

BEFORE THE ENVIRONMENT COURT

ENV-2020-AKL-000093

AT AUCKLAND

I MUA I TE KOOTI TAIAO

I TAMAKI MAKAUROU ROHE

IN THE MATTER

of an appeal under clause 14
of Schedule 1 of the Resource
Management Act 1991

BETWEEN

**BALANCE AGRI-
NUTRIENTS LIMITED**
Appellant

AND

**WAIKATO REGIONAL
COUNCIL**
Respondent

**NOTICE OF WISH TO BE A PARTY TO PROCEEDINGS BY THE
DIRECTOR-GENERAL OF CONSERVATION**

Dated: 29 September 2020

Department of Conservation

Solicitor/Counsel acting: V Tumai/ D van Mierlo

Email: vtumai@doc.govt.nz / dean@environmentalbarrister.co.nz

Telephone: 027 536 6862 / 03 7311070

Notice of person's wish to be a party to proceedings

Section 274 Resource Management Act 1991

To: The Registrar
Environment Court
AUCKLAND

1. The **Director-General of Conservation** (the **Director-General**) wishes to be a party to the following proceedings:

- 1.1. Ballance Agri-Nutrients Limited v Waikato Regional Council, ENV-2020-AKL- 000093.

2. The Director-General made submissions and appeared at the Council hearing on the Proposed Plan Change 1 to the Waikato Regional Plan (PC1). The Director-General also has an interest in the proceedings that is greater than the interest the general public has, specifically regarding conservation values and the implementation of the New Zealand Coastal Policy Statement (NZCPS).

3. The Director-General is not a trade competitor for the purposes of section 308C or 308CA of the Resource Management Act 1991 (RMA).

4. The Director-General is interested in all of the proceedings.

5. The Director-General has a particular interest in the following issues:

- 5.1. Schedule C

- 5.2. Schedule D1, Schedule D2 & Table 3.11-3. Sub-catchment Application Date

6. The Director-General opposes the relief sought because:

- 6.1. Schedule C –Increasing the maximum fertiliser per dressing cap from 30kgN/ha per year to 50kgN/ha per year will not contribute to achieving the required improvements.

- 6.2. Schedule D1, Schedule D2 & Table 3.11-3. Sub-catchment Application Date - The relief sought is inappropriate. PC1 proposes staging FEP

timeframes on a sub-catchment basis. The appellant is seeking to reorder this based on the “high risk” operations being given primacy. The Director-General considers that this approach is highly uncertain, and unlikely to adequately consider the receiving environment, type of water bodies in that area, as well as the sensitivity of those water bodies and need for urgent action in some priority catchments. It may be appropriate for some of the worst polluters to provide FEPs as soon as possible, but this should not replace the current subcatchment-based prioritisation.

7. The Director-General agrees to participate in mediation or other alternative dispute resolution of the proceedings.



Dean van Mierlo
Counsel for the Director-General

29 September 2020

Address for service of person wishing to be a party:

Director-General of Conservation

Department of Conservation
18 Manners Street, Wellington 6011

Contact persons

Victoria Tumai, Solicitor
Telephone: 027 536 6862
Email: vtumai@doc.govt.nz

And

Dean van Mierlo, Barrister
Telephone: 03 731 1070
Email: dean@environmentalbarrister.co.nz

And

Angus Gray, RMA Planner

Telephone: 027 621 8195

Email: agray@doc.govt.nz

Advice

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