

**BEFORE THE ENVIRONMENT COURT
AT AUCKLAND**

ENV-2020-AKL-000099

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 **Beef + Lamb New Zealand Limited**
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 Beef + Lamb New Zealand Limited ('**Beef + Lamb**') (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) Policy 1;
 - (b) Schedule C – Clauses 6 & 7; and
 - (c) Schedule D1, Part D, Standard 1(d)
5. BAN supports the relief sought by Beef + Lamb to Policy 1, Schedule C – Clauses 6 & & and Schedule D1, Part D, Standard 1(d).

Policy 1

- 5.1 Beef+Lamb considers that Policy 1 requires clearer internal links to the requirement to produce Farm Environment Plans ('**FEPs**') in a timely fashion in order to contribute to the achievement of the short-term numeric water quality values in Table 3.11-1 and Objective 2. Further, Beef+Lamb notes that Table 3.11-1 reflects the reality at the sub-catchment level that not all sub-catchments require improvement in water quality to achieve the attribute states and to restore and protect the health and well-being of the Waikato River. Beef+Lamb state that Table 3.11-2 correctly directs focus for the reduction of contaminants to those that should be prioritised at a sub-catchment level. Given this, Beef+Lamb consider that reference to managing farming land uses to reduce diffuse discharges in all circumstances is inaccurate. Beef+Lamb seek the following amendments to Policy 1:

"Manage farming land uses ~~to reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens~~, by:

- a. Requiring a general improvement in farming practice through the timely implementation of Farm Environment Plans ~~to reduce diffuse discharges of those contaminants~~; and ..."*

- 5.2 BAN agrees that not all sub-catchments require improvement, or the same level of improvement, in water quality to achieve the attribute states and to restore and protect the health and well-being of the Waikato River. In this respect, there may be some sub-catchments where water quality is not degraded, therefore it is more appropriate to maintain water quality in these instances, than improve water quality. Further, issues associated with particular contaminants will vary between sub-catchments, for example,

where levels of nitrogen may require improvement in some sub-catchments it will not be an issue in others, given this BAN generally supports the amendments suggested by Beef + Lamb to Policy 1.

Schedule C – Clauses 6 and 7 and Schedule D1, Part D, Standard 1(d)

- 5.3 Beef+Lamb notes that Schedule C provides minimum standards that relate to fertiliser application. Beef+Lamb consider that FEPs are a key implementation tool for PC1. It is noted that Schedule D1 sets out the requirements for FEPs for permitted farming activities and includes standards for fertiliser application. Beef+Lamb highlight that the Decisions Report provides for an application rate for nitrogenous fertiliser of no more than 30kgN/ha per dressing on the basis that it will require farmers to consider the efficiency of fertiliser management practices, which is effectively an input standard. Beef+Lamb further states that it is inappropriate to include an additional input standard because PC1 already provides for the management of Nitrogen and its derivatives as output standards in Schedule B Table 1 for nitrogen leaching loss rates; and stock units as a proxy for intensity and risk, specifically of diffuse discharges. Beef+Lamb further note that losses from nitrogenous fertilisers vary based on multiple factors, including the release rate (solubility), climate and soil conditions. Beef+Lamb also consider that a single numerical standard fails to account for those variables. In addition, Beef+Lamb record that the application of nitrogenous fertilisers is adequately managed through standards in Schedule D1 part D 1.c, 1.e, 1.f and 2.b. Therefore Beef + Lamb considers that standards 6 (in Schedule C) and 1(d) in Schedule D1 are unnecessary and should be deleted.
- 5.4 BAN notes that it has appealed the Schedule C Minimum Farming Standards as they related to Fertiliser Application (Clauses 6 and 7). With regard to Clause 6, in its appeal, BAN sought that the 30kgN/ha per dressing cap is removed for PC1 and that focus should be placed on total nitrogen outputs on-farm. BAN stated that should PC1 continue to require a nitrogen cap, that Clause 6 be amended as follows: *“Nitrogen fertiliser is not applied at rates greater than ~~30~~ 50kgN/ha per dressing as a mean value.”*
- 5.5 Further, BAN also appealed Schedule C, clause 7, stating that the clause requires that *“No nitrogenous fertiliser is applied during the months of June and July in any year unless the temperature is tested and found to be greater than 10 degrees Celsius within the root zone.”* BAN noted that there does not appear to be scientific justification for the 10°C figure stipulated in Clause 7 and departure from the established Code of Practice. BAN recorded that there is also no clear method provided or referenced for determining the soil temperature. Given this, BAN sought to amend Clause 7 as follows: *“During the months of June and July, no nitrogenous fertiliser is applied when the 10cm soil temperature at 9am is less than 6oC and falling as per the Code of Practice for Nutrient Management during the months of June and July in any year unless the temperature is tested and found to be greater than 10 degrees Celsius within the root zone.”*
- 5.6 While BAN has not specifically sought the deletion of Clauses 6 and 7, the Company does agree that the standards in their current form (that is in the decisions version of PC1) require amendment. Given this, BAN generally supports the need to amend those standards / provisions that relate to fertiliser application and management (in both Schedules C and D1) to ensure that they are not duplicated, are practical, and in keeping with industry guidelines and good management practice.

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

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Address for Service 2: Enspire,
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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.