

**BEFORE THE ENVIRONMENT COURT
AT CHRISTCHURCH**

ENV-2020-CHC-58

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 Marlborough
Environment Plan

BETWEEN **FEDERATED FARMERS OF NEW ZEALAND**
Appellant

AND **MARLBOROUGH DISTRICT COUNCIL**
Respondent

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

NATURAL RESOURCES LAW LIMITED

Solicitor: M R Christensen
(mark@naturalresourceslaw.co.nz)

PO Box 6643
Upper Riccarton
CHRISTCHURCH 8442
Tel: 0274 878611

To: The Register
Environment Court
Christchurch

1. Ravensdown Limited (**Ravensdown**) wishes to be a party an appeal by Federated Farmers of New Zealand (**Federated Farmers**) 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 Marlborough Environment Plan (**PMEP**).
2. This notice is made as Ravensdown submitted and further submitted on the provisions of the PMEP to which this appeal relates.
3. Ravensdown is not a trade competitor for the purposes of section 308C or 308CA of the RMA.
4. Ravensdown has an interest in the following parts of the proceedings:
 - (a) Storage and application (involving a discharge) of fertiliser or lime into or onto land - Rules (Standards) 3.3.24 and 4.3.22; and
 - (b) Objectives 15.1b and 15.1c.
5. **Storage and application (involving a discharge) of fertiliser or lime into or onto land - Rules (Standards) 3.3.24 and 4.3.22**
 - 5.1 Rules (Standards) 3.3.24 and 4.3.22 are standards attached to the permitted activity rules that apply to the storage and application of fertiliser and lime in the Rural and Coastal Environment Zones (i.e., permitted activity Rules 3.1.26 and 4.1.22 respectively of the decisions version of the PMEP).
 - 5.2 The decisions versions of Rule (Standards) 3.3.24, which applies in the Rural Environment Zone, reads as follows
 - Storage and application (involving a discharge) of fertiliser or lime into or onto land***
 - 3.3.24.1. The application of fertiliser must not be applied to a Soil Sensitive Area identified as free-draining soils.*
 - 3.3.24.2. Fertiliser must be stored on an impermeable, bunded surface and covered at all times, except when fertiliser is being applied.*
 - 3.3.24.3. Total cumulative nitrogen (N) loading on the areal extent of land used for the application must not exceed 200kg N/ha/year (excluding N from direct animal inputs).*
 - 3.3.24.4. The application must not occur when the soil moisture exceeds field capacity.*
 - 3.3.24.5. The application of fertiliser must not result in fertiliser passing beyond the legal boundary of the area of land on which the fertiliser is being applied.*
 - 3.3.24.6. All reasonable care must be exercised with the application of lime so as to ensure that the lime does not pass beyond the legal boundary of the area of land on which the lime is being applied.*

5.3 To avoid unnecessary duplication, only Rule 3.3.24 has been provided, as Rule (Standard) 4.3.22 is similar to Rule 3.3.24, except that instead of Standard 3.3.24.1, the following standard applies in the Coastal Environment Zone:

4.3.22.2 The application must not result in the fertiliser being deposited in or on a river, lake, Significant Wetland or drainage channel that contains water.

5.4 Federated Farmers have appealed Rules 3.3.24 and 4.3.22 as they consider that:

(a) agrichemicals are already regulated by the Hazardous Substances and New Organisms Act 1996 (**HSNO Act**), the Agrichemical Standard NZS8409 and fertilisers, in particular, under the Fertilisers (Subsidiary Hazard) Group Standards; and

(b) the use of lime should be limited, or restricted, by provisions of the PMEP.

5.5 For the above reasons, Federated Farmers appeal seeks the deletion of Rule 3.3.24) and the partial amendment / partial deletion of Rule 4.3.22.

5.6 In its submissions¹ on these rules (standards), Ravensdown supported the standards in part but sought a number of amendments. In hearing evidence², Ravensdown requested the acceptance the section 42A Report's recommendations even though its submission points had not all been accepted. The decisions version of these rules (standards) generally reflect the recommendations of the section 42A Report. For this reason, Ravensdown decided to not appeal these rules.

5.7 Although Ravensdown has not appealed Rules (Standards) 3.3.24 and 4.3.22, as one of New Zealanders two manufacturers of fertilisers and as a supplier of fertiliser, has an interest in any changes to these rules that may eventuate from Federated Farmers' appeal.

6. Objectives 15.1b and 15.1c

6.1 The decisions versions of Objectives 15.1b and 15.1c read as follows:

Objective 15.1b

Maintain or enhance freshwater water quality in each Freshwater Management Unit so that the annual median nitrate concentration is ≤ 1 milligram nitrate-nitrogen per litre and the annual 95th percentile concentration is ≤ 1.5 milligrams nitrate-nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.

Objective 15.1c

Maintain freshwater water quality in each Freshwater Management Unit so that the annual median ammonia concentration is ≤ 0.03 milligrams ammoniacal nitrogen per litre and the annual maximum concentration is ≤ 0.05 milligrams ammoniacal nitrogen per litre, as measured by the Council's State of the Environment monitoring programme.

6.2 Federated Farmers have appealed Objectives 15.1b and 15.1c because they consider that the annual median concentration limit specified in these objectives should be amended to a five year rolling average median. Federated Farmers considers that this approach is more appropriate measurement because it incorporates longer term

¹ Rule (Standard) 3.3.24 – submission point 1090.68. Rule 4.3.22 – submission point 1090.95.

² Planning evidence of Ms Taylor, dated 27 August 2018, for Hearing Block Eight.

trends and is a superior indicator of what is happening to overall state of the environment.

- 6.3 Ravensdown in its submissions³ supported Objectives 15.1b and 15.1c, but requested an amendments that were not pursued at the hearing.
- 6.4 Ravensdown did not appeal the decisions version of Objectives 15.1b and 15.1e as they reflected the outcomes sought by Ravensdown during the hearings. However, given the role that these objectives play in establishing the resource management direction for water quality management in the region, Ravensdown has an interest in any changes to these objectives that may eventuate from Federated Farmers' appeal.
7. Ravensdown agrees to participate in mediation or alternative dispute resolution of the proceedings.



Mark Christensen

Counsel for Ravensdown Limited

Dated: 5 June 2020

Address for service:

Natural Resources Law Limited

PO Box 6643

Upper Riccarton

CHRISTCHURCH 8442

Attention: M R Christensen

Email: mark@naturalresourceslaw.co.nz

³ Submission points 1090.29 and 1090.30.

A copy of this notice has been served on the following parties:

Federated Farmers of New Zealand
Po Box 5242
DUNEDIN 9058
Attention: Kim Reilly
Email: kreilly@fedfarm.org.nz

Marlborough District Council
PO Box 443
BLENHEIM 7240
Attention: Kaye McIlveney (Council Solicitor)
Email: kaye.mcllveney@marlborough.govt.nz