

# 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       |  |
| <b>FOR OFFICE USE ONLY</b> |         |                   |  |
|                            |         | Submission Number |  |
| Entered                    |         | Initials          |  |
| File Ref                   |         | Sheet 1 of        |  |

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

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

| YOUR NAME AND CONTACT DETAILS |                                       |       |             |
|-------------------------------|---------------------------------------|-------|-------------|
| Full name                     | A S Wilcox & Sons Ltd                 |       |             |
| Full address                  | 58 Union Road, R.D. 3, Pukekohe, 2678 |       |             |
| Email                         | brent@aswilcox.co.nz                  | Phone | 021 975 740 |
|                               |                                       | Fax   | 09 238 3117 |

| ADDRESS FOR SERVICE OF SUBMITTER                |                                       |       |             |
|---|---------------------------------------|-------|-------------|
| Full name                                       | A S Wilcox & Sons Ltd                 |       |             |
| Address for service of person making submission | 58 Union Road, R.D. 3, Pukekohe, 2678 |       |             |
| Email   | brent@aswilcox.co.nz                  | Phone | 09 237 0740 |
|   |                                       | Fax   | 09 238 3117 |

| TRADE COMPETITION AND ADVERSE EFFECTS <i>(select appropriate)</i>  |   |
|--|---|
| <input type="checkbox"/>   | I could / <input checked="" type="checkbox"/> could not gain an advantage in trade competition through this submission. |
| <input type="checkbox"/>   | I am / <input type="checkbox"/> am not directly affected by an effect of the subject matter of the submission that:     |
|  | (a) adversely affects the environment, and  |
|  | (b) Does not relate to the trade competition or the effects of trade competition.                                       |
| Delete entire paragraph if you 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.)*

Chapter 3.11 and 3.11.1, Objective 2 and Objective 3, Policies 2,3,4,6,7,8,9,11 Rules 3.11.5.5 and 3.11.5.7  
See separate sheets attached

**I SUPPORT OR OPPOSE THE ABOVE PROVISION/S**

*(select as appropriate and continue on separate sheet(s) if necessary.)*

- Support the above provisions
- Support the above provision with amendments
- Oppose the above provisions

*as per attached sheets*

**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.)*

Details on separate sheets

**I SEEK THE FOLLOWING DECISION BY COUNCIL**

*(select as appropriate and continue on separate sheet(s) if necessary.)*

- Accept the above provision
- Accept the above provision with amendments as outlined below
- Decline the above provision
- If not declined, then amend the above provision as outlined below

Amend as follows: *as per attached sheets*

**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.

I do not wish to speak at the hearing in support of my submissions.

**JOINT SUBMISSIONS**

If others make a similar submission, please tick this box if you will consider presenting a joint case with them at the hearing.

**IF YOU HAVE USED EXTRA SHEETS FOR THIS SUBMISSION PLEASE ATTACH THEM TO THIS FORM AND INDICATE BELOW**

Yes, I have attached extra sheets.

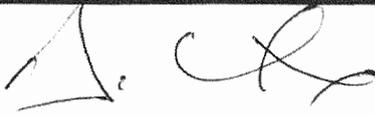
No, I have not attached extra sheets.

**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

6<sup>nd</sup> March 2017

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.

# A S Wilcox & Sons Ltd – Detailed Submission

| Section number of the Plan Change   | Support /Oppose                                       | Submission   | Decision sought   |
|---|---|--|---|
| Please refer to title and page numbers used in the plan change document               | Indicate whether you support or oppose the provision. | State in summary the nature of your submission and the reasons for it.   | State clearly the decision and/or suggested changes you want Council to make on the provision.  |
| Chapter 3.11:<br>Area Covered by Chapter 3  | Oppose  | <p>Oppose the progression of PC1 without a comprehensive whole of catchment planning response.</p> <p>Our business which is integrated across Auckland Council and Waikato Regional Council boundaries is further adversely affected by the partial withdrawal of the area relating to Hauraki Iwi. The withdrawal of this area affects only part of our operation at Pukekawa and Onewhero and leaves the other part subject to the notified Plan change. Management of our integrated vegetable growing operation becomes extremely difficult, if not impossible, under these differing regulations.</p> | <p>Withdraw PC1 in its entirety to allow for consultation with Hauraki iwi before any further Proposed Plan Change.</p> <p>Re-notify PC1 with the inclusion of the withdrawn area relating to Hauraki iwi so that the catchment can be considered in entirety and so submissions and evidence can be coordinated for the whole of the catchment.</p> <p><b>This decision is sought very strongly</b> as under the current situation we will be required to operate in the Waikato Region under three differing sets of rules. In these circumstances an integrated production operation is almost impossible to undertake.</p>          |
| Chapter 3.11:<br>Background and Explanation   | Oppose  | <p>The plan would be improved by adding an issue statement to address particular issues for the horticultural sector.</p> <p>Horticulture is an essential industry and should be recognised as such</p>  | <p>Provide some opportunity for commercial vegetable production on new sites in the Waikato River catchment, to preserve the productive capacity of the vegetable sector; particularly in relation to the production of non-substitutable vegetable lines for domestic consumption in key periods of the national domestic food chain. (see Submission under Policy 6 Restricting Land Use Change.)</p> <p>Ensure the plan provides for the establishment of an <b>alternative method or model to establish a benchmark nitrogen and phosphorus discharge for commercial vegetable production systems other than from OVERSEER.</b></p> |
| 3.11.1:<br>Values And Uses For The Waikato And Waipa Rivers                           | Support With amendment                                | <p>Support the identification of Primary Production as a Mana Tangata value of water arising from its use by people for economic, social, and cultural purposes. However believe the Plan Change does not recognise Horticulture adequately</p>  | <p>Retain Primary Production as a Mana Tangata value.</p> <p>Recognise the national significance of the Northern Waikato area in NZ's vegetable supply position</p>   |
| <b>3.11.2 OBJECTIVES</b>  |   |  |   |
| Objective 2<br>Social, economic and cultural wellbeing is maintained in the long term | Support   | <p>Maintaining social, economic and cultural wellbeing must be a cornerstone objective in PC1. Our other submissions link in to this Objective.</p>  | Retain as proposed.   |



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|  |                 | <p>plan change.</p> <ul style="list-style-type: none"> <li>Ensures the proposed farm planning framework is practical and achievable for growers.</li> </ul>  |   |
| Policy 4: Enabling activities with lower discharges to continue or to be established while signalling further change may be required in future | Support         | Supports a policy platform that enables existing and new low discharging activities to continue while recognising that low dischargers may in the future need to take mitigation actions to reduce contaminants.   | Retain as proposed.   |
| Policy 5: Staged approach  | Support         | Support staged approach to implementing the Vision and Strategy.   | Retain staged approach as proposed.<br><br>Make consequential amendments to other policies and methods to give effect to the relief sought.                                     |
| Policy 6: Restricting land use change  | Oppose          | <p>Support policy pathway that supports a clear consent path for the approval of land use applications that can demonstrate clear and enduring decreases in existing diffuse discharges.</p> <p>Do not agree that operations capable of demonstrating clear and enduring decreases in existing diffuse discharges should be required to undertake an application for a <b>non complying</b> activity resource consent. They should be provided for as a <b>restricted discretionary</b> activity.</p>  | Provide a <b>restricted discretionary</b> activity for operations capable of demonstrating clear and enduring decreases in existing diffuse discharges. (see Policy 3 above)    |
| Policy 7: Preparing for allocation in the future   | Support in part | <p>The proposed plan change is not allocating discharge rights. The ten - year timeframe to develop tools and methods for property level allocation is required and must be supported by information gathering and research to inform future allocation.</p> <p>The principles for any future allocation should recognise the polluter pays concept.</p>   | Amend the principles in Policy 7 to recognise the polluter pays concept.  |
| Policy 8: Prioritised implementation   | Support in part | Our grower operations do not neatly fit into subcatchments. Rotations are likely to vary across subcatchments on a yearly basis. This variance is unlikely to be large but in our view the management of enterprises across a number of subcatchments should be enabled given the scarcity of the land resource available for commercial vegetable cropping and the difficulty of managing multiple consents the discharges across each subcatchment and balancing within the current capped area for each subcatchment referred to in the consents. | Retain as proposed, but add to this policy or another if more appropriate an enabling policy that allows for the management of horticultural enterprises between subcatchments. |

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| Policy 9: Sub-catchment (including edge of field) mitigation planning, co-ordination and funding                                     | Oppose          | There is no provision in the plan to offset the effects of diffuse discharges by providing mitigations beyond the farm boundary  | Proposed Policy 3.11.3.9 should be modified to provide for offsetting where it can be demonstrated there will be a commensurate effect on the restoration of the health and well-being of the Waikato River.<br><br>The policy should enable a consenting pathway for groups that form to take responsibility for contaminant reductions by implementing a combination of catchment and paddock scale mitigations that are able to be measured and reported |
| Policy 11: Application of Best Practicable Option and mitigation or offset of effects to point source discharges                     | Support in part | Support offsetting policy and methods as a practical tool for mitigating the effects of discharges within a catchment.   | Amend the policy and method to extend to non-point source discharges where the same environmental outcomes can be achieved. (see Policy 3.11.3.9 above)   |
| <b>3.11.5 RULES</b>  |                 |  |   |
| 3.11.5.5 Controlled Activity Rule – Existing commercial vegetable production   | Support         | Supports Rule 3.11.5.5 that provides a Controlled Activity non-notified consent pathway that recognises and provides for: <ul style="list-style-type: none"> <li>• The essential aspects of the vegetable production industry in the Waikato.</li> <li>• Targeted reductions required for vegetable growing that are fair given the impact of the sector on water quality and the likely cost to the community of achieving the targets.</li> <li>• Protection of existing production as a priority over any new production that is likely to have a greater contribution of discharges.</li> <li>• Protection of the concept of an authorised farm enterprise through a capped area controlled activity consent, that allows for rotation across new and existing land parcels.</li> <li>• Ensures the proposed farm planning framework is practical and achievable for growers.</li> </ul> | Retain as proposed.   |
| <b>New Restricted Discretionary Activity Rule</b> – The management of contaminants from farming activities by a catchment collective | Support         | The plan should enable the collaborative management of discharges at a scale greater than a single farm. Farmer / catchment collectives managing discharges as a single enterprise within a subcatchment or a water management unit are very likely to achieve environmental outcomes in a more coordinated and effective way.   | Amend plan to provide a <b>new restricted discretionary rule</b> to enable contaminant management by a catchment collective.  |
| 3.11.5.7 Non-Complying Activity Rule   | Oppose          | <b>We oppose the non-complying activity status for land use change to</b>  | <b>Add new restricted discretionary activity rule</b> that enables the use of land for new  |

|                          |  |  |  |
|--------------------------|--|--|--|
| <p>- Land Use Change</p> |  | <p>commercial vegetable production. The plan should enable opportunities for new vegetable production through a new <b>restricted discretionary</b> rule if the proposed operation can demonstrate a decrease in discharges compared to the activity it is replacing. Those discharges should be <b>assessed across all four contaminants</b> as covered by the plan change.</p> | <p>and additional commercial vegetable production where the effects of the land use change can demonstrate that there will be a decrease in the discharges of nitrogen, phosphorous, sediment or microbial pathogens as a result of the land use change,</p> |
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## A S WILCOX & SONS LIMITED

### SUBMISSION ON WAIKATO REGIONAL PLAN CHANGE 1 WAIKATO AND WAIPA RIVER CATCHMENTS

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#### COMPANY PROFILE

1. My name is Brent Michael Wilcox and I am a director and General Manager Supply, for A S Wilcox & Sons Ltd.
2. I have a degree in Horticultural Science from Massey University and have worked for the Wilcox group of companies for 30 years
3. The Wilcox group of companies are a substantial business involved with the growing, packing and distribution of fresh produce throughout New Zealand and also for export worldwide.
4. The business is currently managed by third generation descendants of Arthur Sidney (Sid) Wilcox who founded the business in the early 1930's.
- 5.. The company has a production base of 1800 hectares with 400 hectares of that production area falling directly within the scope of Plan Change 1

6. The company grows vegetables across four regions from Northland and Auckland to the Waikato and Horizons regions.

7. In order to maintain an environmentally and economically sustainable operation vegetable crops are grown on a rotational basis across all four regions with rotations in the Auckland and Waikato Regions being particularly closely linked.

8. Vegetable growing operations are carried out on multiple land parcels, both owned and leased, throughout the regions and particularly within the area covered by Plan Change 1. This type of operation is geographically diverse and fundamentally different to the individual single location property typical of most farming operations.

9. As well as being subject to differing Regional regulations, Plan Change 1 subjects our business to differing regulations within the Waikato Region as we also have substantial production areas in the vicinity of Matamata which is not covered by Plan Change 1

10. These differing areas of regulation are further complicated by the removal of part of the Plan covering the area of Hauraki Iwi as this separates our production area in Pukekawa/Onewhero into two parts. Our submission attached covers this point which means that within the Waikato Region alone we will be operating under three different sets of regulations.