

# ORC Omnibus Plan Change - Plan Change 8

## Submission Reference no: 68

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New Zealand

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**Submitter Type:** Not specified

**Source:** Web Form

### Overall Notes:

#### Clause

Are you a trade competitor?

#### Position

I am a person who would not gain an advantage in trade competition through this submission

#### Notes

Ballance Agri-Nutrients Limited cannot gain a competitive advantage by submitting on this plan change.

#### Clause

What are you submitting on? You can submit on specific parts of Plan Change 8 or the whole plan change.

#### Position

I am submitting on the whole plan change.

#### Notes

#### Clause

What is your view on the Plan Change 8 or the specific parts listed above? Please select one, if you have multiple views state clearly in the notes box below.

#### Notes

Ballance supports the intent of the plan change and request amendments to the text to help improve the opportunities to achieve the intended outcomes.

#### Clause

The reason(s) for my views are:

#### Notes

Please see the attached submission document.

#### Clause

What decision would you like the Environment Court to make?

#### Position

Approve the plan change with amendments

#### Notes

#### Clause

The reasons form my view and/or any amendment(s) I am seeking are:

#### Notes

Please see the attached submission document.

#### Clause

Do you wish to be heard in support of your submission? All submissions will be considered by the Environment Court. Please indicate if you wish to be heard in support of your submission.

#### Position

I wish to be heard in support of my submission

#### Notes

#### Clause

Please indicate your choice(s) below. If you do not indicate your intention to call experts, you can change your mind later and decide to call experts to give evidence in relation to your submission, provided you do so in time to meet any procedural direction the Environment Court might make.

**Position**

If others make a similar submission I/we would consider presenting a joint case with them at a hearing

**Notes**

**Clause**

Authority to act:

**Position**

I confirm I have the authority to sign this submission on behalf of the submitter

**Notes**

**SUBMISSION ON PROPOSED PLAN CHANGE 8 TO THE  
OPERATIVE REGIONAL PLAN: WATER FOR OTAGO**

**TO:** Environmental Protection Authority  
ORC Proposed Plan Changes, Private Bag 63002, Wellington 6140

**BY EMAIL:** ORCplanchanges@epa.govt.nz

**SUBMISSION TO:** **Proposed Plan Change 8 to the operative Regional Plan: Water for Otago**

**NAME OF SUBMITTER:** Ballance Agri-Nutrients Limited

**ADDRESS FOR SERVICE:** Ballance Agri-Nutrients Limited  
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**CONTACT:** Dominic Adams

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This is a submission by Ballance Agri-Nutrients Limited<sup>1</sup> on Proposed Plan Change 8<sup>2</sup> to the operative Regional Plan: Water for Otago<sup>3</sup>.

Ballance cannot gain a trade competition advantage through this submission.

This submission is divided into two parts as follows:

**Part A:** Introduces Ballance, its activities and shareholders; and

**Part B:** Sets out the specific submissions and relief sought by Ballance.

Ballance seeks the relief set out in this submission, including such other additional, alternative or consequential relief as may be necessary to give effect to the changes sought.

Ballance wishes to be heard in support of this submission.

Signed for and on behalf of Ballance by

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Dominic Adams

Environmental Manager

17<sup>th</sup> of August 2020

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<sup>1</sup> Hereafter referred to as 'Ballance'

<sup>2</sup> Hereafter referred to as 'PC8'

<sup>3</sup> Hereafter referred to as 'the Plan Change'

## **Part A: Ballance Agri-Nutrients Limited**

Ballance Agri-Nutrients Limited is a farmer-owned co-operative with over 19,000 shareholders and approximately 800 staff throughout New Zealand. We own and operate super-phosphate manufacturing plants located in Tauranga and Invercargill, as well as New Zealand's only ammonia-urea manufacturing plant located at Kapuni, South Taranaki. The Company also owns and operates the agricultural aviation company 'Super Air' and 'SealesWinslow' (a high-performance compound feed manufacturer). Ballance owns and operates two Service Centres which supply fertiliser to farms in Otago. In addition to manufacturing and sales Ballance provides farm sustainability services including nutrient management advice and we have nutrient management advisors who provide services to our farmers in the region. We place a strong emphasis on delivering value to our shareholders and on the use of the best science to inform sustainable nutrient management.

Reinforcing this, Ballance has extensive interest in the development of tools to manage nutrient losses on farms. Ballance, with Ag Research, has undertaken extensive research into 'MitAgator' which is a GIS-based water quality decision support tool that links with OVERSEER® to refine the latter models output. The use of management tools such as MitAgator, provides greater insight into the spatial variability of nutrient (as well as sediment and microbial) loss within a farm landscape and allows users to identify critical source areas (or 'hot spots') for nitrogen, phosphorus, sediment and microbial loss across their own farm. Targeted application of mitigation and management strategies to these critical source areas help to provide more cost-effective environmental management solutions for farmers, while ensuring that effective water quality outcomes can be achieved in timeframes that recognise the socio-economic impacts of changing farm management practices.

In light of these matters, Ballance has a direct interest in PC8.

Ballance supports the intent of PC8 which has an overall aim to protect and restore water quality within the Otago Region. Ballance recognises that improving the quality and availability of freshwater for ecosystem health as well as human and animal consumption, is a priority and we also recognize that farmers support this - with a large number of them, whom we are involved with, already implementing measures and planning further mitigations to reduce nutrient and contaminant losses from their farms. Our main points of concern are to ensure that PC8 allows for: alignment and consistency with national policies and regulations in particular the National Environmental Standard for Freshwater 2020 (NES-FW) and Resource Management (Stock Exclusion) Regulations 2020.

Part B of this submission addresses specific points in relation to the proposed policies, rules and definitions that are relevant to the interests of Ballance and our shareholders.

## Part B: Reasons for Submission and Decisions Sought by Ballance Agri-Nutrients Limited

### Policy 7.D.6 - Discharge of Nitrogen

It is not clear why ORC has adopted a maximum consent duration of 10 years for discharges of nitrogen. Restricting consents to 10 years across the board can unfairly impact some farmers who are meeting water quality standards and create uncertainty for farmers' ability to operate which in turn can impact on decisions on investment for farm infrastructure. Ballance considers that the methodology of operative Policy 7.C.4, should remain as this policy allows discharge consents to be granted up to 35 years, 15 years or 5 years depending on the associated effect.

Ballance therefore recommends that Policy 7.D.6 is amended as follows:

- (a) Restrict the duration of resource consents to a term of no more than ~~10 years~~
  - i. 35 years where the discharge will meet the water quality standard required to support that value for the duration of the resource consent;
  - ii. 15 years where the discharge does not meet the water quality standard required to support that value but will progressively meet that standard within the duration of the resource consent; and
  - iii. 5 years where the discharge does not meet the water quality standard required to support that value

### Policy 7.D.9 – Reducing Adverse Environmental Effects of Farming Activities

Based on the s32 report on Water-PC8, ORC use 'intensive grazing' synonymously with 'intensive winter grazing'. However, for the avoidance of doubt and for consistency with other regions in New Zealand, and with conventional terminology found in higher order documents (such as the NES-FW), Ballance recommends amending the term 'intensive grazing' to be 'intensive winter grazing' and therefore recommend that Policy 7.D.9 be amended as follows:

- (c) Setting minimum standards for intensive winter grazing; and

Ballance also recommends that ORC consider aligning the definition of intensive winter grazing with the NES-FW.

### Rule 13.5.1.8A Alteration of the bed of a lake or river, or Regionally Significant Wetland

Rule 13.5.1.8A (b) (i) states that from 2022, "all dairy cattle and pigs are excluded from the beds of lakes...". It is not clear why this policy focuses specifically on dairy cattle and pigs. Beef cattle for example are likely to have the same physical impacts to such waterways. This creates confusion as the purpose of the rule is not clear if it is focused on such a limited range of stock.

(b) (ii) identifies the requirement for a set back from waterways of 5m. This does not align with the recently released Resource Management (Stock Exclusion) Regulations 2020 which requires a 3m setback. Ballance recommends that the plan change is aligned with the new regulations including in relation to the definition of a river. It is also noted that the stock exclusion regulations do not come into effect until 1 July 2023, and Ballance suggests that ORC consider aligning the timeframe of this policy to the national regulations.

Ballance recommends that the policy is amended to the following:

(b) from ~~2022~~ July 2023

and

(ii) where stock are excluded under (i), a setback of ~~five~~ three metres from the beds of lakes, continually flowing rivers wider than 1 metre and Regionally Significant Wetlands is implemented.

#### **Rule 14.6.1.1 – Rural land uses**

Consistent with comments on Policy 7.D.9, Ballance recommends adopting the terminology ‘intensive winter grazing’ in place of ‘intensive grazing’. Additionally, Ballance recommends reducing the size of the vegetated strip required around water bodies to 5 metres, for consistency with other regions and the NES-FW. Accordingly, Rule 14.6.1.1 be amended as follows:

14.6.1.1 The use of land for intensive winter grazing is a permitted activity providing:

(a) The total cumulative area of the landholding used for intensive winter grazing is the lesser of:

(i) 100 hectares; or

(ii) 10% of the total cumulative area of the landholding.

(b) There is no intensive winter grazing in any critical source area; and

(c) Stock are progressively grazed (break-fed or block-fed) from the top of a slope to the bottom of a slope; and

(d) A vegetated strip of at least ~~10~~ 5 metres is maintained between the intensively grazed area and any water body, and all stock are excluded from this strip during intensive winter grazing.

#### **Definition of feed pad, sacrifice paddock and stand-off pad**

The definitions for feed pad, sacrifice paddock and stand-off pad have been removed from the plan. It is not clear why these have been removed as they form an important part of the farm system for many Otago farmers and therefore need clear definitions. Ballance recommends that the definitions of these and other stockholding areas are included and aligned with the definitions provided in the NES-FW.

**Ends**