



In the matter of: Further Submission on publicly notified plan change – Proposed Waikato Regional Plan Change 1 – Waikato and Waipa River Catchments (PPC1) and Variation 1.

And: **Balle Bros Group Limited**
Submitter

And: **Waikato Regional Council**
Local Authority

Further Submission on publicly notified proposal for plan change

Dated: 12 September 2018

1. This submission is on behalf of Balle Bros Group Limited who oppose the Waikato Regional Council's proposed Plan Change 1 (PPC1), including Variation 1, in its current form. Balle Bros Group (BBG) requested to be heard in support of these submissions.
2. 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.
3. 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

4. BBG in their original submission considered 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 was considered that these effects were further

exacerbated by the withdrawal of the Hauraki Iwi area of interest. This area has since been consulted on as Variation 1 and a new section 32 analysis provided. This was also considered to be inadequate.

5. BBG supports Beef and Lamb in their conclusion that the section 32 analysis has not sufficiently assessed the costs and benefits of the proposed plan nor has it adequately assessed the alternative methods to achieve the stated objectives (submitter point PC1-13155). BBG agree that the Waikato Regional Council has failed to produce an evaluation report which contains the level of detail that corresponds to the scale and significance of the economic and social effects that are anticipated from implementing PC1, and in some cases no evaluation has been undertaken (submitter point PC1-13155).
6. 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 over time have 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 could make enterprises unsustainable and needs to be adequately considered. The full extent of social impacts in relation to the potential 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 the section 32 analysis. BBG support HortNZ submitter point PC-9899, commercial vegetable production will require some increase in the Waikato and the section 32 analysis has not taken this into account.
7. Furthermore, BBG support Ata Rangi 2015 Limited Partnership in their concerns that the section 32 evaluation has not considered opportunities for the highest and best use of land, which may include off-set mitigation or other similar land use management techniques across farming enterprises or properties (submitter point PC-11373).

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.

8. BBG support Federated Farmers position on Objective 1 and consider that there are instances where restoring and protecting the wellbeing of the river will mean maintaining water quality in a sub-catchment (submitter point V1PC1-122).
9. 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. BBG support the provisions outlined by Beef & Lamb NZ for Objective 1 where a targeted and risk-based approach to managing land and water resources is focussed on sub catchments, and where water quality is maintained where the water quality is at sufficient level and enhanced where the water quality is not at the sufficient level (submission point PC1-11154). It is considered that the actions should be relevant to the particular contaminant of concern.

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.

10. 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. BBG support submission point PC-10417 by Farmers 4 Positive Change in that PC1 should be amended so that it adopts a sub catchment approach to managing land use and water quality, tailored to the specific issues faced by the sub-catchment, and the Plan should provide communities and individuals with certainty in relation to what will be required of them to enable sound business, succession, and investment decision to be made, including investment into environmental mitigation.

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

11. 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, in this BBG support Federated Farmers submission V1PC1-129.

12. 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 such systems. BBG support HortNZ in their statement that OVERSEER is a management tool of significant concern for the horticultural sector, where the development of the commercial vegetable cropping modules has been retarded by the emphasis on pastoral production systems (Submission point PC1-10190)

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*

13. Balle Bros support the intention of Objective 4, although believe that PPC1 fails to meet this objective. BBG support Federated Farmers in their statement that there are fundamental information gaps and consider that further information should be collected and a greater understanding developed as a part of the staged approach to change (V1PC1-143). As stated by Farmers 4 Positive Change managing land use and water quality should be tailored to the specific issues faced by a sub-catchment (this relies on information that provides an understanding of each sub-catchment) and the Plan should provide communities and individuals with certainty in relation to what will be required of them to enable sound business, succession, and investment decisions to be made, including investment into environmental mitigation.
14. BBG supports Beef and Lamb recommendations for Objective 4 which provides for people and community resilience, adaptive management and sub-catchment approaches lead by communities (PC1-11483).

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.*

15. BBG oppose the minimum fencing setbacks outlined by Department of Conservation in submission point PC1-10633 in relation to Rule 3.11.4.4 for the Whangamarino Wetland and consider that the role of the Catchment Management Plan is to specifically identify issues for the catchment and to address them accordingly. Responses can then be tailored and prioritised specifically for identified issues.

16. BBG also oppose the new provision outlined by Department of Conservation in reference to all wetlands (PC1-10633). Wetlands may be a functional mitigation tool and it is important that such wetlands are able to managed accordingly. It may also be difficult, by this definition, to determine what is considered to be a wetland and hence what requires a 10m fencing setback, which we do not support. We suggest it should be the role of the Catchment Management Plan and/or Certified Farm Environment Planner to determine such requirements.

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.*

17. Balle Bros 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. On this basis BBG support Beef and Lamb NZ proposed amendment to Policy 1 reflecting “management approaches are tailored to addressing water quality issues identified on a sub-catchment basis”, however BBG oppose the LUC – Natural Capital approach reflected (PC1-11485).
18. BBG support HortNZ submission point V1PC1-1629 in that Policy 1 is an appropriate place to enable the collaborative management of discharges at a scale greater than a single farm. BBG agree that Farmer/catchment collectives managing discharges as a single enterprise within a sub catchment are very likely to achieve environmental outcomes in a more co-ordinated and effective way.
19. BBG support enabling a consenting pathway for groups that form to take responsibility for contaminant reductions as provided for in HortNZ submission point V1PC1-1629.
20. BBG oppose the proposed amendments identified in the Beef and Lamb submission in relation to Land Use Capability – Natural Capital, submission point PC1-11485. This

approach is not supported and under the current proposal, would result in an inability for commercial vegetable production to occur within the catchments. BBG support the advice provided by HortNZ in relation to the Horizons One Plan process where the Court determined a LUC based allocation that could not be achieved by commercial vegetable cropping enterprises, based on pastoral land use based research. The result was a complete freeze on rotation. BBG consider that this example should be highlighted to prevent a reiteration of these issues within the Waikato and Waipa catchments.

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.*

21. Balle Bros support the use of tailored farm environment plans to achieve the desired targets and to promote positive behaviours regarding discharge management (V1PC1-1630).
22. BBG support HortNZ submission point PC1-10051. Nitrogen is one of four contaminants of consideration in this Plan Change, where the effect of each contaminant discharge differs dependent on the location and character of the discharge. BBG consider it unreasonable to place an emphasis on Nitrogen and support HortNZ who state that the introduction of a Nitrogen Reference Point places an unhealthy emphasis on this contaminant.
23. Balle Bros support Federated Farmers submission point V1PC1-164 around the uncertainty of stock exclusion requirements and seeks clarification of Schedule C and 1.

24. BBG oppose Fonterra's proposed amendments in relation to Policy 2 (submission point V1PC1-748) which would see a differentiation between Nitrogen management and management of the other three contaminants of concern through the Farm Environment Plan.

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.*

25. Balle Bros do not support the use of a Nitrogen Reference Point that cannot be accurately derived in OVERSEER, in the absence of any other publicly available suitable model. BBG support HortNZ in their statement that OVERSEER is a management tool of significant concern for the horticultural sector, where the development of the commercial vegetable cropping modules has been retarded by the emphasis on pastoral production systems (Submission point PC-10190).
26. BBG support the deletion of paragraph B as stated in Federated Farmers submission point V1PC1-176. BBG support HortNZ submitter point PC-9899, commercial vegetable production will require some increase in the Waikato. BBG support that the area of land occupied for commercial vegetable production is small compared to the Waikato Region as a whole and is

subject to a set of industry management practices designed to support optimal environmental outcomes (Federated Farmers submitter point V1PC1-176).

27. BBG also question the achievement of a 10% reduction by 2026 when dates for submission of the Farm Environment Plans have been extended, in this we support Federated Farmers submission point V1PC1-176.

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.

28. Balle Bros support HortNZ in seeking clarity within the plan that the discharge controls are not considered to be section 9 land use controls. BBG agree that making these section 9 controls will severely hamper the ability to maintain rotations across shared and leased land managed by commercial vegetable growers. BBG agree that commercial vegetable growing enterprises have a high proportion of leased land within an enterprise and support the consideration of this in discharge management (PC1-10056).
29. On this basis, BBG oppose Waikato Regional Council submission point PC1-3004 and consider that if adopted, an NRP should be enabled at enterprise level to allow for commercial vegetable production systems to effectively rotate crops. BBG also oppose Waikato Regional Council submission point PC1-3553 which proposes amending Schedule B to remove the ability for an enterprise to hold an NRP and restricts the NRP to only exist in association with a particular parcel or property.
30. BBG oppose Department of Conservation recommendation that the existing allocation regime needs to be replaced with a land-based allocation regime, submitter point PC1-10661. This will not work for commercial vegetable production for reasons stated within this submission.
31. BBG support Federated Farmers in their statement that there are fundamental information gaps and consider that further information should be collected and a greater understanding developed as a part of the staged approach to change (V1PC1-143).

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.

32. BBG support Federated Farmers submission point V1PC1-194 and agree that this provision does not focus on sub-catchment characteristics, is inflexible and that the combined effect of this policy and the land use change rule prohibits any increase in any contaminant regardless of sub-catchment characteristics, proportionality or any other relevant factors. The non-complying activity status of the associated Rule makes it almost impossible to convert land for new commercial vegetable production.
33. BBG support HortNZ in providing for land-use change for commercial vegetable production as a Restricted-Discretionary Activity, submission point V1PC1-1362.

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.

34. Balle Bros support Federated Farmers submission point opposing the use of allocation mechanisms at a property level to manage nutrient use on the basis that this is an inequitable and unfair (V1PC1-224).
35. BBG support Wairakei Pastoral Limited in their consideration that this policy needs to provide direction for enterprises to manage allocation within a farming group or at a sub-catchment level (PC1-11347).

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.

36. BBG support HortNZ submission point PC1-10075. While supporting a sub-catchment approach it is considered that grower operations may not fit 'neatly' into sub-catchments, where rotations are likely to vary across subcatchments annually. On that basis, the management of enterprises across sub-catchments should be enabled given the scarcity of the land available for commercial vegetable production and the difficulty associated with managing multiple consents for the discharges across each sub-catchment.

IMPLEMENTATION METHODS

3.11.4.3 Farm Environment Plans

37. Balle Bros Group align with HortNZ in their support of tailored Farm Environment Plans (FEP) to assist in achieving the outcomes sought through PC1 (submission point PC1-10091).
38. Balle Bros consider experience essential to the role of a Certified Farm Environment Planner and support HortNZ in their recommendation that a Certified Farm Environment Planner (Commercial Vegetable Production) have more than 15 years experience working with commercial vegetable production systems (submission point PC1-10227)

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

39. 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 and in this we support Federated Farmers recommendation in submission point V1PC1-312 that guidelines are developed in consultation and collaboration with industry and stakeholders.

RULES

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.*

40. Balle Bros support Federated Farmers in their concerns around timing and consider that 10% of the journey in the first 10 years will in part be achieved through the implementation of the Farm Environment Plans. Dates for preparation and lodgement of these have now been extended and may mean that many mitigations have not been implemented, or the effects not yet seen, by 2026 (submission point V1PC1-176).

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.

- 41. Balle Bros support HortNZ submission point PC1-10117 in providing for commercial vegetable production as a Controlled Activity.
- 42. Balle Bros support Federated Farmers in their concerns around timing and consider that 10% of the journey in the first 10 years will in part be achieved through the implementation of the Farm Environment Plans. Dates for preparation and lodgement of these have now been extended and may mean that many mitigations have not been implemented, or the effects not yet seen, by 2026.
- 43. BBG do not support the use of OVERSEER for horticultural systems. BBG support HortNZ in their statement that OVERSEER is a management tool of significant concern for the horticultural sector, where the development of the commercial vegetable cropping modules has been retarded by the emphasis on pastoral production systems (Submission point PC1-10190).
- 44. While BBG supports a sub-catchment approach that addresses all four contaminants equally and specific to a sub-catchment, if a Nitrogen Reference Point is to be adopted then Balle Bros support HortNZ proposed amendments to section b. of this rule which allows the

Nitrogen Reference Point to be developed through the use of a proxy farm system (PC1-10117).

45. BBG support Federated Farmers in their consideration that amendments are needed to ensure that commercial vegetable production is provided for (recognising the relative scale and importance of this for the region) and to ensure that the rule is practical and implementable.
46. Balle Bros support HortNZ in seeking clarity within the plan that the discharge controls are not considered to be section 9 land use controls. BBG agree that making these section 9 controls will severely hamper the ability to maintain rotations across shared and leased land managed by commercial vegetable growers. BBG agree that commercial vegetable growing enterprises have a high proportion of leased land within an enterprise and support the consideration of this in discharge management (PC1-10056).
47. BBG support Federated Farmers submission point considering that the costs for the discharge associated with commercial vegetable production is more closely aligned with a discharge consent as opposed to a hybrid land use/discharge consent.
48. BBG oppose Waikato Regional Council submission point PC1-3444 to remove the ability for an enterprise to hold the NRP and to restrict the NRP to exist only with a particular parcel of land. BBG consider that if adopted, an NRP should be enabled at enterprise level to allow for commercial vegetable production systems to effectively rotate crops.
49. BBG support HortNZ submitter point PC-9899, that commercial vegetable production will require some increase in the Waikato.

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.

50. Balle Bros support Federated Farmers comment that a non-complying activity status is too high a threshold.
51. BBG support HortNZ in providing for land-use change for commercial vegetable production as a Restricted-Discretionary Activity, submission point V1PC1-1362.

Schedule B – Nitrogen Reference Point

52. BBG do not support the use of OVERSEER for horticultural systems. BBG support HortNZ in their statement that OVERSEER is a management tool of significant concern for the horticultural sector, where the development of the commercial vegetable cropping modules has been retarded by the emphasis on pastoral production systems (Submission point PC1-10190).
53. While BBG supports a sub-catchment approach that addresses all four contaminants equally and specific to a sub-catchment, if a Nitrogen Reference Point is to be adopted then Balle Bros support HortNZ proposed amendments to section b. of Rule 3.11.5.5 which allows the Nitrogen Reference Point to be developed through the use of a proxy farm system (PC1-10117).
54. BBG oppose Waikato Regional Council submission point PC1-3553 to remove the ability for an enterprise to hold the NRP and to restrict the NRP to exist only with a particular parcel of land. BBG consider that if adopted, an NRP should be enabled at enterprise level to allow for commercial vegetable production systems to effectively rotate crops.
55. BBG support HortNZ submission point that the Certified Farm Nutrient Advisor is currently too focussed on OVERSEER qualifications to provide for a vegetable production nutrient budget.

Schedule 1 - Requirements for Farm Environment Plans/Te Āpitiwhanga 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° 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° and 3 metres for land between 15° and 25° 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° 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° will be mitigated through appropriate erosion and sediment controls for each paddock that will be cultivated including by:

(a) assessing where overland flows enter and exit 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 75th 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 75th percentile nitrogen leaching value by 1 July 2026, except in the case of Rule 3.11.5.5.~~

59. Balle Bros Group align with HortNZ in their support of tailored Farm Environment Plans (FEP) to assist in achieving the outcomes sought through PC1 (submission point PC1-10091).

60. Balle Bros consider experience essential to the role of a Certified Farm Environment Planner and support HortNZ in their recommendation that a Certified Farm Environment Planner (commercial vegetable production) have more than 15 years experience working with commercial vegetable production systems (submission point V1PC1-1642)



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Brendan Balle

Signed on behalf of Balle Bros Group