**

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 **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 FOR BALLANCE AGRI-NUTRIENTS LIMITED SEEKING
LEAVE TO BE EXCUSED FROM ATTENDANCE DURING PORTIONS OF THE TOPIC A
HEARING**



525 Cameron Road
DX HP40014
Private Bag 12011
Tauranga 3143
Telephone: (07) 578 2199
Facsimile: (07) 578 8055

Counsel: Vanessa Hamm
Megan Exton

Email: vanessa.hamm@hobec.co.nz
megan.exton@hobec.co.nz

MAY IT PLEASE THE COURT:

1. This Memorandum of Counsel is filed on behalf of Ballance Agri-Nutrients Limited, seeking leave for Counsel to be excused from attending parts of the Topic A hearing on appeals against decisions on the proposed Southland Water and Land Plan.
2. Ballance Agri-Nutrients Limited is a party to the following appeals in respect of provisions being heard as part of the Topic A hearing:¹
 - (a) Southland Fish and Game Council v Southland Regional Council (ENV-2018-CHC000037).
 - (b) Royal Forest and Bird Protection Society of New Zealand Incorporated v Southland Regional Council (ENV-2018-CHC-000050).
3. Ballance Agri-Nutrients Limited is not a party to the appeals from:
 - (a) Ngā Rūnanga;
 - (b) Meridian Energy Limited;
 - (c) Aratiatia Livestock Limited; and
 - (d) Alliance Group Limited.
4. The cases for these appeals, and section 274 parties to these appeals, are scheduled to proceed in the latter part of the Topic A hearing. The latest projection has Ngā Rūnanga commencing on Thursday 13 June 2019.
5. Counsel for Ballance Agri-Nutrients Limited has sought to cross-examine witnesses from Southland Regional Council, Royal Forest and Bird Protection Society of New Zealand, Southland Fish and Game Council, and Director-

¹ It is also a party to the appeal by Federated Farmers of New Zealand (ENV-2018-CHC-000040) but only in respect of Policy 39 which is not part of the Topic A hearing.

General of Conservation. Counsel does not seek to cross examine any witnesses appearing for those parties identified at paragraph 3 above, Waiau Rivercare Group, DairyNZ Limited or Fonterra Co-operative Group Limited.

6. Leave is sought for Counsel for Ballance Agri-Nutrients Limited to be excused from the hearing after the evidence of Linda Kirk for the Director-General of Conservation, on the basis that:

(a) It does not have a direct interest in the appeals from:

- (i) Ngā Rūnanga;
- (ii) Meridian Energy Limited;
- (iii) Aratiatia Livestock Limited; and
- (iv) Alliance Group Limited;

(b) It has not sought to cross examine witnesses for those parties, or Waiau Rivercare Group, DairyNZ Limited or Fonterra Co-operative Group Limited.

DATED at Tauranga this 30th day of May 2019



Vanessa Jane Hamm

Counsel for Ballance Agri-Nutrients Limited