

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

**I MUA I TE KŌTI TAIAO O AOTEAROA
KI ŌTAUTAHI**

UNDER	the Resource Management Act 1991
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-37)
	Royal Forest and Bird Protection Society of New Zealand Inc (ENV-2018-CHC-50)
	Federated Farmers of New Zealand (ENV-2018-CHC-40)
AND	Southland Regional Council

MEMORANDUM OF COUNSEL FOR BALLANCE AGRI-NUTRIENTS LIMITED

13 FEBRUARY 2023



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MAY IT PLEASE THE COURT

1. This Memorandum of Counsel is filed on behalf of Ballance Agri-Nutrients Limited (**Ballance**) in response to the direction at [12] and [16] of the Court Minute dated 10 February 2023.
2. Ballance agrees with the Southland Regional Council that Rule 20 should not be advanced prior to the High Court's decision.
3. This is because Rule 20 is interrelated with Rule 24:
 - (a) Rule 20 makes the use of land for farming a permitted activity subject to meeting a series of standards.
 - (b) Rule 24 relates to the incidental discharges associated with farming and if this rule requires those activities to obtain resource consent, then the permitted activity framework provided for by Rule 20 will be undermined.
4. However, Ballance is interested in other parties views on this matter and looks forward to discussing them at the pre-hearing conference.

DATED this 13th day of February 2023



Vanessa Hamm / Laura Jeffries

Counsel for Ballance Agri-Nutrients Limited