

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2020-AKL-000089

IN THE MATTER

of the Resource Management Act 1991

AND

IN THE MATTER

of an appeal under clause 14(1) of the First Schedule of the Resource Management Act 1991 in relation to the Proposed Waikato Regional Plan Change 1: Waikato and Waipa Catchments

BETWEEN

Waikato Regional Council
Appellant

AND

Waikato Regional Council
Respondent

**NOTICE OF BALLANCE AGRI-NUTRIENTS LIMITED'S
WISH TO BE A PARTY TO THE PROCEEDINGS PURSUANT TO
SECTION 274 OF THE RESOURCE MANAGEMENT ACT 1991**

TO: The Registrar
Environment Court
AUCKLAND

Via E-mail: WRC.PC1appeals@justice.govt.nz

1. Ballance Agri-Nutrients Limited ('**BAN**') wishes to become a party to an appeal by Waikato Regional Council ('**WRC**') (under clause 14(1) of the First Schedule of the resource Management Act 1991 ('**RMA**') in relation to the Respondent's decisions on the Proposed Waikato Regional Plan Change 1: Waikato and Waipa Catchments ('**PC1**').
2. This notice is made as BAN submitted on the provisions of PC1 to which this appeal relates.
3. BAN is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
4. BAN has an interest in the following parts of the proceedings:
 - (a) Schedule B – Nitrogen Leaching Loss Rate for Freshwater Management Units
5. BAN supports the relief sought by WRC to Schedule B - Nitrogen Leaching Loss Rate for Freshwater Management Units, specifically as it relates to Schedule B A3(a)

Schedule B A3 (a)

- 5.1 The decisions version of Schedule B A3(a) reads as follows:
"A Nitrogen Leaching Loss Rate established via an alternative, approved model.
- a. Alternative models may be used provided a suitably qualified and experienced nutrient loss modeller can demonstrate and has certified to WRC that the model:*
- *has been developed through a robust review and quality control process;*
 - *has appropriate supporting documentation, user guides and input standards; and*
 - *can produce comparable modelling outputs to those of Overseer."*

- 5.2 In its appeal to PC1, WRC states that there is no clarity as to what "*suitably qualified and experienced*" means within Schedule B A3(a). WRC considers that this opens the door for a myriad of individuals to propose alternative models and risk inconsistent farm data across the region. Given this, WRC seek that Schedule B A3(a) is amended as follows:

"a. Alternative models may be used provided a suitably qualified and experienced modeller can demonstrate and has certified to WRC that the model:

- *has been developed through a robust review and quality control process;*
- *has appropriate supporting documentation, user guides and input standards; and*
- *can produce comparable modelling outputs to those of Overseer."*

For the purposes of this provision the "suitably qualified and experienced modeller" must be a person with relevant qualifications and extensive experience relating to the modelling of nutrient loss from farming activities of the type undertaken in the Waikato Region. The qualifications and experience must relate to the application of Overseer and the alternative model."

- 5.3 BAN notes that a Certified Farm Management Advisor is required to be certified as a Nutrient Management Adviser under a national nutrient management adviser certification programme (or an equivalent certification programme approved by the Chief Executive of Waikato Regional Council). BAN considers that it is equally appropriate that clarity is provided regarding what is intended by 'suitably qualified and experienced modeler' and that a person occupying this position must have the necessary qualifications and experience.
- 6.0 BAN agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Dominic Adams

Environmental Manager for Ballance Agri-Nutrients Limited

Dated: 28th of September 2020

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TAURANGA 3143

Attention: Dominic Adams

E-mail: Dominic.Adams@ballance.co.nz

Address for Service 2: Enspire,
Level 3, 35 Grey Street,
TAURANGA 3110

Attention: Bridgette Munro

E-mail: bridgette@enspire.co.nz

Note to person wishing to be a party

You must lodge the original and 1 copy of this notice with the Environment Court within 15 working days after–

- the period for lodging a notice of appeal ends, if the proceedings are an appeal; or
- the decision to hold an inquiry, if the proceedings are an inquiry; or
- the proceedings are commenced, in any other case.

Your right to be a party to the proceedings in the Court may be limited by the trade competition provisions in section 274(1) and Part 11A of the Resource Management Act 1991. The notice must be signed by you or on your behalf.

You must serve a copy of this notice on the relevant local authority and the person who commenced the proceedings within the same 15 working day period and serve copies of this notice on all other parties within 5 working days after that period ends.

However, you may apply to the Environment Court under section 281 of the Resource Management Act 1991 for a waiver of the above timing or service requirements (see form 38).

Advice

If you have any questions about this notice, contact the Environment Court in Auckland, Wellington, or Christchurch.