

SUBMISSION ON PROPOSED PLAN CHANGE 10 TO THE BAY OF PLENTY REGIONAL WATER AND LAND PLAN

E-mailed to rules@boprc.govt.nz

27 April 2016

To the Bay of Plenty Regional Council:

Please find attached our tabulated submission on the proposed plan change 10 to the Bay of Plenty Regional Water and Land Plan.

While recognising the absolute imperative for a reduction in nutrient discharge into Lake Rotorua, we feel that the proposed blanket control on commercial horticulture and commercial cropping of any size is unnecessarily restrictive.

There is a real need within the Rotorua community for more local, high quality food production, particularly of healthy foods such as organically grown fruits and vegetables. Rotorua District is one of the least food secure in the Bay of Plenty. During 2015 the Rotorua Lakes Council (RLC) carried out a "City Scan" research exercise as part becoming a signatory to the United Nations Global Compact - Cities Programme, which is a worldwide initiative aimed at creating sustainable societies. Quoting from a draft RLC City Scan report (2015) supplied by Rosemary Viskovic (not yet published):

"The lack of food sovereignty or food security is an important issue facing Rotorua. Food sovereignty is the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems."

This draft report goes on to recognise that Rotorua people have a higher than average exposure to unhealthy food and that we have high obesity and diabetes rates. It refers to "The Issues of Health and Wellbeing 2012 Population Survey" which found that within the Rotorua District 29.2 per cent of the population went without fruit and vegetables to help keep costs down (i.e. poverty restricting choice). It also refers to a 2011-2014 Health Survey of the Rotorua Lakes District, which found that children in Lakes DHB have a higher prevalence (24.5 per cent) of drinking fizzy drink three or more times per week than the prevalence for all of New Zealand (18.5 per cent). It is clear that within our city a high proportion of people suffer from poor health related to diet, and are eating an excess of processed food.

Brown Owl Organics formed in 2010 and became an Incorporated Society in December 2014 with the stated purposes to (a) enhance community health and well-being; and (b) nurture, support, grow and promote the local organic food economy. Our current membership is 250.

We would like to see small farms following organic principles starting up all over the Rotorua Lakes District, supplying food to local people and helping to address some of the health and environmental challenges we currently face. The Rotorua of today is somewhat of a "food desert", with most of the food being consumed here trucked in from other places. Our vision is for this to change, and for Rotorua to become more food secure and resilient. We need to repair our broken food system (and consequent poor health) by strengthening local involvement in growing food.

Contrary to the current paradigm, we believe that there is the potential for small producers in Rotorua to have viable organic horticulture businesses on “life-style blocks” as small as 0.4 hectares of effective area. It is even possible to grow vegetables and herbs commercially on gardens as little as 1000m². In the attached submission we suggest a minimum size for commercial horticulture and cropping which would trigger the requirement for resource consent. We suggest that this could be 0.4 hectares (4000m²), i.e. 1 acre.

To us it seems unfair that landowners on 5 hectares or less do not have to comply with stocking rate tables, potentially being able to have an intensive deer or goat farm, and yet landowners on the same area who wish to grow vegetables in a paddock of 30m by 30m would have to apply for a resource consent and face ongoing monitoring costs. We note that pigs and chickens are not referred to in the draft stocking rate table. Therefore a landowner could potentially farm pork or poultry intensively on any land area as a permitted activity under these rules, and yet someone who plants a small commercial orchard on an acre of pasture would be carrying out a controlled activity. These scenarios seem inconsistent with Policy WL 5B ‘having regard to the following principles and considerations a) Equity/fairness’.

We feel that it is particularly unfair to single out commercial horticulture and cropping of any size. We are not opposed to the regulation of commercial horticulture and cropping *per se*, rather we feel that these rules provide an unnecessary barrier for growers to start their businesses in the Rotorua Lakes District. As previously explained, there is a need within our community for local people to grow food for local people, and this should not be limited to non-commercial operations.

We note also that some community gardens (on land covered by these rules) which are trying to address some of the food security issues in Rotorua could be required to apply for resource consent if they try to sell even one cabbage. There is no clear definition of what “commercial” means in these rules and the absence of such a definition could have perverse, unintended effects. In our submission we suggest that the categories of “commercial horticulture”, “commercial cropping” and “commercial dairying” should be individually defined, with a minimum land area of over 4000m² and a profit-making goal being the defining characteristics of a commercial operation.

With regard to the dubious merits of OVERSEER as a measurement and reporting tool for nutrient management, we wish to point out that there is potential for organic land management practices to reduce nutrient loss to ground and surface water (for example, but greatly improving the retention and recycling of nutrients in soil organic matter), yet there is a lack of information to distinguish between conventional and organic horticulture inputs into OVERSEER.

In conclusion, we ask you to please consider establishing a minimum area for commercial horticulture and commercial cropping, above which activities would become controlled. The rationale for this would be to benefit a growing local food economy in Rotorua, enabling greater participation at a small scale by producers and consumers. Also please consider defining “commercial”, so that it allows for some trading of horticultural goods from small land areas and does not trigger the requirement for a resource consent at low levels of trading.

We wish to be heard in support of our submission.

Yours faithfully,
Jenny Lux
Brown Owl Organics Incorporated



Submission form

Send your submission to reach us by **4:00 pm** on **Wednesday, 27 April 2016**.

Submission number
Office use only

Post: The Chief Executive Bay of Plenty Regional Council PO Box 364 Whakatāne 3158	or Fax: 0800 884 882	or email: rules@boprc.govt.nz
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Submitter name: Jennifer Karin Lux, representing Brown Owl Organics Incorporated.

This is a submission on **Proposed Plan Change 10 (Lake Rotorua Nutrient Management) to the BOP Regional Water and Land Plan**.

- 1 I **could not** gain an advantage in trade competition through this submission.
- (a) I **am not** directly affected by an effect of the subject matter of the submission that adversely affects the environment, and
- (b) My submission **does not** relate to trade competition or the effects of trade competition.

The details of my submission are in the attached table.

- 2 I **wish** to be heard in support of my submission.

[Signature of person making submission or person authorised to sign on behalf of person making submission.] 27/04/2016 Date
[NOTE: A signature is **not** required if you make your submission by electronic means.]

Address for service of submitter:	c/o Treasurer, 5 Clouston Cres, Fenton Park, Rotorua 3010	
Telephone:	Daytime: 07 348 1325 or 021 246 9526	After hours: As per previous
Email:	accounts@brownowl.nz	Fax: N/A
Contact person: [Name and designation if applicable]	Jenny Lux (Treasurer)	

SUBMISSION POINTS:

Page no.	Reference (e.g. Policy, rule, method or objective number)	Support/oppose	Decision sought Say what changes to the plan you would like	Give reasons
6	<i>LR P9 (c)</i>	Oppose	<p>This currently reads: “The use of land for farming activities on properties/farming enterprises 5 hectares or less in area from 1 July 2017 provided there is no intensive land use.”</p> <p>We seek for this to be changed to: “The use of land for farming activities on properties/farming enterprises 5 hectares or less in area from 1 July 2017 provided there is no commercial horticulture nor cropping over 0.4 hectares in area.”</p>	Small-scale intensive organic market gardens are able to provide vegetables for approximately 166 families per acre (Fortier, 2014). Such enterprises usually start at below 1 acre of cultivation (4000m ²) and can be profitable at half an acre (2000m ²) or less. We would like to see small organic market gardeners and orchardists being able to start a business to feed local people without the extra burden of nutrient regulation until they increase above 1 acre in size (4000m ²).
6	<i>LR P9 (d)</i>	Oppose	<p>This currently reads: “The use of land for farming activities on properties/farming enterprises greater than 5 hectares in area or between 5 hectares and 10 hectares or less in effective area from 1 July 2017 provided there is no intensive land use.”</p> <p>We seek for this to be changed to: “The use of land for farming activities on properties/farming enterprises greater than 5 hectares in area or between 5 hectares and 10 hectares or less in effective area from 1 July 2017 provided there is no intensive land use over 0.4 hectares in area.”</p>	Same reason as above. Landowners on slightly larger blocks should still have the flexibility to start an organic market garden or orchard on a small effective area of 0.4ha.
7	<i>LR P10 (c)</i>	Oppose	<p>This currently reads: “To require resource consents for: (...) (c) The use of land for farming activities on properties/farming enterprises less than 5 hectares in area or that are between 5 hectares and less than 10 hectares in effective area that are not low intensity land use from 1 July 2022.”</p>	This appears to directly contradict rule LR R3 which allows properties of under 5 hectares to carry out any farming activities that are not commercial horticulture, commercial cropping or commercial dairying. It also contradicts the Rule Summary Flowchart.
7	<i>LR P14</i>	Support		There needs to be flexibility for other tools to be used, especially where farming activities are very small-scale. One of the factors for consideration is the compliance cost of suitably qualified consultants running OVERSEER files.
11	<i>Rule Summary Flowchart</i>	Oppose (part)	We seek for the phrases “commercial cropping” and “commercial horticulture” to be changed to “commercial cropping over 0.4 hectares” and “commercial horticulture over 0.4 hectares” in both places where they occur, or for the definitions of ‘commercial horticulture’ and ‘commercial cropping’ to be clearly defined and being over 0.4 hectares in the definitions section (as sought below).	

12	LR R1	Oppose	This currently reads: "There is no increase in effective area, nitrogen inputs or stocking rates from [date of notification] that may contribute to an increase in nitrogen loss onto, into or from land."	This would not seem to allow the development of any commercial cropping or horticulture on land where it does not currently exist from the date of notification. For example, no landowner could legally convert a 10m by 10m area of pasture into a commercial pumpkin patch without resource consent. We think landowners should be permitted to develop a small organic horticulture business on an area up to 0.4 hectares before they have to apply for a resource consent. The condition needs to be re-written to allow this flexibility (we have no specific suggestion of how to re-write this however).
12	LR R3 (a)	Oppose	This currently reads: "No commercial cropping or commercial horticulture or commercial dairying occurs on the land;" We seek for this to be changed to: "No commercial cropping over 0.4 hectares in area, nor commercial horticulture over 0.4 hectares in area, nor commercial dairying occurs on the land;"	Nowhere in the plan is "commercial" defined. As such, any operation in which money changes hand could be classed as commercial. We suggest that placing a minimum land area on commercial activity before it becomes a controlled activity is a clear way in which to distinguish very small commercial operations from larger operations which have more resources to pay for the compliances costs of these rules. Very small operations would have small effects on nutrient loss, but very positive effects on the local food economy.
13	LR R4 (b)	Oppose	This currently reads: "No commercial cropping or commercial horticulture occurs on the land." We seek for this to be changed to: "No commercial cropping over 0.4 hectares in area, nor commercial horticulture over 0.4 hectares in area occurs on the land."	As above.
13	LR R5 (a)	Oppose	This currently reads: "There is no increase in effective area, nitrogen inputs or stocking rates from [date of notification] that may contribute to an increase in nitrogen loss onto, into or from land;"	Once again, this does not seem to allow for the development of any commercial horticulture nor cropping of any size (no matter how small), immediately from the date of notification. This is unnecessarily restrictive.
14	LR R6 (b)	Oppose	This currently reads: "There is no increase in effective area, nitrogen inputs or stocking rates from [date of notification] that may contribute to an increase in nitrogen loss onto, into or from land;"	Our objection is for the same reason as above. There is no flexibility for very small scale development of commercial horticulture.
18	LR R11	Oppose	This currently reads: "Controlled – The use of land for farming activities on properties/farming enterprises that cannot be readily modelled by OVERSEER®"	We oppose this rule because the coding of OVERSEER is not open source, and also because of the variability we have observed in OVERSEER. In addition, non-conventional methods of farming and horticulture do not appear to be well covered by OVERSEER, even though they have the potential to ameliorate nutrient loss. If the Bay of Plenty Regional Council deemed small-scale organic land uses to fall into this "controlled" category, a nitrogen management plan would have to be prepared at any scale of production (e.g. even 100m ² of commercial garden), dis-empowering our community to initiate the first steps of local food security, through compliance costs disproportionate to the operation.

20	Definitions	Oppose (part)	<p>There is no definition for the word “commercial” in these rules. The word is only used in relation to horticulture, cropping and dairying in this document. At what level does an activity become “commercial”? The most basic definition of “commercial” is that the activity makes or is intended to make a profit. We wish to argue that there are different levels of “commercial”.</p> <p>Therefore, there needs to be a definition of the word “commercial” itself, or of the whole categories of “commercial horticulture”, “commercial cropping” and “commercial dairying”.</p> <p>We would like to suggest that the definitions be as follows:</p> <p>‘Commercial Horticulture: A profit-making venture with a combined effective area of greater than 4000m² of nurseries, orchards, vineyards or vegetables grown for human consumption.’</p> <p>‘Commercial Cropping: A profit-making venture with a combined effective area of greater than 4000m² of forage crops, fodder crops, maize and cultivation (excluding alternative pasture species).’</p> <p>‘Commercial Dairying: A profit-making venture with a combined effective area of greater than 4000m² of land used for grazing milking cows during the milking season, animal effluent disposal area and fodder crop areas (excluding land used as dairy support, plantation forestry and bush/scrub).’</p>	<p>We feel that there needs to be a way for small producers of organic fruit and vegetables supplying to the local market to be able to operate commercially below defined limits (e.g. below 1 acre (0.4 hectares) in area, or below a certain defined amount of turnover, for example, the limit set by the Inland Revenue Department for GST registration). Once the business grows beyond this level they would then be required to apply for resource consent. We feel that it would harder for the BOP Regional Council to monitor the financial success of a horticulture business, therefore it would be clearer and more aligned to land management objectives to adopt a land area basis for the definition of “commercial”.</p>
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Reference:

Fortier, Jean-Martin. 2014. *The Market Gardener*. New Society Publishers, Canada. 221 pp.