Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

Submission form on publicly notified – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments.

SubForm	PC12016	COVER SHEET	
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		Submission Number	
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File Ref		Sheet 1 of	

FORM 5 Clause 6 of First Schedule, Resource Management Act 1991

SUBMISSIONS CAN BE	
Mailed to	Chief Executive, 401 Grey Street, Private Bag 3038, Waikato Mail Centre, Hamilton 3240
Delivered to	Waikato Regional Council, 401 Grey Street, Hamilton East, Hamilton
Faxed to	(07) 859 0998 ***Please Note:*** *if you fax your submission, please post or deliver a copy to one of the above addresses*
Emailed to	healthyrivers@waikatoregion.govt.nz ***Please Note:*** *Submissions received my email must contain full contact details. We also request you send us a signed original by post or courier.*
Online at	www.waikatoregion.govt.nz/healthyrivers
We need to receive your submission by 5pm, 8 March 2017.	

YOUR NAME AND CONTACT DETAILS		
Full name: Balle Bros Group		
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ADDRESS FOR SERVICE OF SUBMITTER		
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TRADE COMPETITION AND ADVERSE EFFECTS *(select appropriate)*
I could not gain an advantage in trade competition through this submission.

THE SPECIFIC PROVISIONS OF PROPOSED PLAN CHANGE 1 THAT MY SUBMISSION RELATES TO
Please state the provision, map or page number e.g. Objective 4 or Rule 3.11.5.1
(continue on separate sheet(s) if necessary.)

Section 32 analysis, Chapter 3.11; Objectives 1, 2, 3 4, 5, 6; Policies 1, 2, 3, 4, 5, 6, 7, 8; Implementation methods 3.11.4.3, 3.11.4.4, 3.11.4.12; Rules 3.11.5.1, 3.11.5.2, 3.11.5.3, 3.11.5.4, 3.11.5.5, 3.11.5.7; Schedules A, B, C and 1.

I SUPPORT OR OPPOSE THE ABOVE PROVISION/S
(select as appropriate and continue on separate sheet(s) if necessary.)

Oppose the above provisions as detailed in full submission overleaf.

MY SUBMISSION IS THAT
Tell us the reasons why you support or oppose or wish to have the specific provisions amended.
(Please continue on separate sheet(s) if necessary.)

Please refer to submission overleaf for details.

I SEEK THE FOLLOWING DECISION BY COUNCIL
(select as appropriate and continue on separate sheet(s) if necessary.)

Please refer to submission overleaf for details.

Amend as follows: Please refer to submission overleaf for details.

PLEASE INDICATE BY TICKING THE RELEVANT BOX WHETHER YOU WISH TO BE HEARD IN SUPPORT OF YOUR SUBMISSION
☑ I wish to speak at the hearing in support of my submissions.

JOINT SUBMISSIONS

IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW	
☑ Yes, I have attached extra sheets.	

SIGNATURE OF SUBMITTER *(or person authorised to sign on behalf of submitter)* *A signature is not required if you make your submission by electronic means.*	
Signature	Date 7/3/17
Personal information is used for the administration of the submission process and will be made public. All information collected will be held by Waikato Regional Council, with submitters having the right to access and correct personal information.	

PLEASE CHECK that you have provided all of the information requested and if you are having trouble filling out this form, phone Waikato Regional Council on 0800 800 401 for help.

In the matter of: Clause of Schedule 1 – Resource Management Act - Submission on publicly notified plan change – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (PPC1)

And: **Balle Bros Group Limited**

Submitter

And: **Waikato Regional Council**

Local Authority

Submission on publicly notified proposal for plan change

Dated: **24 February 2017 DRAFT**

1. This submission is on behalf of Balle Bros Group Limited who oppose the Waikato Regional Council's proposed Plan Change 1 (PPC1) in its current form.

2. Balle Bros Group (BBG) wish to be heard in support of this submission.

3. Balle Bros Group could not gain an advantage in trade competition through this submission.

4. Balle Bros specialise in the growing, packing, and marketing of high quality produce for both local and overseas markets. We currently farm extensively within the Waikato region, producing a range of crops such as Potatoes, Onions, Carrots, Cabbage, Cauliflower and Pumpkin. We also have a Dairy farm in the region. We provide employment for 300 full time staff and 170 part time/seasonal staff.

5. BBG have commercially grown vegetables for four generations in the Auckland and Waikato Regions and have a long standing association, respect and understanding of the scarce land on which we grow. We pass our knowledge inter-generationally and have an engrained culture of educating and supporting the younger generation into this specialised field. We are an environmentally conscientious company and have made significant investments to protect the environment and to mitigate the effects of diffuse discharges from our properties.

Section 32 Analysis/Withdrawal of PPC1

6. BBG consider that the version of the section 32 analysis prepared for PPC1 prior to notification did not correspond to the scale and significance of the environmental, economic, social and cultural effects, likely to be imposed through the implementation of the Proposed Plan. It is considered that these effects are further exacerbated by the withdrawal of the Hauraki Iwi area of interest.

7. Balle Bros consider that PPC1 should be withdrawn until the conclusion of Hauraki iwi negotiations and outcomes are publicly notifed. At this time, the entire plan should be re-notified as a single document. The current process creates confusion, duplication of effort and adds additional cost unnecessarily.

8. Furthermore, we consider that the resulting outcomes of this process could result in two sets of rules being applicable within a catchment, which is needlessly complicated and in our view, likely difficult to regulate. We would be among those affected by this outcome, having properties, and parts of properties, both within the current plan change area and located within the area withdrawn. The commercial growing community in the northern Waikato, known as Pukekawa, is more adversely affected by PPC1 than other parts of the catchments as a result.

9. BBG consider that grandparenting through the introduction of a Nitrogen Reference Point (NRP) is contradictory to the intent of the Waikato River Authority Vision and Strategy (V&S) and does not in-still the positive behavioural and land management changes that are required to meet its objectives. This approach has many unintended outcomes that have not been adequately considered within the section 32 analysis, including the capital devaluation of properties and associated increased risk profiles on those properties with a low NRP. The social and economic repercussions of this have also been omitted from the section 32 analysis in our view.

10. We consider that the section 32 analysis fails to acknowledge the social, economic and cultural impacts imposed upon the commercial growing sector under the proposed rule framework. Soils capable of vegetable production are scarce and are being consumed by Auckland's urban sprawl into the traditional growing areas of Pukekohe. This is leading to the loss of versatile soils and traditional commercial vegetable growing land on the northern Waikato boundary but under the proposed rule framework, it will be unlikely that land use change will be enabled to ensure that current and future market demands can be met. Pukekohe and Pukekawa meet the demands of the domestic market for carrots, potatoes and leafy greens almost entirely for October, November and the early part of December each year. This area is unique within New Zealand as it presents favourable climatic conditions for the growing of these crops, enabling winter production. In the north, crops are constrained by disease pressures and further south may be subject to frosts. The impacts of restricting land use flexibility for commercial vegetable production need to be adequately considered.

11. The impact of land use restrictions could affect the production of onions for export markets, that make many commercial vegetable production enterprises sustainable.

12. The full extent of social impacts in relation to the loss of locally available produce amidst a growing population, the potential increase to food prices as a result, and the inability of enterprises to be able to respond to changing market demands have also been omitted from this analysis.

Resolution sought:

12. Withdraw PPC1 until Hauraki iwi negotiations have concluded.

13. Prepare a new Section 32 analysis that includes and addresses specific provisions as set out above, prior to re-notification.

14. Re-notify PPC1 upon completion of points 11. And 12.

The specific provisions of the proposal that this submission relates to and the decisions it seeks from Council are as detailed below. The outcomes sought and the wording used is as a suggestion only, where a suggestion is proposed it is with the intention of 'or words to that effect'. The outcomes sought may require consequential changes to the plan, including Objectives, Policies, or other rules, or restructuring of the Plan, or parts thereof, to give effect to the relief sought.

Chapter 3.11

Area covered by Chapter 3.11/Ngā Riu o ngā Awa o Waikato me Waipā

15. Balle Bros oppose the area covered by Chapter 3.11 and seeks the withdrawal of PPC1 in its entirety, until Hauraki iwi consultation is complete.

16. We consider that the outcome of this process will likely result in two sets of rules being applicable within a catchment, which is unnecessarily complicated and in our view, difficult to regulate. We would be among those affected by this outcome, having properties and parts of properties both within the current plan change area and located within the area withdrawn.

17. We consider that the current process creates confusion, duplication of effort and additional cost in having to go through the submission and hearings process twice in relation to PPC1.

Resolution sought:

18. Withdraw PPC1 until Hauraki iwi negotiations have concluded.

19. Re-notify PPC1 following conclusion of the Hauraki iwi negotiations

Background and explanation

20. Balle Bros support the background and explanation with amendments. It is considered that this section would be improved by the inclusion of an Issue Statement explaining the particular issues faced by the primary sectors, including the Horticulture sector.

Collaborative approach

The co-governance partners agreed to adopt a collaborative approach to investigate and develop fresh water management approaches that would be implemented in the Waikato and Waipa River Catchments.

A key feature of the collaborative approach was the Collaborative Stakeholder Group (CSG), which represented stakeholders and the wider community in Healthy Rivers: Plan for Change/Wai Ora: He Rauaki Whakapaipai. The CSG was the central channel for stakeholder and broader community

collaboration in the project. It intensively reviewed and deliberated on technical material from a group of external technical experts from a range of disciplines. The CSG also sought input from their sectors and from the community, and ultimately proposed the contents of Chapter 3.11 to decision makers.

It is recognised that the implementation of this plan to maintain, restore and protect the water quality in the Waikato River can only be achieved through the collaboration of all stakeholders.

21. Support with amendments as highlighted in red above. It is considered that the collaborative approach described, needs to extend beyond the formation of the plan. Water quality objectives can only be met if the plan is practical and achievable (as is a requirement under the Terms of Reference: Collaborative Stakeholder Group, Doc # 2194147) and if all contributing parties collectively act in the best interests of their environment.

Resolution sought:

22. Amend as indicated above.

Water quality and National Policy Statement for Freshwater Management

The National Policy Statement for Freshwater Management 2014 (NPS FM) requires regional councils to formulate freshwater objectives^ and set limits^ or targets^ (a target is a limit to be achieved within a specified timeframe). Regional councils must ensure over-allocation^ of the water resource is avoided, or addressed where that has already occurred.

Current water quality monitoring results show that while there is variability across each of the sub-catchments within the Waikato and Waipa River catchments, there are adverse effects on water bodies associated with discharges of nitrogen, phosphorus, sediment and microbial pathogens. The CSG concluded that from a water quality point of view, over-allocation^ has occurred in some sub-catchments. Some water bodies in the Waikato and Waipa River catchments are not able to assimilate further discharges of nitrogen, phosphorus, sediment and microbial pathogens, without adversely affecting community-held values. Achieving the numeric, long-term freshwater objectives^ in Chapter 3.11 will require maintenance or reductions where relevant in diffuse and point source contaminants at a sub-catchment level.

The NPS FM directs the Waikato Regional Council to establish freshwater objectives^ that give effect to the objectives of the NPS FM and describe the state that Waikato regional communities want for fresh water in the future.

The NPS FM process followed in developing Chapter 3.11, included identifying FMUs and the values for each, and then choosing relevant water quality attributes^ and attribute states^ that can be monitored over time. Freshwater objectives^ and limits^ or targets^ set out what is required to achieve the attribute states^. Under the NPS FM, a limit^ is the maximum amount of resource use available, which allows a freshwater objective^ to be met.

The CSG identified resource use that affects the achievement of the freshwater objectives^ and long-term desired water quality, and for achieving the Vision and Strategy. Chapter 3.11 sets out policies and methods that restrict or manage what can be done on the land and discharged to land or water.

23. Balle Bros support with amendments. We consider that every sub-catchment is different and that each displays different water quality characteristics. We support a sub-catchment based management approach to enable the identification of problem areas specific to each of the

four contaminants and to each sub-catchment, and to enable land owners/occupiers to collectively act to make reductions in those areas that require improvement.

24. PPC1 currently restricts land use change within the Waikato and Waipa catchments by way of the non-complying activity rule 3.11.5.7. Balle Bros do not support this restriction. Addressing land use change effects based upon a prioritised sub-catchment basis is recommended. This approach supports the use of tailored mitigations to manage diffuse discharges specific to the emissions identified in each sub-catchment. These can be addressed at a property level and can consider all four contaminants concurrently, and as being of equal importance. Tailored farm plans, coupled with collective management initiatives can then act cumulatively to achieve sub-catchment attribute targets. It is considered that real data should be used to set meaningful sub-catchment attribute targets. Where sub-catchments meet attribute targets land use change should be enabled. Where sub-catchments do not meet attribute targets and are considered to be high priority, a restricted discretionary consent could be utilised to manage the effects of diffuse discharges.

Resolution sought:

25. Amend as indicated in red above.

26. Remove Rule 3.11.5.7 from PPC1.

27. Introduce new Restricted Discretionary Activity consent applicable to high priority sub-catchments only.

Full achievement of the Vision and Strategy will be intergenerational

The CSG has chosen an 80-year timeframe to achieve the water quality objectives of the Vision and Strategy. The timeframe is intergenerational and more aspirational than the national bottom lines set out in the NPS FM because it seeks to meet the higher standards of being safe to swim in and take food from over the entire length of the Waikato and Waipa Rivers and catchment. Based on the information currently available, the CSG has concluded full achievement of the Vision and Strategy by 2096 is likely to be costly and difficult. The 80-year timeframe recognises the 'innovation gap' that means full achievement of water quality requires technologies or practices that are not yet available or economically feasible. In addition, the current understanding is that achieving water quality restoration ~~requires a considerable amount of land to be changed from land uses with moderate and high intensity of discharges to land use with lower discharges (e.g. through reforestation).~~ will require a considerable amount of land use moderation within high-risk sub-catchments. Whereas in other sub-catchments it will be more appropriate to focus on applying mitigation methods via conditions, rather than simply preventing land use change.

Because of the extent of change required to restore and protect water quality in the 80-year timeframe, the CSG has adopted a staged approach. This approach breaks the required improvements into a number of steps, the first of which is to put in place and implement the range of actions in a 10 year period that will be required to achieve 10 percent of the required change between current water quality and the long term water quality in 2096. The staged approach recognises that immediate large scale land use management changes may be socially disruptive, and there is considerable effort and cost for resource users, industry and Waikato Regional Council to set up the change process in the first stage. New implementation processes, expertise and engagement are needed to support the first stage. The staged approach also allows time for the innovation in technology and practices that will need to be developed to meet the targets^ and limits^ in subsequent regional plans to be developed.

Because of the extent of change required to meet the 80-year limits^, achieving even the first step towards the long-term freshwater objectives in this Plan is an ambitious target. This means the effects of actions and changes on the land may not be seen as water quality improvements in the water bodies in the short term. This is partly due to the time required for the concentration of contaminants in the water to reduce, following mitigation actions being put in place, and specifically, the time it takes for nitrogen to move through the soil profile to groundwater, and then to surface water. ~~This means that the effect of actions put in place to reduce nitrogen now may not be seen in the water for some time (the length of time lag varies across the catchment). It also means there is a nitrogen 'load to come' from historic land use that is yet to be seen in the water.~~

The approach to reducing contaminant losses from pastoral farm land implemented by Chapter 3.11 requires:

stock exclusion from water bodies as a priority mitigation action

Farm Environment Plans (including those for commercial vegetable producers) that ensure industry-specific good management practice, and identify additional mitigation actions to reduce diffuse discharges by specified dates, which can then be monitored

~~*a property scale nitrogen reference point to be established by modelling current nutrient losses from each property, with no property being allowed to exceed its reference point in the future and higher dischargers being required to reduce their nutrient losses*~~

an accreditation system to be set up for people who will assist farmers to prepare their Farm Environment Plan, and to certify agricultural industry schemes Waikato Regional Council to develop approaches outside the rule framework that allow contaminant loss risk factors to be assessed at a sub-catchment level, and implement mitigations that look beyond individual farm boundaries to identify the most cost-effective solutions.

There are a number of existing provisions, including rules, in the Waikato Regional Plan that will continue to apply for point source discharges.

Municipal and industrial point source dischargers will also be required to revise their discharges in light of the Vision and Strategy and the water quality objectives, and sub-catchment limits^ and targets^ that have been set. This will happen as the current consent terms expire.

Waikato Regional Council will be required to address pest species, especially Koi Carp, due to their significant contribution to sediment loads within waterways.

There are a range of existing provisions in this Plan that deal with activities that relate to forestry. Forestry activities will continue to be managed by these existing provisions, with the addition of requirements around preparing harvest plans and notifying Waikato Regional Council of harvest activities.

In the short term, land use change from tree cover to animal grazing, or any livestock grazing other the dairy or arable cropping to dairy, or any land use to commercial vegetable production, will be constrained and/or managed through appropriate mitigation of diffuse discharges. Provision has been made for some flexibility of land use for Māori land that has not been able to develop due to historic and legal impediments. As these impediments have had an impact on the relationship between tangata whenua and their ancestral lands, with associated cultural and economic effects, Chapter 3.11 seeks to recognise and provide for these relationships. These constraints on land use change are interim, until a future plan change introduces a second stage, where further reductions in discharges of sediment, nutrients and microbial pathogens from point sources and activity on the land will be required. ~~This second stage will focus on land suitability and how land use impacts on water quality, based on the type of land and the sensitivity of the receiving water. Methods in Chapter 3.11 include the research and information to be developed to support this.~~

During Stage 1, Waikato Regional Council will work collaboratively with relevant stakeholders to develop a sub-catchment management approach to manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens. To assist this process, information will be collected and research undertaken to support this, including collecting information about current discharges, appropriate modelling tools to estimate contaminant discharges, and spatial variability of land use and contaminant losses and the effect of contaminant discharges in different parts of the catchment that will assist in defining 'land suitability' for allocation.

28. Balle Bros support with amendments as highlighted in red above. We do not support the use of a Nitrogen Reference Point as this is effectively grandparenting, encouraging poor behavioural outcomes and introducing many adverse effects that have been inadequately considered.

29. The modelling tool OVERSEER used to derive the NRP is considered impractical for use in a horticultural context with a very high margin of uncertainty. OVERSEER (in the absence of another suitable alternative model currently being available to the public) does not take into account split applications of fertiliser, or the effects of slow release fertilisers, as would likely be

encouraged through the tailored Farm Environment Plan. Therefore, if using OVERSEER, the NRP derived would likely be incorrect and it is also unlikely that this model could accurately reflect changes over time, despite good management practices being adopted.

30. Balle Bros support a sub-catchment management approach centred around the efficient management of finite resources that are available within each sub-catchment. This approach encourages positive farmer and community participation, as opposed to the negative behaviours likely to result from grandparenting through the introduction of the NRP and an unnecessarily restrictive rule framework.

31. It is considered that restricting land use change on a broad scale across the Waikato and Waipa catchments is unnecessary where appropriate mitigations and Best Practicable Option (BPO) management tools are in place to manage diffuse and point source discharges. We consider commercial vegetable production to be an essential industry. Land use flexibility is key to running sustainable horticultural operations, where land requires rest.

Resolution sought:

32. Amend to reflect as indicated in red above.

Vision and Strategy for the Waikato River/Te Ture Whaimana o Te Awa o Waikato

33. Balle Bros support the inclusion of Primary Production as a Mana Tangata value but do not feel that PPC1 reflects this, nor do we consider that PPC1 gives effect to the Vision and Strategy requirement of prosperous communities. The social, economic and cultural effects of the proposed plan are considerable and primary production appears to bear the economic burden of the required changes, almost in entirety.

Resolution sought:

34. Amend PPC1 to reflect the importance of Primary Production
35. Amend PPC1 to ensure that prosperous communities result from the proposed rule framework.

Objectives

Objective 1: Long-term maintenance, restoration and protection of water quality as relevant for each sub-catchment and Freshwater Management Unit/Te Whāinga 1: Te whakaoranga tauroa me te tiakanga tauroa o te kounga wai ki ia riu kōawaawa me te Wae Whakahaere i te Wai Māori

By 2096, the management of discharges of nitrogen, phosphorus, sediment and microbial pathogens to land and water result in achievement of the restoration and protection of the 80-year water quality attribute targets in Table 3.11-1.

36. Support with amendments. Amendments indicated in red above.

37. Balle Bros consider that where attribute targets are met within a sub-catchment, then maintenance should be required in accordance with the BPO management and mitigations set out in the Farm Environment Plan, and on a sub-catchment level.

Resolution sought:

38. Amend PPC1 as indicated in red above.

Objective 2: Social, economic and cultural wellbeing is recognised and maintained in the long term/Te Whāinga 2: Ka whakaūngia te oranga ā-pāpori, ā-ōhanga, ā-ahurea hoki i ngā tauroa

Waikato and Waipa communities and their economy experience measurable benefit from the restoration and protection of water quality as relevant in each sub-catchment of the Waikato River catchment, which enables the people and communities to continue to provide for their social, economic and cultural wellbeing.

39. Support with amendments, as indicated in red above.

40. Balle Bros support the intention of Objective 2 but consider that PPC1 fails to achieve this objective in its current form. Several available reports, while not specific to Horticulture at this stage, clearly demonstrate the significant, unsustainable and in many cases not considered, economic and social impacts of PPC1. These reports indicate that small rural communities may no longer be sustainable under the proposed rule framework.

41. Waikato Regional Councils implementation team have advised that they currently have no indicators to measure the social and economic effects of those affected by PPC1. It is important that the effects on the community are measurable given the potential significant impact identified.

42. Culture is defined within the Webster's dictionary as "the ideas, customs, and social behaviour of a particular people or society". PPC1 does not appear to take into consideration, the cultural values of ALL groups as is intended by the term. It is considered that PPC1 undermines the culture of OUR enterprise which is a fourth-generation family business and "still growing". Our business, has a very strong culture of succession planning where we support and mentor the next generation into the industry. The human capital invested into our business is significant and the culture of our enterprise and of the commercial growing community should also be taken into consideration.

43. By restricting land use change, the plan also restricts growth and succession and undermines our culture. It is considered that limiting horticultural enterprises to a nitrogen reference point that is unlikely to be realistic, given the lack of a publicly available and suitable modelling system, will have perverse outcomes on behaviour in the industry.

Resolution sought:

44. Amend Objective 2 as indicated in red above.
45. Amend rules in PPC1 to give effect to Objective 2.

Objective 3: Short-term improvements in water quality in the first stage of maintenance restoration and protection of water quality for each sub-catchment and Freshwater Management Unit/Te Whāinga 3: Ngā whakapainga taupoto o te kounga wai i te wāhanga tuatahi o te whakaoranga me te tiakanga o te kounga wai i ia riu kōawāwa me te Wae Whakahaere Wai Māori

Actions put in place and implemented by 2026 to maintain or reduce discharges of nitrogen, phosphorus, sediment and microbial pathogens where relevant, are sufficient to achieve ten percent of the required change between current water quality and the 80-year water quality attribute targets in Table 3.11-1. A ten percent change towards the long term water quality improvements is indicated by the short term water quality attribute targets in Table 3.11-1

46. Balle Bros support this objective subject to the amendments highlighted in red above. It is considered that where attribute targets are met within a sub-catchment, maintenance should be adequate. We do however, consider that there is no clear data available to justify that a 10% reduction in contaminants can be achieved within the 10-year period. The basis for nitrogen (N) reductions, relies on the OVERSEER model (in the absence of another suitable model being publicly available for commercial vegetable production) setting a representative N value for leaching, which we know to be very inaccurate for horticulture. We therefore consider that the process will be hinged around a false number and will essentially become a numbers game that is meaningless. This will likely lead to 'gaming' of a possible N platform and we consider this to be superfluous. Reductions in N are likely to be made through adopting good and best management practices such as using slow release fertilisers or split applications (less but more often to ensure plant uptake is higher). OVERSEER cannot include such practices in calculation and will not provide an accurate reflection of progress.

Resolution sought:

47. Amend policy as indicated in red above.
48. Amend rules to remove requirement for Nitrogen Reference Point.

Objective 4: People and community resilience/Te Whāinga 4: Te manawa piharau o te tangata me te hapori

A staged approach to change enables people and communities to undertake adaptive management to continue to provide for their social, economic and cultural wellbeing in the short term while:

a. considering the values and uses when taking action to achieve the attribute targets for the Waikato and Waipa Rivers in Table 3.11-1; and

b. recognising that further contaminant reductions will be required by subsequent regional plans and signalling anticipated future management approaches that will be needed to meet Objective 1

49. Balle Bros support the intention of Objective 4, although believe that PPC1 fails to meet this objective. The staged approach does not allow for adaptive management (for example, the land use change rule is already effective) and has not adequately considered the values and uses with the 'actions' proposed, particularly the value of having the domestic availability of fresh locally grown produce at a reasonable price. The proposed PPC1 will likely have significant social and economic impacts on small rural communities due to the huge economic burden being placed on them through compliance and mitigation costs.

50. Under PPC1 horticulture may be unable to provide for a growing domestic population which is likely to have significant economic and social impacts on the Waikato region and wider communities. The Government and the health sector are now promoting 10+ a day fresh fruit and vegetables, yet excessive regulation proposes to inhibit expansion of land area that can be made available for commercial vegetable production within the Waikato – the 'food bowl' of New Zealand. The northern Waikato offers unique growing conditions. Pukekohe and Pukekawa meet the demands of the domestic market for carrots, potatoes and leafy greens almost entirely for October, November and the early part of December each year. The impacts of restricting land use flexibility in these areas amidst a growing population, need to be adequately considered. Leafy greens are near impossible to import due to short shelf life, meaning that the price of such vegetables will be driven up to the consumer. Where produce is imported, there are additional risks imposed on our consumers. Many families already struggle to feed their whanau with healthy fresh produce and we consider that under the rule framework of PPC1, this problem will get worse unless modification to the proposed rule framework occurs. In the absence of adequate access to local fresh produce, be it through availability or price, health implications could result, directly affecting community resilience.

Resolution sought:

51. Amend rule framework to give effect to Objective 4, as discussed above.

Objective 5: Mana Tangata – protecting and restoring tangata whenua values/Te Whāinga 5: Te Mana Tangata – te tiaki me te whakaora i ngā uara o te tangata whenua

Tangata whenua values are integrated into the co-management of the rivers and other water bodies within the catchment such that:
a. tangata whenua have the ability to:
i. manage their own lands and resources, by exercising mana whakahaere, for the benefit of their people; and
ii. actively sustain a relationship with ancestral land and with the rivers and other water bodies in the catchment; and
b. new impediments to the flexibility of the use of tangata whenua ancestral lands are minimised; and
c. improvement in the rivers' water quality and the exercise of kaitiakitanga increase the spiritual and physical wellbeing of iwi and their tribal and cultural identity.

52. Balle Bros Group support this objective but consider that primary production has not been adequately valued within PPC1. We consider commercial vegetable production to be an essential industry and of national and regional significance.

Resolution sought:

53. Amend rules within PPC1 to reflect the importance of the horticultural sector as an essential industry.

Objective 6: Whangamarino Wetland/Te Whāinga 6: Ngā Repo o Whangamarino

a. Nitrogen, phosphorus, sediment and microbial pathogen loads in the catchment of Whangamarino Wetland are reduced in the short term, to make progress towards the long term restoration of Whangamarino Wetland; and
b. The management of contaminant loads entering Whangamarino Wetland is consistent with the achievement of the water quality attribute targets in Table 3.11-1.

54. Balle Bros Group support this objective but consider this unachievable without the active investigation and robust management of pest species such as Koi Carp being carried out.

Resolution sought:

55. Amend objectives, policies, methods and rules to reflect requirement to manage pest species.

POLICIES

Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens/Te Kaupapa Here 1: Te whakahaere i ngā rukenga roha o te hauota, o te pūtūtae-whetū, o te waiparapara me te tukumate ora poto

Manage and require maintenance or reductions where relevant in sub-catchment-wide discharges of nitrogen, phosphorus, sediment and microbial pathogens, by:

a. Enabling activities with a low level of contaminant discharge to water bodies provided those discharges do not increase; and

b. Requiring farming activities with moderate to high levels of contaminant discharge to water bodies to reduce their discharges; and

c. Progressively excluding cattle, horses, deer and pigs from rivers, streams, drains, wetlands and lakes for areas with a slope less than 15 degrees and on those slopes exceeding 15 degrees where break feeding occurs.

d. Requiring farming activities on slopes exceeding 15 degrees (where break feeding does not occur) to manage contaminant discharges to water bodies through mitigation actions that specifically target critical source areas.

56. Balle Bros support with proposed amendments as highlight above in red. We support a sub-catchment based management approach to enable the identification of problem areas specific to each of the four contaminants and to each sub-catchment, and to enable land managers to collectively act to make reductions in those areas that require improvement.

57. Balle Bros seeks clarification on the interpretation of the Rules and Schedule C in relation to slope i.e. how is slope measured given the ranges of topography experienced within each paddock.

Resolution sought:

58. Amend as reflected in red above.

Policy 2: Tailored approach to managing and where relevant reducing diffuse discharges from farming activities/Te Kaupapa Here 2: He huarahi ka āta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā mahinga pāmu

Manage and where relevant require reductions in sub-catchment-wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from farming activities on properties and enterprises by:

a. *Taking a tailored, risk based approach to define mitigation actions on the land that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, with the mitigation actions to be specified in a Farm Environment Plan either associated with a resource consent, or in specific requirements established by participation in a Certified Industry Scheme; and*

b. *Requiring the same level of rigour in developing, monitoring and auditing of mitigation actions on the land that is set out in a Farm Environment Plan, whether it is established with a resource consent or through Certified Industry Schemes; and*

c. ~~*Establishing a Nitrogen Reference Point for the property or enterprise*~~*; and*

d. *Requiring the degree of reduction in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens where required to be proportionate to the amount of current discharge (those discharging more are expected to make greater reductions), and proportionate to the scale of water quality improvement required in the sub-catchment; and*

e. *Requiring stock exclusion for areas with a slope less than 15 degrees and on those slopes exceeding 15 degrees where break feeding occurs to be completed within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.*

59. Support with amendments, indicated in red above. Balle Bros support the use of tailored farm environment plans to achieve the desired targets and to promote positive behaviours regarding discharge management. We do not support the use of a Nitrogen Reference Point unless an accurate model can be sourced and the NRP is used as a management tool only in the context of all four contaminants being addressed, proportionate to their significance at a property and sub catchment level.

Resolution sought:

60. Amend as reflected in red above.

Policy 3: Tailored approach to managing and where relevant reducing diffuse discharges from commercial vegetable production systems/Te Kaupapa Here 3: He huarahi ka āta whakahāngaihia hei whakaiti i ngā rukenga roha i ngā pūnaha arumoni hei whakatupu hua whenua

Manage and where relevant require reductions in diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens from commercial vegetable production through a tailored, property or enterprise-specific approach where:

a. *Flexibility is provided to undertake crop rotations on changing parcels of land for commercial vegetable production, while managing and where required reducing average contaminant discharges over time; and*

b. ~~*The maximum area in production for a property or enterprise is established and capped utilising commercial vegetable production data from the 10 years up to 2016; and*~~

c. ~~*Establishing a Nitrogen Reference Point for each property or enterprise; and*~~

d. ~~*A 10% decrease in the diffuse discharge of nitrogen and a tailored reduction in the diffuse discharge of phosphorus, sediment and microbial pathogens is achieved across the sector through the implementation of Best or Good Management Practices; and*~~

e. *Identified mitigation actions are set out and implemented within timeframes specified in either a Farm Environment Plan and associated resource consent, or in specific requirements established by participation in a Certified Industry Scheme.*

f. *Commercial vegetable production enterprises that reduce nitrogen, phosphorus, sediment and microbial pathogens are enabled; and*

g. *The degree of reduction in diffuse discharges of nitrogen, phosphorus and sediment ~~and microbial pathogens~~ is proportionate to the amount of current discharge (those discharging more are expected to make greater reductions), and the scale of water quality improvement required in the sub-catchment.*

61. Support with amendments as highlighted in red above. Balle Bros do not support the use of a Nitrogen Reference Point that cannot be accurately derived in relation to OVERSEER, in the absence of any other publicly availably suitable model. WRC suggest that it will be difficult to determine the actual Nitrogen levels at the end of the ten year period, as a result of the 'lag time' that can be experienced for N to move through the soil profile to groundwater. We consider that building a case on incorrect numbers in the first instance will only add to the confusion and will offer no real benefit to actual water quality.

62. BBG support the use of tailored Farm Environment Plans to ensure that best or good management practices are adopted and that enterprises are making reductions in all four contaminants where practicable.

63. We consider that where good or best management practices are being adopted and finite resources are being managed on a sub-catchment basis, there will be no need to cap the area of land available for commercial vegetable production, although consider that a Restricted Discretionary consent may be appropriate to manage diffuse discharges where a sub catchment is identified as breaching attribute table targets and as high priority.

64. It is also essential, that if diffuse discharges are managed on a sub-catchment basis, commercial vegetable growers have specific provision to grow across sub-catchments, linking into the specific sub-catchment management plans without having to administer

numerous consents. Many growers rotate land as a part of good and best management practices between sub catchments. This will require consideration.

Resolution sought:

65. Amend as indicated in red above.

66. Remove Rule 3.11.5.7 from PPC1.

67. Introduce new Restricted Discretionary Activity consent applicable to high priority sub-catchments only.

Policy 4: Enabling activities with lower discharges to continue or to be established ~~while signalling further change may be required in future~~/Te Kaupapa Here 4: Te tuku kia haere tonu, kia whakatūria rānei ngā tūmahi he iti iho ngā rukenga, me te tohu ake ākuanei pea me panoni anō hei ngā tau e heke mai ana

Manage sub-catchment-wide diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens, and enable existing and new low discharging activities to continue provided that cumulatively the achievement of Objective 3 is not compromised. Activities and uses currently defined as low dischargers may in the future need to take mitigation actions that will reduce diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens in order for Objective 1 to be met.

68. Balle Bros support with amendments as indicated above.

Policy 5: Staged approach/Te Kaupapa Here 5: He huarahi wāwāhi

Recognise that achieving the water quality attribute targets set out in Table 11-1 will need to be staged over 80 years, to minimise social disruption and allow for innovation and new practices to develop, while making a start on reducing discharges of nitrogen, phosphorus, sediment and microbial pathogens, and preparing for further reductions that will be required in subsequent regional plans.

69. Balle Bros support the intention of Policy 5 but do not believe that PPC1 achieves this. The staged approach proposed does not minimise social disruption or allow for innovation due to the significant land use restrictions, and compliance and mitigation costs being imposed. We believe that utilising the Farm Environment Plan to mitigate discharges on farm, will assist in achieving this policy without the requirement to restrict land use change.

Resolution sought:

70. Amend rule framework of PPC1 to give effect to Policy 5.

Policy 6: Restricting land use change/Te Kaupapa Here 6: Te here i te panonitanga ā-whakamahinga whenua

Except as provided for in Policy 16, land use change consent applications that demonstrate an increase in the diffuse discharge of nitrogen, phosphorus, sediment or microbial pathogens will generally not be granted.

Land use change consent applications that demonstrate clear and enduring decreases in existing diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens will generally be granted.

71. Balle Bros Group strongly oppose Policy 6. Restricting land use change from any land use to commercial vegetable production will lead to an inability to respond to market demands, and may have significant social and economic impacts. Fresh produce is essential to good health and commercial vegetable production is considered to be an essential industry. We must be able to respond to the demands of an increasing population and we must be able to provide locally grown (domestic) produce at a sustainable price.

Resolution sought:

72. Remove Policy 6 from PPC1.

Policy 7: Preparing for allocation ~~in the future~~/Te Kaupapa Here 7: Kia takatū ki ngā tohanga hei ngā tau e heke mai ana

During Stage 1, work collaboratively with relevant stakeholders to develop a sub-catchment management approach to manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens ~~that will be required by subsequent regional plans, by implementing the policies and methods in this chapter~~. To assist this process, collect information and undertake research to support this, including collecting information about current discharges, ~~developing~~ appropriate modelling tools to estimate contaminant discharges, and ~~researching the~~ spatial variability of land use and contaminant losses and the effect of contaminant discharges in different parts of the catchment that will assist in defining 'land suitability' for allocation.

~~Any future~~ Allocation should consider the following principles:

a. Land suitability
which reflects the biophysical and climate properties, the risk of contaminant discharges from that land, and the sensitivity of the receiving water body, as a starting point (i.e. where the effect on the land and receiving waters will be the same, like land is treated the same for the purposes of allocation); and

b. Allowance for flexibility of development of tangata whenua ancestral land; and

c. Minimise social disruption and costs in the transition to the 'land suitability' approach; and

d. Future allocation decisions should take advantage of new data and knowledge.

73. Balle Bros do not support future allocation, as amended in red above. All sub-catchments are different and land suitability is fundamental to the process of managing diffuse discharges. This has not been considered within this Plan Change and should be through the development of a sub-catchment management approach.

Resolution sought:

74. Amend as reflected in red above.

Policy 8: Prioritised implementation/Te Kaupapa Here 8: Te raupapa o te whakatinanatanga

Prioritise the management of land and water resources by implementing Policies 2, 3 and 9, and in accordance with the prioritisation of areas set out in Table 3.11-2. Priority areas include:

a. *Sub-catchments where there is a greater gap between the water quality targets in Objective 1 (Table 3.11-1) and current water quality; and*

b. *Lakes Freshwater Management Units; and*

c. *Whangamarino Wetland.*

In addition to the priority sub-catchments listed in Table 3.11-2, the 75th percentile nitrogen leaching value dischargers will also be prioritised for Farm Environment Plans.

75. Balle Bros support Policy 8. It is considered that each sub-catchment requires a sub-catchment management plan that relies on current and specific data, enabling targets to be meaningful. This plan should consider all four contaminants equally and mitigations should be identified to target those that require improvement across the sub-catchment. Tailored farm environment plans can act cumulatively to specifically improve the water quality of each sub-catchment.

IMPLEMENTATION METHODS

3.11.4.3 Farm Environment Plans

76. Balle Bros Group support the use of tailored Farm Environment Plans (FEP).
77. Balle Bros believe the definition of a Certified Farm Environment Planner requires broadening to encompass experience as a qualification. There is a potential shortage of suitably qualified professionals available to undertake the number of farm assessments required, and the skill set necessary to assess commercial vegetable production enterprises is specialised. Many people with adequate experience and knowledge to do this, may not hold a formal qualification.

78. Balle Bros seek clarification in interpretation of the farm planning requirements in relation to slope, and the proportion of the slope that must be under the 15 degree threshold.

Resolution sought:

79. Provide clarification on slope in paddocks used for commercial vegetable production where topography is variable across paddocks, in relation to the 15 degree threshold.

80. Broaden Certified Farm Planner to encompass experience as a qualification and to ensure that enough planners area available to meet FEP demand.

3.11.4.4 Lakes and Whangamarino Wetland

81. Balle Bros Group support this method although believe it cannot be achieved unless pest species are addressed.

Resolution sought:

82. Amend methods to also specifically include management of pest species.

3.11.4.12 Support research and dissemination of best practice guidelines to reduce diffuse discharges

83. Balle Bros Group support this method. It is considered that landowner education should come from the relevant industry bodies responsible for administering industry guidance/standards.

RULES

3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities/Te Ture mō ngā Mahi e Whakaaetia ana – Ngā mahi iti, ngā mahi pāiti hoki i runga pāmu

Rule 3.11.5.1 - Permitted Activity Rule – Small and Low Intensity farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:

1. *The property is registered with the Waikato Regional Council in conformance with Schedule A; and*
2. *Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C and*

   Either:
3. *The property area is less than or equal to 4.1 hectares; and*
4. *The farming activities do not form part of an enterprise being undertaken on more than one property; or*

   Where the property area is greater than 4.1 hectares:
5. *For grazed land, the stocking rate of the land is less than 6 stock units per hectare; and*
6. *No arable cropping occurs; and*

7. *The farming activities do not form part of an enterprise being undertaken on more than one property.*

84. Balle Bros Group support this rule.

Rule 3.11.5.2 - Permitted Activity Rule – Other farming activities

The use of land for farming activities (excluding commercial vegetable production) and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water where the property area is greater than 4.1 hectares, and has more than 6 stock units per hectare or is used for arable cropping, is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and 2. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C and Conditions 3(e) and 4(e) of this Rule; and 3. Where the property area is less than or equal to 20 hectares:

a. The farming activities do not form part of an enterprise being undertaken on more than one property; and b. Where the land is:

i. used for grazing livestock, the stocking rate of the land is no greater than the stocking rate of the land at 22 October 2016; or ii. not used for grazing livestock, the land use has the same or lower diffuse discharges of nitrogen, phosphorus, sediment or microbial pathogens as the land use at 22 October 2016; and

c. Upon request, the landowner shall obtain and provide to the Council independent verification from a Certified Farm Environment Planner that the use of land is compliant with either b)(i) or b)(ii) above; and d. Upon request from the Council, a description of the current land use activities shall be provided to the Council; and e. Where the property or enterprise contains any of the water bodies listed in Schedule C, new fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains).

4. Where the property or enterprise area is greater than 20 hectares:

~~*a. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and b. The diffuse discharge of nitrogen from the property or enterprise does not exceed either:*~~

~~*i. the Nitrogen Reference Point; or ii. 15kg nitrogen/hectare/year; whichever is the lesser, over the whole property or enterprise when assessed in accordance with Schedule B;*~~ *and*

c. No part of the property or enterprise over 15 degrees slope is cultivated or grazed unless effects of diffuse discharges are mitigated; and d. No winter forage crops are grazed in situ; and e. Where the property or enterprise contains any of the water bodies listed in Schedule C:

i. There shall be no cultivation within 5 metres of the bed of the water body; and ii. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs cannot be within three metres of the bed of the water body (excluding constructed wetlands and drains); and

5. For all properties greater than 4.1 hectares, from 31 March 2019, in addition to the requirements of Schedule A, the following information must be provided to the Waikato Regional Council by 1 September each year:

a. Annual stock numbers; and b. Annual fertiliser use; and c. Annual brought in animal feed.

85. Support with amendments as highlighted in red above. Balle Bros do not support the use of a Nitrogen Reference Point. It is considered that cultivation on slopes over 15 degrees should be addressed within the Farm Environment Plan and enabled where diffuse discharges can be mitigated.

Resolution sought:

86. Amend as reflected in red above.

Rule 3.11.5.3 - Permitted Activity Rule – Farming activities with a Farm Environment Plan under a Certified Industry Scheme

Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where the land use is registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity subject to the following conditions:

1. The property is registered with the Waikato Regional Council in conformance with Schedule A; and

2. A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and

3. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C ~~f~~; and

4. The Certified Industry Scheme meets the criteria set out in Schedule 2 and has been approved by the Chief Executive Officer of Waikato Regional Council; and

5. A Farm Environment Plan which has been prepared in accordance with Schedule 1 and has been approved by a Certified Farm Environment Planner, is provided to the Waikato Regional Council ~~as follows:~~

a. ~~By 1 July 2020 for properties or enterprises within Priority 1 sub-catchments listed in Table 3.11-2, and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;~~

~~b. By 1 July 2023 for properties or enterprises within Priority 2 sub-catchments listed in Table 3.11-2;~~

~~c. By 1 July 2026 for properties or enterprises within Priority 3 sub-catchments listed in Table 3.11-2; and~~

6. The use of land shall be undertaken in accordance with the actions and timeframes specified in the Farm Environment Plan; and

7. The Farm Environment Plan provided under Condition 5 may be amended in accordance with the procedure set out in Schedule 1 and the use of land shall thereafter be undertaken in accordance with the amended plan; and

8. A copy of the Farm Environment Plan amended in accordance with condition (7) shall be provided to the Waikato Regional Council within 30 working days of the date of its amendment.

87. Balle Bros oppose the use of a Nitrogen Reference Point (NRP) as this is effectively 'Grandparenting'. Restricting farms to a Nitrogen Reference Point rewards those that have been higher emitters of Nitrogen historically (Grandparenting), while it disadvantages those that have adopted low intensity and/or good management practices to reduce their emissions. This is contradictory to the Waikato River Authority Vision and Strategy (V&S)

and does not foster the behavioural changes required to meet its objectives. As a result, this has many unintended outcomes socially, economically and culturally.

Resolution sought:

88. We seek that the NRP is removed from the plan and that the plan adopts a sub-catchment management approach addressing all four contaminants and specifically for each sub-catchment.

Rule 3.11.5.4 - Controlled Activity Rule – Farming activities with a Farm Environment Plan not under a Certified Industry Scheme

Except as provided for in Rule 3.11.5.1 and Rule 3.11.5.2 the use of land for farming activities (excluding commercial vegetable production) where that land use is not registered to a Certified Industry Scheme, and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water is a permitted activity until:

1. 1 January 2020 for properties or enterprises in Priority 1 sub-catchments listed in Table 3.11-2, ~~and properties or enterprises with a Nitrogen Reference Point greater than the 75th percentile nitrogen leaching value;~~

2. 1 January 2023 for properties or enterprises in Priority 2 sub-catchments listed in Table 3.11-2;

3. 1 January 2026 for properties or enterprises in Priority 3 sub-catchments listed in Table 3.11-2; Subject to the following conditions:

4. The property is registered with the Waikato Regional Council in conformance with Schedule A; and 5. ~~A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B; and After the dates set out in 1), 2) and 3) above the use of land shall be a controlled activity (requiring resource consent), subject to the following standards and terms:~~

a. A Farm Environment Plan has been prepared in conformance with Schedule 1 and has been approved by a Certified Farm Environment Planner, and is provided to the Waikato Regional Council at the time the resource consent application is lodged by the dates specified in I-III below; and b. The property is registered with the Waikato Regional Council in conformance with Schedule A; and c. ~~A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and is provided to the Waikato Regional Council at the time the resource consent application is lodged;~~ and d. Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C

89. Balle Bros support with amendments, indicated in red above. We do not support the use of the NRP and consider that this should be removed from the plan. As described within this submission, OVERSEER is considered to be an imprecise tool when used for regulatory purposes. This management tool introduces a margin of uncertainty that poses difficulty in deriving a specific nitrogen target for regulation. Using a NRP promotes negative behaviour in the context of environmental initiatives.

Resolution sought:

90. Amend as indicated in red above.

3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production/Te Ture mō ngā Mahi ka āta Whakahaerehia – Te whakatupu hua whenua ā-arumoni o te wā nei

Rule 3.11.5.5 - Controlled Activity Rule – Existing commercial vegetable production

The use of land for commercial vegetable production and the associated diffuse discharge of nitrogen, phosphorus, sediment and microbial pathogens onto or into land in circumstances which may result in those contaminants entering water, is a permitted activity until 1 January 2020, from which date it shall be a controlled activity (requiring resource consent) subject to the following standards and terms:

a. *The property is registered with the Waikato Regional Council in conformance with Schedule A; and*

b. ~~*A Nitrogen Reference Point is produced for the property or enterprise in conformance with Schedule B and provided to the Waikato Regional Council at the time the resource consent application is lodged; and*~~

c. *Cattle, horses, deer and pigs are excluded from water bodies in conformance with Schedule C; and*

d. *The land use is registered to a Certified Industry Scheme; and*

e. ~~*The areas of land, and their locations broken down by sub-catchments [refer to Table 3.11-2], that were used for commercial vegetable production within the property or enterprise each year in the period 1 July 2006 to 30 June 2016, together with the maximum area of land used for commercial vegetable production within that period, shall be provided to the Council; and*~~

f. ~~*The total area of land for which consent is sought for commercial vegetable production must not exceed the maximum land area of the property or enterprise that was used for commercial vegetable production during the period 1 July 2006 to 30 June 2016; and*~~

g. ~~*Where new land is proposed to be used for commercial vegetable production, an equivalent area of land must be removed from commercial vegetable production in order to comply with standard and term f.; and*~~

h. *A Farm Environment Plan for the property or enterprise prepared in conformance with Schedule 1 and approved by a Certified Farm Environment Planner is provided to the Waikato Regional Council at the time the resource consent application is lodged.*

Matters of Control

Waikato Regional Council reserves control over the following matters:

i. *The content of the Farm Environment Plan.*

ii. ~~The maximum area of land to be used for commercial vegetable production~~.

iii. The actions and timeframes for undertaking mitigation actions that maintain or reduce the diffuse discharge of nitrogen, phosphorus or sediment to water or to land where those contaminants may enter water, including provisions to manage the effects of land being retired from commercial vegetable production and provisions to achieve Policy 3(d).

~~iv. The actions and timeframes to ensure that the diffuse discharge of nitrogen does not increase beyond the Nitrogen Reference Point for the property or enterprise~~.

v. The term of the resource consent.

vi. The monitoring, record keeping, reporting and information provision requirements for the holder of the resource consent to demonstrate and/or monitor compliance with the Farm Environment Plan.

vii. The time frame and circumstances under which the consent conditions may be reviewed.

Viii Procedures for reviewing, amending and re-certifying the Farm Environment Plan.

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons

Advisory note: Under section 20A(2) of the RMA a consent must be applied for within 6 months of 1 January 2020, namely by 1 July 2020.

91. Balle Bros support in part/oppose in part as indicated by amendments in red above. We do not support a capped maximum area for commercial vegetable production, however if this is retained within the rule, we seek clarification as to how the maximum area in production will be moved around the region in practice, under an enterprise consent. If the rights to commercially grow vegetables on the land are associated with the land parcel itself there will be significant issues for the commercial vegetable growing sector and on leased land in particular. If the right is transferrable with the enterprise as is the intention, then retired land must be considered in terms of diffuse discharge rights.

92. We do not support the use of an NRP as a regulatory tool, nor do we support the use of OVERSEER for horticultural systems.

93. We do support the use of tailored Farm Environment Plans and consider management on a sub-catchment basis, with provision for growers to farm across sub-catchments, a suitable mechanism for addressing diffuse discharges.

Resolution sought:

94. Amend as reflected in red above.

3.11.5.7 Non-Complying Activity Rule – Land Use Change/Te Ture mō ngā mahi kāore e whai i ngā ture – Te Panonitanga ā-Whakamahinga Whenua

Rule 3.11.5.7 - Non-Complying Activity Rule – Land Use Change

Notwithstanding any other rule in this Plan, any of the following changes in the use of land from that which was occurring at 22 October 2016 within a property or enterprise located in the Waikato and Waipa catchments, where prior to 1 July 2026 the change exceeds a total of 4.1 hectares:

1. *Woody vegetation to farming activities; or*
2. *Any livestock grazing other than dairy farming to dairy farming; or*
3. *Arable cropping to dairy farming; or*
4. *Any land use to commercial vegetable production except as provided for under standard and term g. of Rule 3.11.5.5*

is a non-complying activity (requiring resource consent) until 1 July 2026.

Notification:

Consent applications will be considered without notification, and without the need to obtain written approval of affected persons, subject to the Council being satisfied that the loss of contaminants from the proposed land use will be lower than that from the existing land use.

95. Balle Bros oppose Rule 3.11.5.7. Land use flexibility is key to running sustainable commercial vegetable production operations.

Resolution sought:

96. Remove Non-Complying Activity Rule from PPC1.

Schedule B – Nitrogen Reference Point

97. As previously stated within this submission Balle Bros oppose the use of a Nitrogen Reference Point and do not support the use of OVERSEER for regulatory purposes. We consider that the use of a Nitrogen Reference Point (NRP) is effectively 'Grandparenting', contradictory to the intention of the Waikato River Authority Vision and Strategy (V&S). This consequently has many unintended adverse outcomes.

Resolution sought:

98. Remove requirement for Nitrogen Reference point from PPC1 and focus on all four contaminants on a sub-catchment basis.

Schedule C - Stock exclusion/Te Āpitihanga C – Te aukatinga o ngā kararehe

Except as provided by Exclusions I. and II., stock must be excluded from the water bodies listed in i. to iv. below as follows:

1. The water bodies must be fenced to exclude cattle, horses, deer and pigs, unless those animals are prevented from entering the bed of the water body by a stock proof natural barrier formed by topography or vegetation.

2. New fences installed after 22 October 2016 must be located to ensure cattle, horses, deer and pigs ~~cannot be within one metre of the bed of the water body~~ (excluding constructed wetlands) are installed in accordance with Schedule 1 requirements.

3. Livestock must not be permitted to enter onto or pass across the bed of the water body, except when using a livestock crossing structure or where stock is moved in one continuous movement and this occurs less frequently than once per week.

4. For land use authorised under Rules 3.11.5.1 or 3.11.5.2, clauses 1 and 2 must be complied with:

a. By 1 July 2023 for properties and enterprises within Priority 1 sub-catchments listed in Table 3.11-2.

b. By 1 July 2026 for properties and enterprises within Priority 2 and Priority 3 sub-catchments listed in Table 3.11-2.

5. For land use authorised under Rules 3.11.5.3, 3.11.5.4 or 3.11.5.5, clauses 1 and 2 must be complied with by the date and in the manner specified in the property's or enterprise's Farm Environment Plan, which shall be within 3 years following the dates by which a Farm Environment Plan must be provided to the Council, or in any case no later than 1 July 2026.

Water bodies from which cattle, horses, deer and pigs must be excluded:

i. Any river that continually contains surface water and exceeds 1m wide at any point and is 30cm deep on average.

ii. Any drain that continually contains surface water exceeds 1m wide at any point and is 30cm deep on average.

iii.Any wetland, including a constructed wetland.

iv.Any lake.

Exclusions:

The following situations are excluded from clauses 1 and 2:

I. Areas with slopes exceeding 15 degrees and where no break feeding occurs

II. Where the entry onto or passing across the bed of the water body is by horses that are being ridden or led.

III. Where the entry onto or passing across the bed of the water body is by a feral animal.

99. Balle Bros support with amendments as indicated above in red. The amendments reflect alignment with the proposed amendments to the NPS-FM.

Resolution sought:

100. Amend as reflected in red above.

Schedule 1 - Requirements for Farm Environment Plans/Te Āpitihanga 1: Ngā Herenga i ngā Mahere Taiao ā-Pāmu

A Farm Environment Plan shall be prepared in accordance with the requirements of A below.
The Farm Environment Plan shall be certified as meeting the requirements of A by a Certified Farm Environment Planner.
The Farm Environment Plan shall identify all sources of sediment, nitrogen, phosphorus and microbial pathogens, and identify actions, and timeframes for those actions to be completed, in order to reduce the diffuse discharges of these contaminants.
The Farm Environment Plan must clearly identify how specified minimum standards will be complied with.
The requirements set out in A apply to all Farm Environment Plans, including those prepared within a Certified Industry Scheme.
This schedule applies to all farming activities, but it is acknowledged that some provisions will not be relevant to every farming activity.
A. Farm Environment Plans shall contain as a minimum:
1. The property or enterprise details:
(a) Full name, address and contact details (including email addresses and telephone numbers) of the person responsible for the property or enterprise.
(b) Trading name (if applicable, where the owner is a company or other entity).
(c) A list of land parcels which constitute the property or enterprise:
(i) the physical address and ownership of each parcel of land (if different from the person responsible for the property or enterprise) and any relevant farm identifiers such as the dairy supply number, Agribase identification number, valuation reference; and
(ii) The legal description of each parcel of land.
2. An assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens associated with the farming activities on the property, and the priority of those identified risks, having regard to sub-catchment targets in Table 3.11-1 and the priority of lakes within the sub-catchment. As a minimum, the risk assessment shall include (where relevant to the particular land use):
(a) A description of where and how stock shall be excluded from water bodies for stock exclusion including:
(i) the provision of fencing and livestock crossing structures to achieve compliance with Schedule C; and
(ii) for areas with a slope exceeding 15 o and where stream fencing is impracticable, the provision of alternative mitigation measures.
(b) A description of setbacks and riparian management, including:
(i) The management of water body margins including how damage to the bed and margins of water bodies, and the direct input of contaminants will be avoided, and how riparian margin settling and filtering will be provided for; and
(ii) Where practicable the provision of minimum grazing setbacks from water bodies for stock exclusion of 1 metre for land with a slope of less than 15 o and 3 metres for land between 15 o and 25 o where break feeding occurs ; and
(iii) The provision of minimum cultivation setbacks of 5 metres unless diffuse discharges can be mitigated.
(c) A description of the critical source areas from which sediment, nitrogen, phosphorus and microbial pathogens are lost, including:
(i) the identification of intermittent waterways, overland flow paths and areas prone to flooding and ponding, and an assessment of opportunities to minimise losses from these areas through appropriate stocking policy, stock exclusion and/or measures to detain floodwaters and settle out or otherwise remove sediment, nitrogen, phosphorus and microbial pathogens (e.g. detention bunds, sediment traps, natural and constructed wetlands); and
3PART A
51Withdrawn IN PART - See inserted Addendum
(ii) the identification of actively eroding areas, erosion prone areas, and areas of bare soil and appropriate measures for erosion and sediment control and re-vegetation; and

(iii) an assessment of the risk of diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens from tracks and races and livestock crossing structures to waterways, and the identification of appropriate measures to minimise these discharges (e.g. cut-off drains, and shaping); and

(iv) the identification of areas where effluent accumulates including yards, races, livestock crossing structures, underpasses, stock camps, and feed-out areas, and appropriate measures to minimise the risk of diffuse discharges of contaminants from these areas to groundwater or surface water; and

(v) the identification of other 'hotspots' such as fertiliser, silage, compost, or effluent storage facilities, wash-water facilities, offal or refuse disposal pits, and feeding or stock holding areas, and the appropriate measures to minimise the risk of diffuse discharges of contaminants from these areas to groundwater or surface water.

(d) An assessment of appropriate land use and grazing management for specific areas on the farm in order to maintain and improve the physical and biological condition of soils and minimise the diffuse discharge of sediment, nitrogen, phosphorus and microbial pathogens to water bodies, including:

(i) matching land use to land capability; and

(ii) identifying areas not suitable for grazing; and

(iii) stocking policy to maintain soil condition and pasture cover; and

(iv) the appropriate location and management of winter forage crops; and

(v) suitable management practices for strip grazing.

(e) A description of nutrient management practices including a nutrient budget for the farm enterprise calculated using the model OVERSEER ® in accordance with the OVERSEER ® use protocols, or using any other model or method approved by the Chief Executive Officer of Waikato Regional Council.

(f) A description of cultivation management, including:

(i) The identification of slopes over 15 o

and how cultivation on them will be avoided; unless contaminant discharges to water bodies from that cultivation can be ~~avoided~~ mitigated; and

(ii) How the adverse effects of cultivation on slopes of less than 15

o

will be mitigated through appropriate erosion and sediment controls for each paddock that will be cultivated including by:

(a) assessing where overland flows enters and exits the paddock in rainfall events; and

(b) identifying appropriate measures to divert overland flows from entering the cultivated paddock; and

(c) identifying measures to trap sediment leaving the cultivated paddock in overland flows; and

(d) maintaining appropriate buffers between cultivated areas and water bodies (minimum 5m setback).

(e) A description of collected animal effluent management including how the risks associated with the operation of effluent systems will be managed to minimise contaminant discharges to groundwater or surface water.

(f) A description of freshwater irrigation management including how contaminant loss arising from the irrigation system to groundwater or surface water will be minimised.

3 . A spatial risk map(s) at a scale that clearly shows:

(a) The boundaries of the property; and

(b) The locations of the main land uses that occur on the property; and

(c) The locations of existing and future mitigation actions to manage contaminant diffuse discharges; and

6 For dairy farms this might be the OVERSEER ®

blocks, for drystock farms this might be Land Use Capability blocks.

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(d) Any relevant internal property boundaries that relate to risks and mitigation actions described in this plan; and
(e) The location of continually flowing rivers, streams, and drains that exceed 1m wide and 30cm deep on average and permanent lakes, ponds and wetlands; and
(f) The location of riparian vegetation and fences adjacent to water bodies; and
(g) The location of critical source areas for contaminants, as identified in 2 (c) above.
4. A description of the actions that will be undertaken in response to the risks identified in the risk assessment in 2 above (having regard to their relative priority) as well as where the mandatory time-bound actions will be undertaken, and when and to what standard they will be completed.
5. A description of the following:
(a) ~~Actions, timeframes and other measures to ensure that the diffuse discharge of nitrogen from the property or enterprise, as measured by the five-year rolling average annual nitrogen loss as determined by the use of the current version of OVERSEER®, does not increase beyond the property or enterprise's Nitrogen Reference Point, unless other suitable mitigations are specified; or~~
~~(b) Where the Nitrogen Reference Point exceeds the 75 th percentile nitrogen leaching value, actions, timeframes and other measures to ensure the diffuse discharge of nitrogen is reduced so that it does not exceed the 75 th percentile nitrogen leaching value by 1 July 2026, except in the case of Rule 3.11.5.5.~~

101. Balle Bros consider that cultivation should be enabled on slopes over 15 degrees where mitigation of diffuse discharges can be demonstrated within the tailored Farm Environment Plan. Clarification is sought on how a 15 degree slope is determined on a paddock by paddock basis on land with variable topography.

Resolution sought:

102. Amend as reflected in red above.

Conclusion

103. Balle Bros consider that PPC1 requires amendment if to meet the objectives of the Waikato River Authority Vision and Strategy. In its current form the proposed plan is not socially, economically or culturally sustainable and does not in our view, support prosperous communities.

104. Commercial vegetable production must be able to meet the changing demands of a growing population. Suitable soil types and favourable climatic conditions are essential to meeting this demand and are limited in location. The northern Waikato area offers unique growing conditions that are not available elsewhere and growing sustainably in this area requires land use flexibility.

105. Overall, we support a sub-catchment management approach to addressing diffuse discharges where all four contaminants are addressed, with provision for commercial vegetable production to occur across sub-catchments as required.

Brendan Balle

Signed on behalf of Balle Bros Group