

**From:** [Cole Burmester](#)  
**To:** [Mailroom Mailbox](#)  
**Cc:** [Nigel Bryce](#)  
**Subject:** Re: Variation 3 - Further Submission on behalf of Ballance Agri-Nutrients Limited  
**Date:** Tuesday, 28 July 2015 12:58:16 p.m.  
**Attachments:** [Ballance Further Submission to Variation 3 \(Final\).doc](#)  
[ATT00001.htm](#)

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Good afternoon,

It was just brought to our attention that the further submission to Variation 3 on behalf of Ballance included a small section that was 'cut off' the page in our PDF. Not sure why that occurred during formatting.

As such, I have attached a word format for your information and also ease of use for extracting the relevant points.

Please confirm you have received this email.

Kind regards,  
Cole



**FURTHER SUBMISSION TO PROPOSED VARIATION 3 TO THE PROPOSED  
CANTERBURY LAND & WATER REGIONAL PLAN**

**TO:** Freepost 1201  
Variation 3 to the proposed Canterbury Land  
& Water Regional Plan  
Environment Canterbury  
PO Box 345  
Christchurch 8140

**BY E-MAIL:** mailroom@ecan.govt.nz

**FURTHER SUBMISSION ON:** **Proposed Variation 3 to the Proposed  
Canterbury Land & Water Regional Plan**

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

**ADDRESS FOR SERVICE:** Ballance Agri-Nutrients Limited  
Hewletts Road, Mt Maunganui  
Private Bag 12 503  
Tauranga Mail Centre  
TAURANGA 3143

Attention: Mr Warwick Catto

**Phone:** (07) 572 7858

**Email:** warwick.catto@ballance.co.nz

## 1.0 INTRODUCTION

Ballance Agri-Nutrients Limited (hereafter referred to as '**Ballance**', or '**the Company**') made submissions to the provisions of Variation 3 ('**Variation 3**') to the Canterbury Land & Water Regional Plan ('**pLWRP**') in May 2015. Ballance's submissions (Council Submitter Number 63247) covered a range of topic areas relating to the Company's interests within the South Coastal Canterbury Area. This information is not re-stated here.

Ballance has an interest in the various provisions and submission points that is greater than that of the general public.

Ballance wishes to be heard in support of its Submissions and Further Submissions. If others make a similar submission Ballance would consider presenting a joint case with them at any hearing.

Ballance cannot gain an advantage in trade competition through this submission.

Ballance's further submissions and the reasons for the same are set out within the following table, entitled 'Further Submissions to Variation 3 to the pL&WRP'

**Signature:**

A handwritten signature in blue ink, consisting of several loops and a long horizontal stroke extending to the right.

**pp.**

Warwick Catto, for and on behalf of Ballance Agri-Nutrients Limited

**Date:** 17<sup>th</sup> of July 2015

## 2.0 FURTHER SUBMISSIONS TO VARIATION 3 TO THE PROPOSED CANTERBURY LAND & WATER REGIONAL PLAN

Submitter Name / Submitter Number	Submission Number	Relevant Variation 3 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
Horticulture New Zealand <b>52267</b>	V3pLWRP-284	South Coast Canterbury Definition 15.1  <b>Submission Summary:</b> Amend the definitions for “existing farming activity” and “new farming activity” by recognising crop rotation, as follows: <i>...“and includes the full rotational cropping systems and use of parts of the farm for crops that are part of the farming activity undertaken on the property.”</i>	Support	The reasons for Ballance’s supporting submission is:  1) The amendment to the definitions for “existing farming activity” and “new farming activity” does not take into account, for example, crop rotation activities where a long term programme of crop rotation is implemented but may not be grown on a specific property on 1 <sup>st</sup> May 2015. This amendment to the definitions better articulates the broad range of farming activities and will likely remove any ambiguity relating to cropping activities.  2) This amendment provides for these types of activities.	Ballance seeks: That Submission Number V3pLWRP-284 <b>be accepted.</b>
Ravensdown Fertiliser Co-operative Limited <b>56708</b>	V3pLWRP-775	Policy 15.4.3  <b>Submission Summary:</b> Ravensdown opposes Policy 15.4.3 for a number of reasons. Firstly, it is impracticable to avoid the movement of nitrogen between the Plains Area and Hill Area, as this is exactly what happens in the	Support	The reasons for Ballance’s supporting submission is:  1) The movement of nitrogen is not a matter that farm managers can wholly avoid. Ballance, therefore, questions whether the policy outcome is	Ballance seeks: That Submission Number V3pLWRP-775 <b>be accepted.</b>

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		<p>environment. Nutrients travel down the catchment through the movement of water, and this movement cannot simply be 'avoided'. In addition, it is not clear to Ravensdown what mechanisms Council would expect the resource user to use to avoid this naturally occurring event.</p> <p>Secondly, this separation of the Plains and Hills areas means that implementing the rules could be quite difficult for properties that span both of these areas. In particular there are issue regarding which property the nitrogen might originate from, and it may not be from the property adjoining the Plains Area.</p> <p><b>Relief Sought:</b> Delete Policy 15.4.3.</p>		<p>achievable in all practicable senses.</p> <p>2) It is not good resource management and planning practice to impose a policy outcome that cannot be achieved and as a consequence Ballance supports the deletion of Policy 15.4.3.</p>	
Ravensdown Fertiliser Co-operative Limited <b>56708</b>	V3pLWRP-776	<p>Policy 15.4.4</p> <p><b>Submission Summary:</b> Ravensdown supports Policy 15.4.4 and the requirement that all farming activities operate at GMP and the preparation and implementing of a FEP when resource consent is required. Notwithstanding this support, Ravensdown does not support all farming activities to operate at GMP or better. This requirement is not stated in the s.32 Report on page 8-5 where it assesses the Variation 3 nitrogen limits and allocation framework – it simply says “...all</p>	Support	<p>The reasons for Ballance's supporting submission is:</p> <p>1) The section 32 report states “...all farming activities to meet nitrogen loss rates under good management practice...”. As such, Ballance considers that this additional requirement “<u>or better</u>” is unnecessary and can be deleted.</p> <p>2) In addition, Ballance agrees that the</p>	Ballance seeks: That Submission Number V3pLWRP-776 <b>be accepted.</b>

Submitter Name / Submitter Number	Submission Number	Relevant Variation 3 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p><i>farming activities to meet nitrogen loss rates under good management practice...". Ravensdown considers this additional requirement is unnecessary and can be deleted.</i></p> <p>In addition, Ravensdown notes that the s.32 Report requires that all farms need to meet the GMP nitrogen loss rates, not just operate at GMP as stated in this policy. Ravensdown considers the policy should reflect the s.32 Report requirement.</p> <p><b>Relief Sought:</b> Ravensdown seeks Council to retain the intent of Policy 15.4.4, while amending (a) to read: <i>"(a) all farming activities to <del>operate at</del> meet nitrogen loss rates under good management practice <del>or better</del>; and"</i></p>		<p>Policy should reflect the section 32 report. In this regard, the section 32 report states that all farms meet the GMP nitrogen loss rates, not just operate at GMP.</p> <p>3) Ballance notes that the submitters proposed wording is broadly consistent with the implementation of GMP under Variation 1 to the pLWRP. In the Company's opinion, it is appropriate for the policy framework under Variation 3 to be consistent with the implementation of GMP under Variation 3.</p>	
Ravensdown Fertiliser Co-operative Limited <b>56708</b>	V3pLWRP-918	<p>Table 15(p)</p> <p><b>Submission Summary:</b> Amend Table 15(p) by deleting the catchments/stream that need to achieve a zero or 1 T N/yr load limit as [exceeding] this will trigger prohibited activity status [under the rules]. Provide clarity regarding how Council will monitor the nitrogen load in each of the areas/catchments, and specify how the load limit will be measured, frequency, from where, and how results will be</p>	Support	<p>The reasons for Ballance's supporting submission is:</p> <ol style="list-style-type: none"> <li>1) The proposed relief sought by the submitter is appropriate and acknowledges situations where OVERSEER® may be updated.</li> <li>2) The Company notes that this is an issue that has been raised during the hearing process for Variation 1 and</li> </ol>	Ballance seeks: That Submission Number V3pLWRP-918 <b>be accepted.</b>

Submitter Name / Submitter Number	Submission Number	Relevant Variation 3 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p>notified to ensure that farms in catchment know what the load status is.</p> <p>Add a footnote to the tables that states: <u>“the methods used to generate the target loads should be reapplied when there is a new release of OVERSEER® to ensure that the derived target load and consequent nutrient discharge allowance are compatible with the farm-scale nutrient budgets that land managers might be required to produce for compliance purposes.”</u></p>		<p>Variation 2. As such, Ballance understands the Council is wholly aware of the need to adopt any changes to OVERSEER®.</p> <p>3) The section 42 report supporting Variation 2 set out <i>“[t]he Canterbury Regional Council is aware of the issues that will occur with its planning documents with changes in Overseer versions that lead to individual farms and aggregated catchment modelling changing leaching levels through only changes in Overseer versions. This is an issue that is causing difficulties throughout the region, not just the Hinds/Hekeao Plains Area. While it is of potentially little comfort to the submitters, I understand that a resolution is near, which may require a Plan Change process. Such a resolution would be applied region-wide.”</i><sup>1</sup></p> <p>4) On this basis, Ballance supports the relief sought by the submitter, even if this is an interim response until such</p>	

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<sup>1</sup> at paragraph 9.141 of the section 42a report supporting Variation 2 to the pLWRP

Submitter Name / Submitter Number	Submission Number	Relevant Variation 3 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
				time as the Council advances its plan change.	
Fonterra Co-Operative Group Limited <b>364090</b>	V3pLWRP-626	<p>South Coast Canterbury Definition 15.1</p> <p><b>Submission Summary:</b> Add two new paragraphs to the introductory narrative before the description of the Lower Waitaki South Canterbury Zone Committee process (i.e. between the first and second paragraphs on page 15-3) and key actions as follows: <u><i>The Lower Waitaki South Coastal Canterbury Area that is addressed in this section includes a diverse range of farming, industrial and township based activities. The sub-region is of significant economic, social and cultural importance to the wider Canterbury and Otago Regions.</i></u></p> <p><u><i>The South Coastal Canterbury area is an important area for agriculture and food production which provides significant employment, both on farm and in processing and service industries. The social and economic well-being of the community is reliant on the agricultural industry and associated processing and it is important that it is retained so that the community can thrive.</i></u></p>	Support	<p>The reasons for Ballance’s supporting submission is:</p> <ol style="list-style-type: none"> <li>1) Industrial activities that support rural industries, such as fertiliser storage and dispatch facilities, are not adequately recognised in the introductory section of Chapter 15A.</li> <li>2) Further, the community relies heavily on a range of activities in the South Coastal Canterbury Area. As such, the Company considers that appropriate recognition of farming, industrial and other local activities should be set out in the Introductory section of 15.1.</li> </ol>	Ballance seeks: That Submission Number V3pLWRP-626 <b>be accepted.</b>
Fertiliser Association of	V3pLWRP-702	Freshwater Outcomes 15.3	Support	The reasons for Ballance’s supporting submission is:	Ballance seeks: That Submission Number



Submitter Name / Submitter Number	Submission Number	Relevant Variation 3 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
New Zealand 56725		<p><b>Submission Summary:</b> Clarify the meaning of 15.3 Freshwater Outcomes by amending to: <i>See Objectives in Section 3, and freshwater outcomes represented in Tables 15(a) and 15(b).</i></p>		<p>1) That this is a simple amendment that provides clarification to anyone reading the Plan. As a consequence, it seeks to make the administration of Variation 3 easier to administer. The reader is directed to the Objectives in Section 3 and the tables in Section 15.6, being Tables 15(a) and 15(b), apply to the Freshwater Outcomes.</p>	V3pLWRP-702 <b>be accepted.</b>
Fertiliser Association of New Zealand 56725	V3pLWRP-711	<p>Policy 15.4.12</p> <p><b>Submission Summary:</b> Policy 15.4.12 requires the restriction of nitrogen movement between properties. However, as nitrogen (the element) will inevitably cross property boundaries, it is assumed this Policy is intended to refer to the transfer of nitrogen “nutrient discharge” allocation. The term “nutrient discharge” is defined in the pLWRP and so this term should be used for added clarity.</p> <p><b>Relief Sought:</b> Amend Policy 15.4.12 to refer to nitrogen nutrient discharge allocation as follows: <i>“Maintain water quality by restricting the <del>movement</del> transfer of nitrogen nutrient discharge allocation between properties unless: ....”</i></p>	Support	<p>The reasons for Ballance’s supporting (in part) submission is:</p> <p>1) As discussed in Ballance’s further submission supporting Ravensdown submission V3pLWRP-775, the movement of nitrogen is difficult to avoid.</p> <p>2) Ballance supports the amendments to Policy 15.4.12 by including the definition for “nutrient discharge”, which according to the Company improves the clarity that is required and importantly removes any ambiguity.</p>	Ballance seeks: That Submission Number V3pLWRP-711 <b>be accepted.</b>

Submitter Name / Submitter Number	Submission Number	Relevant Variation 3 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
Fertiliser Association of New Zealand <b>56725</b>	V3pLWRP-956	<p>Table 15(m)</p> <p><b>Submission Summary:</b> The provision for Flexibility Cap is supported. The flexibility caps proposed, depending on area and timeframes, may or may not be the correct values as new science, information and experience is gained.</p> <p><b>Relief Sought:</b> Retain Table 15(m) with opportunity to amend table values through a plan change.</p>	Support	<p>The reasons for Ballance’s supporting submission is:</p> <p>1) Ballance supports the submission as it is acknowledges situations where the Nitrogen flexibility cap limits may need to be updated as further detailed, robust and transparent information continues to become available. In the Company’s opinion, this should include situations where OVERSEER® may be updated.</p>	Ballance seeks: That Submission Number V3pLWRP-956 <b>be accepted.</b>
Fertiliser Association of New Zealand <b>56725</b>	V3pLWRP-705	<p>Table 15(n)</p> <p><b>Submission Summary:</b> The provision for Maximum Cap to be achieved by existing land use by 2030 is supported, as a realistic timeframes to achieve nitrogen loss targets is important. The maximum caps of 35, 25 and 20 kg N /ha/yr depending on soil type, may or may not be the correct values as new science, information and experience is gained.</p> <p>Provision for exemption for existing farming activities on ‘extremely light soils’ operating in accordance with a Farm Environment Plan from complying with maximum caps by 1 January 2030, as required by Policies 15.4.5 and 15.5.6 can be</p>	Support (in part)	<p>The reasons for Ballance’s supporting (in part) submission is:</p> <p>1) Ballance supports the submission where it is acknowledges situations where the Nitrogen maximum cap limits may need to be updated as further detailed, robust and transparent information continues to become available. In the Company’s opinion, this should include situations where OVERSEER® may be updated.</p>	Ballance seeks: That Submission Number V3pLWRP-705 <b>be accepted.</b>

Submitter Name / Submitter Number	Submission Number	Relevant Variation 3 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
		<p>achieved with an amendment to Table 15(n).</p> <p><b>Relief Sought:</b> Retain Table 15 (n) with opportunity to amend table values through a plan change.</p> <p>Provide for amendment to Table 15 (n) to give effect to Policies 15.4.5 and 15.4.6 in relation to farming activities on extremely light soils operating in accordance with a Farm Environment Plan to meet the maximum cap in the longer term (beyond 2030).</p>			
Central South Island Fish and Game <b>53274</b>	V3pLWRP-366	<p>Table 15(p)</p> <p><b>Submission Summary:</b> Submitter seeks to amend Table 15(p) to include amended and lower Nitrogen load limits (tonnes per year) from 2030.</p> <p>Submitter seeks assurance that the N load limits will meet the NPSFM and achieve life supporting capacity and ecosystem health. If the loads do not meet the objectives, then they must be reduced.</p>	Oppose	<p>The reasons for Ballance's opposing submission is:</p> <ol style="list-style-type: none"> <li>1) That a detailed, robust and transparent implementation plan should clearly set out how the nitrogen baseline will be implemented in the South Coastal Canterbury Area (as sought in Ballance Submission Point V3pLWRP-694).</li> <li>2) In that regard, amending Table 15(p) to include amended and lower Nitrogen load limits from 2030 raises the potential to generate adverse socio-economic effects on the farming community, which in Ballance's opinion have not been adequately</li> </ol>	Ballance seeks: That Submission Number V3pLWRP-366 <b>be rejected.</b>

Submitter Name / Submitter Number	Submission Number	Relevant Variation 3 Provision / Submission Point	Support / Oppose	Reasons	Relief Sought By Ballance
				<p>responded to under the section 32 report supporting Variation 3.</p> <p>3) As such, Ballance does not support the relief proposed by the submitter to further reduce the N Load Limits as set out in Table 15(p).</p>	