

TABLED DOCUMENT NO. 3

DATE 21 June 2023

Dominic Adams -
Balance Agri-Nutrients Ltd

BEFORE THE HEARINGS PANEL

UNDER the Resource Management Act 1991

IN THE MATTER of Proposed Change 6 to the Bay of Plenty
Regional Policy Statement

BRIEF OF EVIDENCE OF DOMINIC ADAMS ON BEHALF OF BALANCE
AGRI-NUTRIENTS LIMITED

CORPORATE

19 June 2023

Sharp Tudhope Lawyers

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1. INTRODUCTION

- 1.1 My name is Dominic Adams.
- 1.2 I am the Environmental Manager for Ballance Agri-Nutrients Limited (**Ballance**).
- 1.3 In my current role, I assess and review national and regional policy and planning changes that have the potential to affect Ballance and its shareholders, I oversee environmental compliance, regulatory controls, planning processes and continuous improvement initiatives for environmental performance.
- 1.4 Central to this role is ensuring that policy and planning development processes provide for the protection of these sites and their operations from potential reverse sensitivity effects associated with the establishment of incompatible (ie. sensitive) land uses and that the ongoing maintenance, growth and effective and sustainable operation of these sites is enabled through appropriately managed development and operations.
- 1.5 I hold a Bachelors Degree with Honors from the University of Glasgow in Geology and Applied Geology attained in 1999.
- 1.6 I have been working in the field of environmental management as an environmental scientist since 2001 and as an environmental manager since 2019.
- 1.7 From 2012 to 2016 I held the role of Environment Group Lead with AECOM Middle East in Abu Dhabi. In this role I managed and supported a team of environmental scientists developing Assessments of Environmental Effects (AEE) / environmental impact assessments, environmental and sustainability management plans, contaminated land assessments, auditing, planning and conducting site surveys including soil and ground water investigations and marine surveys.
- 1.8 From 2016 to 2018 I held the role of Senior Environmental Scientist with Beca Limited. In this role I predominately consulted with dairy

sector companies to assist them with their environmental management system implementation and revisions.

- 1.9 From January 2019 to present I have held the role of Environmental Manager with Ballance.
- 1.10 I am authorised to make this Statement of Evidence on behalf of Ballance.

2. EXECUTIVE SUMMARY

- 2.1 Ballance supports urban growth and the ongoing economic development of the Bay of Plenty Region. It also recognises the importance of supporting marae and papakainga use and development as beneficial for local hapu and iwi but also for the wider Bay of Plenty community.
- 2.2 However, Ballance considers that proposed UG 22 B does not fit within the intention of the National Policy Statement for Urban Development 2020 and accordingly has sought the relief outlined in the legal submissions lodged on its behalf.

Scope of Evidence

- 2.3 My evidence will provide a summary of:
 - (a) Ballance's interests and value to the Bay of Plenty Region;
 - (b) Ballance's approach to managing land use compatibility issues relating to its Tauranga based sites with respect to existing communities; and
 - (c) The planning challenges for Ballance in maintaining and enabling growth at its Tauranga based site should the relief sought not be granted.

3. **Ballance's interests and value in the Bay of Plenty**

- 3.1 Ballance is a global leader in the production and application of fertiliser for the benefit of our rural industries and those that derive their economic and physical wellbeing from that production.
- 3.2 Ballance is a community focused and driven organisation operating from a grass roots level of co-operative farmer ownership.
- 3.3 Ballance has 43 sites across the country, it has 800 direct employees. With turnover of \$1.2 billion and total assets of \$1 billion, Ballance is a top 40 New Zealand owned company that distributed over \$36m to its farmer shareholders in the 2022 Financial Year.
- 3.4 Within Tauranga itself Ballance operates its head office and a manufacturing site (**Tauranga Site**). The Tauranga Site provides employment for approximately 300 people as well as generating income for a range of locally based suppliers and contractors.
- 3.5 The operations of Ballance given the scale of production and 'producer to user' chain provides a ripple effect for the economy regionally and nationally by the employment of delivery providers, farmers and others.
- 3.6 The manufacturing arm of the Tauranga Site has been in operation since 1958 and the office has expanded as the national headquarters over the years since then. In 1958, the land surrounding the site had limited development with Whareroa Marae and some tank farms established.
- 3.7 The site manufactures super-phosphate fertiliser which contains both phosphate and sulphur, two nutrients that are typically deficient in New Zealand soils. The site also uses sulphur, a waste product from oil refining, to manufacture sulphuric acid on site. This acid is reacted with the rock to solubilise the phosphate, making the fertiliser. The production of sulphuric acid also generates heat, which we capture and convert to electricity. We create enough electricity to power our site and the excess (which is enough to power around 3000 homes in our community) is fed back into the

National Grid. Sulphuric acid is also sold into local industry for industrial cleaning, sanitation, wastewater treatment, power generation and food/pharmaceutical manufacture.

- 3.8 The location of the Tauranga Site provides significant advantage given its proximity to the port and main transportation routes. Ballance imports via sea the phosphate rock and sulphur for the production of fertiliser. Sales are transported generally via the main land transportation routes.
- 3.9 The Tauranga Site is surrounded by other established industrial activities which are also dependent upon the port and main transportation routes. Attached as Annexure A is a satellite image generally depicting the area, and one depicting the Tauranga Site in greater detail and another indicating the original surroundings of the site.
- 3.10 The Tauranga Site also has as its neighbour Whareroa Marae.

4. **Ballance's approach to managing land use compatibility issues relating to its Tauranga Site with respect to existing Communities**

- 4.1 Ballance has sought to establish a communicative and responsive relationship with its surrounding community including Whareroa Marae. Examples of such include:
- (a) Taking part in local forums and groups including the Mount Industrial Network group and the Mount Maunganui Air Quality Working Party;
 - (b) Working bees;
 - (c) Sponsorship of a local pest control group;
 - (d) Community Advisory Panel meetings;
 - (e) Community open days;
 - (f) Site tours; and

- (g) Sharing of information including publishing our emissions monitoring data on our company website.

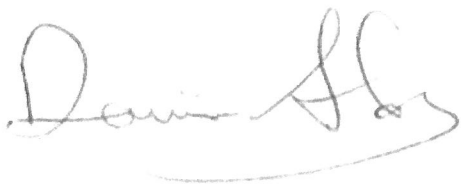
5. **Planning Challenges if the relief sought is not granted**

- 5.1 Ballance intends to remain at its existing Tauranga Site for the following reasons:
 - (a) the site needs to be located next to a port;
 - (b) it is not currently economically viable to move to another location; and
 - (c) there is no other location in the Bay of Plenty that would currently be viable for the site.
- 5.2 Ballance considers remaining at the Tauranga Site is for the greater benefit of the community due to the employment, consistent and responsive environmental management and ensures sustainable use of existing land and infrastructure.
- 5.3 Ballance also considers that it has an effective working relationship with the local community, being responsive to concerns raised and being diligent to comply with planning requirements and consents which has developed over time and provides a great benefit to the community moving forward.
- 5.4 Ballance faces the challenges of modification of its current operations as and when necessary to ensure ongoing continual improvement of environmental performance, economic efficiencies and resilience in respect of climate change which meet public and community expectations and industry standards.
- 5.5 While the scale and intensity of the site has remained the same for decades and will not increase in the future, Ballance will still need to be able to renew its existing resource consents, apply for new consents (dependant on new regulatory controls) and possibly apply for consent variations .
- 5.6 Given the location of Ballance it is already within a challenging consenting environment and further its proximity to the Whareroa

Marae increases these challenges. If UG 22B is made operative in its current form the scope of the matters to be provided for will be expanded and will be unclear. Further the ability to adequately evidence whether these have been 'provided for' will be very difficult and may change the nature of the relationship Ballance has worked hard to build.

- 5.7 If Ballance is unable to renew its consents or to vary them as it requires due to the expense, difficulty or simply prohibiting planning rules Ballance may necessarily cease its operations at the Tauranga Site. This would come at a significant financial cost and flow on effects that would not only impact the Mount Maunganui and Tauranga communities, but also the agricultural and horticultural industry in the North Island.
- 5.8 We are concerned that the inclusion of the UG 22B as it is may result in rules which are effectively prohibitive of such applications being made or create policies that are unclear, with high obligations that prevent the wider benefits of a proposed activity being assessed as intended by Part 2 or consideration of mitigation measures that may be implemented.

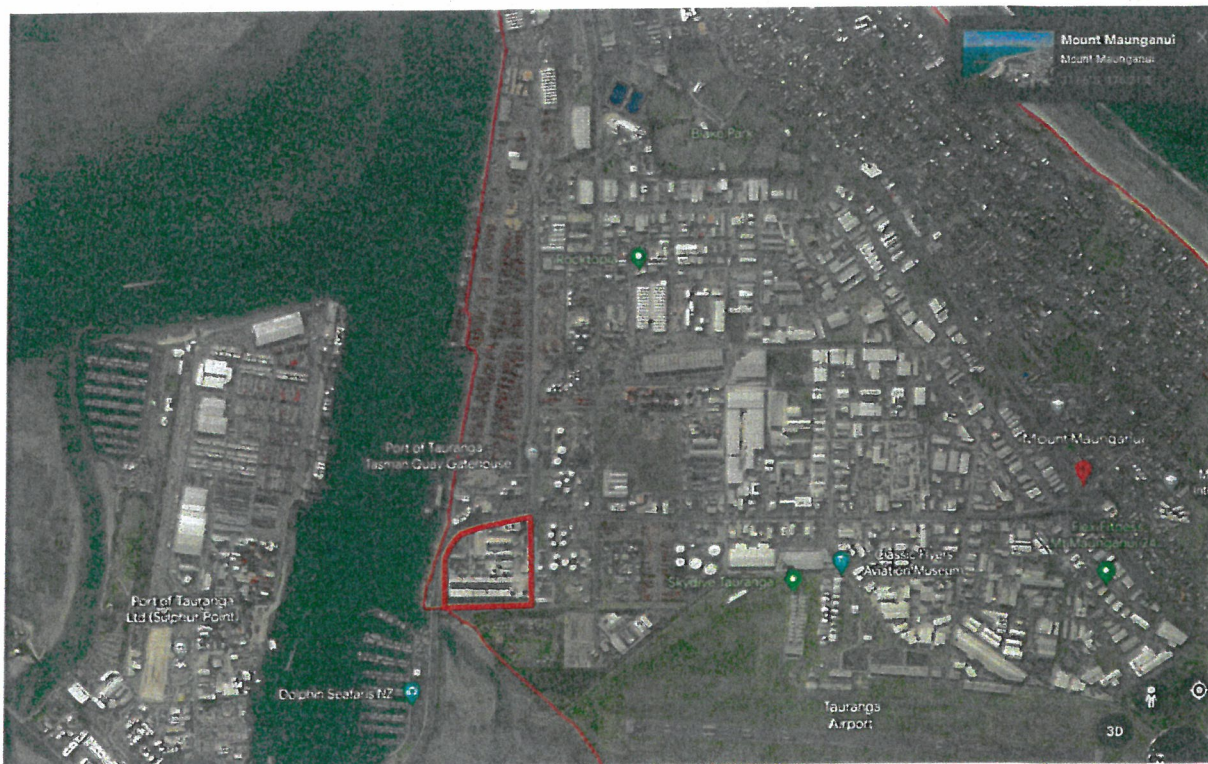
DATED this day 19th day of June 2023



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Dominic Adams

Annexure A:





Ballance Agri-Nutrients site – present day.



Ballance Agri-Nutrients site - 1959