

**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**

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**MEMORANDUM OF COUNSEL FOR BALLANCE AGRI-NUTRIENTS LIMITED REGARDING  
TOPIC B5 MEDIATION**

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**MAY IT PLEASE THE COMMISSIONER**

1. This Memorandum of Counsel is filed on behalf of Ballance Agri-Nutrients Limited (**Ballance**) and responds to the Memorandum of Counsel filed by Southland Regional Council (**Council**) on 15 September 2021 regarding the Topic B5 mediation on the proposed Southland Water and Land Plan.
2. Ballance has s 274 interests in Topic B5, and was planning on being represented at the Topic B5 mediation before it was vacated due to COVID-19.
3. Ballance was surprised to read the Council's request for the Topic B5 mediation to be cancelled, and considers that the mediation should take place at a later date.
4. Ballance was not invited to participate in the offline meetings referred to in the Council's Memorandum and did not receive a draft Memorandum before it was filed with the Court.
5. While it may be that some issues cannot be resolved in mediation, Ballance is hopeful that some issues can be resolved and therefore reduce the number of appeal points that require Court time.
6. As raised by Federated Farmers of New Zealand, Aratiatia Livestock Limited and Beef and Lamb New Zealand in the Council's Memorandum, resolution may be more likely given the proposed changes to the intensive winter grazing regulations in the Resource Management (National Environmental Standards for Freshwater) Regulations 2020.

**DIRECTIONS**

7. Counsel for Ballance therefore respectfully requests that the Commissioner issue directions that the mediation of Topic B5 be rescheduled.

**DATED** this 15<sup>th</sup> day of September 2021



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Megan Exton  
Counsel for Ballance Agri-Nutrients Limited