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*In the matter of:* Submission on proposed National Policy Statement for Indigenous Biodiversity

*And:* **Balle Bros Group Limited**  
Submitter

*And:* **Ministry for the Environment**  
Local Authority

*Contact Person:* *Brendan Balle, Balle Bros Group*  
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**Submission on proposed  
National Policy Statement for Indigenous Biodiversity**

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***Dated: 1 March 2020***

1. This submission is on behalf of Balle Bros Group Limited (BBG) who support in part and oppose in part, the provisions set out in the proposed National Policy Statement for Indigenous Biodiversity. Balle Bros Group (BBG) will gain no competitive advantage through the lodgment of this submission.
2. BBG specialise in the growing, packing, and marketing of high-quality vegetables for both local and overseas markets. We currently farm within the Northland, Waikato, Manawatu-Wanganui and Canterbury regions, producing a range of crops such as Potatoes, Onions, Carrots, Cabbage, Cauliflower and Pumpkin. We provide employment for 300 full time staff and 170 part time/seasonal staff.
3. BBG have commercially grown vegetables for four generations and have a long-standing association, respect and understanding of the resources that we work with and 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.

4. We are an environmentally conscientious company and have made significant investments to protect the environment and to mitigate the effects of land use activities on our properties which includes substantial voluntary native plantings, fencing and enhancement of natural features. To date, we have established over 125 acres of native planting areas and corridors and this is ongoing. We plant and enhance additional indigenous biodiversity areas every year.
5. We are committed to the ongoing weed and pest management within our native planting areas, to give them the best opportunity of survival and to enable ecosystems to permanently establish. It is noted that the Biodiversity Strategy attributes the decline in our indigenous biodiversity as being predominantly attributed to predators and a lack of weed and pest control<sup>1</sup>.
6. Establishment and management of areas of indigenous biodiversity, however, come at significant cost and effort. This is concentrated over the first five years of establishment where planting occurs, with ongoing routine maintenance required following this intensive period, with our costs estimated to be in the vicinity of \$40,000 per hectare.
7. BBG do not support the proposed National Policy Statement for Indigenous Biodiversity (NPS-IB) in its current form. The current proposal does not recognize or incentivise environmental initiatives and is likely to adversely impact on those that have enhanced environmental areas historically. In particular, for us as commercial vegetable growers, there is the potential for a regulator to interpret the proposed regulation in a way that affects our ability to grow vegetables.
8. We consider that commercial vegetable production (CVP) should be enabled and must be explicitly excluded from 'existing activities' considered under the NPSIB. It is perverse that our ongoing planting of indigenous vegetation, at significant cost, has the potential to negatively affect or disrupt our business activities, if identified as Significant Natural Areas. This is considered probable under current provisions. These areas have been planted specifically to mitigate the effects of our operations. On this basis, we also consider that constructed sediment retention structures where native vegetation may have been established, require specific exemption from the provisions set out within the policy statement.
9. Commercial vegetable growers must be enabled to grow fresh, healthy produce to meet the growing demands of our population, in accordance with industry good management practices. The grower as the expert of their processes, should be enabled to carry out on-farm practices as required, in a sustainable way under NZ-GAP and through their Farm Environment Plan. On this basis, CVP processes are already governed and should be explicitly excluded from the NPSIB to avoid unnecessary complication and duplication of effort from a regulatory perspective.
10. The policy statement as currently worded has the potential to create perverse behavior among New Zealanders, where past environmental effort has the potential to penalise a

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<sup>1</sup> Department of Conservation New Zealand Biodiversity Strategy 2000-2020, 2019.

landowner by impacting on their personal property rights and/or business activities in the future. Some may view this as communism by stealth.

11. National food security should be a priority for the government. The Eat- Lancet Commission found that food is the single strongest lever to optimize human health and environmental sustainability<sup>2</sup>. It is essential that as a country we not only produce enough calories to feed our growing population but that we also produce a diversity of foods that nurture human health and support environmental sustainability<sup>2</sup>.
12. The National Policy Statement for Highly Productive Land, in particular, recognizes the need for production land to be able to be utilized for productive purposes and it is important in the interests of national food security that different pieces of legislation, of which there have been many proposed over the past twelve months, align and do not conflict each other.
13. It is through incentivisation, not over-regulation, that the best environmental outcomes will be achieved. To this effect, BBG support enabling transferable development rights (TDR's) to incentivise the protection of indigenous vegetation in the rural environment while avoiding fragmentation of productive areas. This could greatly assist in achieving the desired targets at a regional level and would provide essential financial support for the landowner in protecting and enhancing biodiversity, which may otherwise be financially unachievable.
14. BBG do not support the inclusion of former wetlands or mobile fauna within the proposed NPSIB. We consider that if an operation is existing and lawfully established under the Resource Management Act, then existing use rights prevail. These provisions are very difficult to interpret, ambiguous and likely to pose a significant financial burden on landowners of properties caught under either of these triggers.
15. It is considered that financial compensation should be provided to landowners where land use capabilities are affected by the proposed NPSIB.
16. For details of specific recommendations set out within the proposed NPSIB, please refer to Table 1, overleaf.

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<sup>2</sup> Summary Report of the EAT-Lancet Commission, Healthy Diets From Sustainable Food Systems, 2019.

Provision	Support/Oppose	Reasons	Decision sought
<b>Part 2: Objectives and policies</b>			
<b>2.1 Objectives</b>			
<b>Objective 6:</b>	Support	It is essential that private property rights are protected when recognising the role of landowners. It is imperative that in providing for their social and economic wellbeing they are able to utilize their land for the productive purpose associated with their business activities, particularly in the rural sector.	Retain as proposed.
<b>2.2 Policies</b>			
<b>Policy 1:</b>	Support with amendments	Policy 1 should also recognise the role of landowners, communities and persons undertaking activities in the management of indigenous biodiversity and in ensuring that Hutia Te Rito is recognized and provided for.	Amend Policy 1 as follows: 'To recognize the role of tangata whenua, <b>landowners, communities and people undertaking activities on the land</b> , as kaitiaki <b>or guardians</b> of indigenous biodiversity...'
<b>Policy 2:</b>	Oppose	This statement is too open to interpretation, is ambiguous and is not effects based.	Remove Policy 2.
<b>Policy 3:</b>	Support.		
<b>Policy 4:</b>	Support.	Also support the inclusion of a Policy to ensure that where several pieces of legislation govern, there is a co-ordinated approach e.g NPS-FM, NES-FW, NPS-HPL, NPS-IB	Include additional Policy to ensure that integrated management occurs not just between administrative boundaries but at a national level and across applicable legislation
<b>Policy 5:</b>	Support in part.	Existing uses should be excluded from these provisions.	Remove word existing.
<b>Policy 6:</b>	Support in part.	We support the identification and management of SNA's but consider that these should be ground truthed and should <b>exclude</b>	Exclude constructed wetlands, former wetlands, sediment retention structures from SNA definition.

		constructed wetlands, former wetlands, sediment retention structures.	
<b>Policy 7:</b>	Support in part.	We support looking at wider effects through development, although consider that there needs to be clear guidance on the scope of an assessment to ensure a fair and applicable interpretation of this. We also consider mobile fauna should be excluded from this assessment as this is poorly defined and subjective.	Provide clear scope for assessment outside of an SNA. Remove mobile fauna from assessment.
<b>Policy 8:</b>	Support.		
<b>Policy 9:</b>	No comment.		
<b>Policy 10:</b>	Support.		
<b>Policy 11:</b>	Support in part.	We support the restoration and enhancement of specific areas and environments that are important for maintaining indigenous biodiversity, however, consider that where such areas are identified and their restoration results in a loss of land capability for a land owner, then compensation should be provided to that landowner.	Provide for landowner incentivization and/or compensation, where land is retired for restoration purposes.
<b>Policy 12:</b>	Support.		
<b>Policy 13:</b>	Oppose.	Mobile fauna is ambiguous for interpretation and should be removed from the NPSIB assessment criteria.	
<b>Policy 14:</b>	Support.		
<b>Policy 15:</b>	Support.		
<b>Part 3: Implementation requirements</b>			
3.2 Hutia Te Rito	Support in part.	BBG support Hutia Te Rito being recognized in the implementation of this NPS. We however, consider that landowners,	Amend Point 2(b) as follows: Recognize the maintenance of indigenous biodiversity

		communities and persons undertaking activities on the land all have a role in stewardship and that this should be recognized under point 2(b).	requires kaitiakitanga <b>and stewardship from tangata whenua, landowners, communities and persons undertaking activities on the land</b>
3.3 Tangata whenua as kaitiaki	Support in part.	It is considered as fourth generation landowners and growers, we have a strong connection to the land. We invest in and take pride in sustainably managing our resources. We consider that consultation should also include key stakeholders including landowners and/or industry representatives. We support consultation being in accordance with tikanga maori.	Amend section 3.3 to include consultation with key stakeholders when making or changing policy statements and plans to give effect to the NPSIB.
3.4 Integrated approach	Support in part.	We consider that the co-ordinated approach should extend beyond administrative boundaries and should ensure that national legislation is delivered in a co-ordinated manner that avoids multiple approaches and protects national food security e.g NPS-FM, NES-FW, NPS-HPL, NPS-IB	Amend to include additional point: d) providing for the co-ordinated application of national legislation in a manner that avoids disruption and duplication, streamlines processes and protects national food security
3.5 Resilience to Climate Change	Support.	We support this provision, in particular surrounding the management of biosecurity risk.	
3.6 Precautionary approach	Oppose.	We consider that a precautionary approach is unnecessary given the already precautionary stance on the NPSIB.	Remove 3.6.
3.7 Social, Economic and Cultural Wellbeing	Support.		
3.8 Identifying significant natural areas	Support in part.	BBG consider that SNAs should explicitly exclude former wetlands,	Amend to exclude former wetlands, constructed wetlands and sediment

		constructed wetlands and sediment retention structures. We consider that all SNAs should be ground truthed.	retention structures from SNA identification. Ensure SNAs are ground truthed.
3.9 Managing adverse effects on SNAs	Support in part.	It is considered that commercial vegetable production should be identified as an essential need for human health and that potential effects on surrounding SNAs should be managed through the Farm Environment Plan and in accordance with NZ-GAP requirements.	Recognise CVP as an essential need and enable management of effects to be addressed through the Farm Environment Plan and in accordance with NZ-GAP requirements.
3.12 Existing activities in SNAs	Oppose in part.	BBG consider that commercial vegetable production should be excluded from existing activities requiring assessment. It is possible that interpretation of this, as discussed in the body of the submission, could lead to the disruption of our business activities, despite following good to best management practices that are managed under an alternative framework, as described in 3.9.	Exclude Commercial Vegetable Production from existing activities.
3.13 General rules applying outside an SNA	Support in part.	We support this provision but request that where land is to be protected incentivisation be recognised as a mechanism to ensure financial viability for the landowner affected.	Amend to include provision for incentivization e.g. Transferrable Development Rights for affected landowners.
3.14 Identified taonga	Support in part.	BBG support this provision, however, where a landowner loses capability of their land as a result of this assessment, it is considered fair that compensation or	Amend to include provision for landowner incentivization or compensation.

		incentivization be provided for.	
3.15 Highly mobile fauna	Oppose	BBG do not support this provision for reasons stated elsewhere within this submission.	Remove 3.15.
3.16 Restoration and enhancement	Support in part.	BBG support this provision with amendment. We do not support the inclusion of former wetlands and consider that constructed wetlands and sediment retention structures should be explicitly excluded from this provision.	Remove former wetlands, exclude sediment retention structures and constructed wetlands
3.17 Increasing indigenous vegetation cover	Support in part.	BBG support the use of a desktop analysis to determine percentage of indigenous cover but consider that where an SNA is to be included on a property, findings should be verified with ground truthing. It is considered that guidance around regional councils setting % targets over and above 10% should be provided.	<ul style="list-style-type: none"> <li>- Ground truth SNAs to be included on a property</li> <li>- Provide guidance for Regional Councils in setting % targets</li> </ul>
3.18 Regional Biodiversity Strategies	Support.		
3.19 Assessment of environmental effects	Oppose in part.	While BBG support the inclusion of provision to determine direct effects on SNA's, we do not support the current wording which could be interpreted to mean that every application has an obligation to demonstrate that they have no indirect effect on an SNA. Ultimately, in our view, this will result in <u>every</u> application requiring an ecologists report to tick this box, regardless of whether it is actually necessary.	Amend wording in 1(a) to state 'is in or directly adjoining' an SNA.



<p>3.20 Monitoring by regional councils</p>	<p>Support in part.</p>	<p>BBG support the incorporation of matauranga Maori principles in monitoring but question the measurability of this for reporting. We consider that decisions should be founded on robust science supported and consistent with matauranga Maori.</p>	<p>Ensure that matauranga Maori principles are measurable if to be used equally with scientific monitoring.</p>
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