BEFORE THE INDEPENDENT COMMISSIONERS

IN THE MATTER OF the Resource Management Act 1991

AND

IN THE MATTER OF the Proposed Waikato Regional Plan Change 1

STATEMENT OF EVIDENCE OF ROBERT VAN DUIVENBODEN ON BEHALF OF LANDCORP FARMING LIMITED

Submitter 83313

August 2019

INTRODUCTION

1. My name is Robert van Duivenboden. I am the Environment Manager (Taupō) for Landcorp Farming Limited (Pāmu), a role I have held for 4 years. I presented non-expert evidence on aspects of Pāmu's submission (dated 8 March 2017) and for Block 2 topics on 18 July. This evidence relates to the topics of the termed “Block 3” hearing issues.

2. My qualifications and experience are as set out in my Block 1 evidence.

3. I confirm that I have authority to give evidence on behalf of Pāmu.

BACKGROUND

4. As explained in my Block 1 evidence, Pāmu is a State Owned Enterprise (SOE), employing about 700 people on over 100 farms around New Zealand.

5. Pāmu is one of few large scale entities with significant livestock (beef cattle, sheep and deer) (7 farms) and dairy (bovine and ovine) operations (20 farms) in the catchment. This means that Pāmu has a keen interest in the cross-sectoral implications and effects of the Proposed Waikato Regional Plan Change 1 and Variation 1 (“PC1”).

SCOPE OF EVIDENCE

6. My evidence for the Block 3 hearings addresses the efficacy and implementation of Farm Environment Plans (FEPs).

EXECUTIVE SUMMARY

7. As submitted in Blocks 1&2 evidence, Pāmu seeks a plan change which is fair and equitable to all those who live and work in the catchment. Pāmu submits that Overseer™ in its present form is unsuitable for providing the basis for the regulatory approach proposed in PC1. Pāmu submits that a greater focus on auditable FEPs would likely be a more effective and fair means to make progress in achieving PC1’s aims, pending the development of improved modelling tools.

8. Pāmu considers there are significant benefits from FEPs to achieve the Vision and Strategy and the Objectives of this plan.

FARM ENVIRONMENT PLANS

9. The efficacy of FEPs in supporting river outcomes will depend on the accurate identification of issues and their timeliness of rectification. This requires the balancing of:

    (a) the identified issues,

    (b) identification of required mitigations,

    (c) timing of mitigation execution.

    (d) the business' ability to fund rectification/ mitigation.

10. FEPs have been used by those willing and seeing the value in them for many years, with relevant sector groups providing templates and implementation assistance.

11. Pāmu has had its own version in practice since 2008 (on land that we own). Those are internally referred to as Pāmu Land and Environment Plans. Our experience has been that attaining clear budgeting provision for implementing the identified mitigations is critical to outcome.

12. The content and quality of a FEP is dependent on the qualifications and experience of the initial FEP assessor. It is critical to have consistency across:

    (a) farm locations/geography;

    (b) on-farm interpretations; and

    (c) assessor independence.

13. While FEPs can be just a triage of issues resulting from previous business decisions, a quality FEP is still considered by Pāmu to be a change generating mitigation. This is even more so if it is subject to being accountable to peers and regulators.

14. A criticism of FEPs is that they do not address nitrogen loss sufficiently. Pāmu submits that FEPs can, and should, address direct N surficial run-off (which as Pāmu has previously submitted, Overseer already assumes does not happen).

15. This surficial Nitrogen loss pathway can be highly mitigated via FEPs. The N lost directly from run-off adds to the N pool of the river and may have

adverse effects in later seasons, or directly, in the case of significant summer rain events. There are no data known to Pāmu to quantify that Nitrogen source split, or their relative importance to the lower River. However, in our view FEPs can and will mitigate surficial run-off containing N, and certainly containing phosphorus (P), Suspended solids (TSS) and *E.coli* by ensuring race run-off is diverted to land in all but the biggest events, and that waterway crossings are protected by designed stormwater cut outs. In non-winter rain events (often significant) this will be important to the more seasonally sensitive river.

16. Pāmu has closely observed the principles of the mitigations in FEPs, in particular controlling run-off potential and best practice in farm operations for general or specific risk reduction.

17. Those principles are pan-sector in approach (Livestock and Dairy). Our experience comes from being part of Fonterra “Tiaki”, “Te Ara” Miraka and now Synlait “Lead with Pride” (as appropriate to the milk supply agreement), as well as our Pāmu Land and Environment Plans for Livestock farms, Some of these Pāmu LEPs are nearing ten years old.

18. Independence and expertise is required in the formation of FEPs:

    (a) Pāmu considers the identification of land use issues and run-off issues by experts is necessary, - you don’t know what you don’t know. Therefore delegation of FEP assessment to too low a level, would be inappropriate. Pāmu has not delegated these functions to Farm Managers.

    (b) Subsequent ranking of the issues identified, and the timeline to action them are key. Again, that is a risk based assessment considered best made by a suitably trained persons, rather than farmers themselves.

19. Pāmu supports a role for regional councils in auditing and enforcing FEPs (mindful of sub-catchment contaminant priorities).

20. Pāmu wishes to highlight some particular areas of difficulty or criticality to an outcome oriented FEP.

21. In Livestock operations, the identification of critical source areas are of fundamental importance. Farm business plan amendments (over reasonable time) are required to address many of these systemic Critical

Source Areas inherent in the landscape. The timeline for improved environmental effect in the Awa from the mitigation, may be difficult to establish. That is, the avoidance of some CSA may be a quick win, but may also be a longer term environmental investment, including the minimising of effects of future weather events. How Plan Change 1 FEPs identify, negotiate timelines and measure outcome will be important.

22. In support of the approach taken by Beef and Lamb NZ's FEPs, Pāmu seeks to include the following in our own FEPs by 2020 and beyond:

    (a) Natural Capital assessment'; including soils , slope and potential, minus risks.

    (b) Biodiversity assets.

    (c) Soil protection/ stock exclusion.

    (d) Natural Heritage and Cultural heritage.

    (e) Infrastructure associated risks and effects, including Planning for Climate change in the infrastructure mitigations.

    (f) For dairy, race run-off and bridge/culvert direct run-in (high outcome mitigation targets).

23. Pāmu is aware of the consideration of national directives on FEP implementation and content. Pāmu supports any move towards higher quality FEP requirements in appropriate catchments.

24. Finally, lessons from Council's Dairy effluent compliance data should be considered in the PC1 policy solution. (25% fully/mostly compliant in 2019, Permitted Activity operative 20 August 2007).

25. In summary, Pāmu supports FEPs as a useful mitigation tool to improve the Awa. Their efficacy will be dependent on timeliness to implement and timeliness for executing required actions.