



188 MILL ROAD
RD1, BOMBAY 2675
P 09 236 0099 F 09 236 0019
E suthprod@xtra.co.nz

Chief Executive
Waikato Regional Council
Private Bag 3038
Waikato Mail Centre
HAMILTON 3240

09 March 2017

Dear Sir,

Please find enclosed a hard copy of the submission on the Proposed Waikato Regional Plan Change 1 from Sutherland Produce Ltd previously submitted by email on 08 March 2017.

Yours faithfully,

Stuart Davis
GENERAL MANAGER

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	
FOR OFFICE USE ONLY			
		Submission Number	
Entered		Initials	
File Ref		Sheet 1 of	

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

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

YOUR NAME AND CONTACT DETAILS		
Full name Stuart Davis c/- Sutherland Produce Ltd		
Full address 188 Mill Road, Bombay 2675		
Email stuart@suthprod.co.nz	Phone 09 236 0099	Fax 09 236 0019

ADDRESS FOR SERVICE OF SUBMITTER		
Full name Stuart Davis c/- Sutherland Produce Ltd		
Address for service of person making submission Stuart Davis c/- Sutherland Produce Ltd		
Email stuart@suthprod.co.nz	Phone 09 236 0099	Fax 09 236 0019

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 effects 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.)*

Attached on separate sheets

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

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.)*

As per attached 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 08 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.

Overview of submission

Sutherland Produce Ltd (SPL) is a grower, packer and shipper of horticultural produce. Our main products are broccoli, lettuce (iceberg, cos and multileaf types), and silverbeet. Our operation is based in the Bombay area and we have been in operation for 40 years and currently utilise a land area of around 400 hectares annually. Although the proposed Waikato Regional Plan Change 1 has no significant direct impact on SPL's current production, SPL is concerned about the following indirect impacts of the proposed plan change:

- (i) restrictions on the cropping use of possible rotational land that might be used by SPL in future: SPL has land leasing and swapping arrangements with landlords and cropping operations who do have land available in the area affected by the plan change
- (ii) land lease costs and rotational pressure on cropping land for vegetable production in the adjoining Auckland Region;
- (iii) provisions adverse to the ongoing viability of vegetable cropping adopted in the WRC Plan Change 1 which might be adopted by the adjoining Auckland Regional Council in its own Wai Ora Healthy Waterways process

SPL supports the submission on proposed Plan Change 1 made by Horticulture New Zealand (Inc) as outlined in the following pages. SPL also records its concern about the commercial confidentiality of some of the information sought by WRC under the proposed Plan Change (e.g. stock counts as recorded in annual financial accounts – Schedule B g i).

Additional sheet to assist in making a 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: Area Covered by Chapter 3	Oppose	Oppose the progression of a PC1 without a comprehensive whole of catchment planning response.	Withdraw PC1 in its entirety to allow for consultation with Hauraki iwi before any further Proposed Plan Change. 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.
Chapter 3.11: Background and Explanation	Oppose	The plan would be improved by adding an issue statement to address particular issues for the horticultural sector.	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 leafy greens, potatoes and carrots for domestic consumption in key periods of the national domestic foodchain. Ensure the plan provides for the establishment of an alternative method or model to establish a benchmark nitrogen and phosphorus discharge for commercial vegetable production systems from OVERSEER. The plan should make an explicit statement to recognise permanent fruit production as a low intensity farming activity.
3.11.1: Values And Uses For The Waikato And Waipa Rivers	Support	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.	Retain Primary Production as a Mana Tangata value.
3.11.2 OBJECTIVES			
Objective 2 Social, economic and cultural wellbeing is maintained in the long term	Support	Maintaining social, economic and cultural wellbeing must be a cornerstone objective in PC1.	Retain as proposed.
Objective 3 Short-term improvements in water quality in the first stage of restoration and protection of water	Support in part	It is agreed that a 10% reduction should be sought overall but targeted reductions required for vegetable growing should be fair.	Amend the plan to provide flexibility to land managers seeking to achieve reductions collaboratively at a catchment or subcatchment scale.

quality for each sub-catchment and Freshwater Management Unit			
Objective 4 People and community resilience	Support in part	The proposed plan change cannot and should not allocate discharge rights.	Amend the objective to recognise that this plan change is transitional, to provide time to develop the tools required to more efficiently allocate responsibility for achieving contaminant reduction targets in the long-term.
3.11.3 POLICIES			
Policy 1: Manage diffuse discharges of nitrogen, phosphorus, sediment and microbial pathogens	Support	Support the recognition and enablement of low intensity farming systems. This is particularly important for the fruit production sector which has a low environmental risk that should be entitled to expand without excessive limitations through the ten-year transitional period.	Retain as proposed
Policy 2: Tailored approach to reducing diffuse discharges from farming activities/	Support in part/Oppose in part	Support a policy platform that provides for a Farm Environment Plan approach established by resource consent or certified industry schemes. There should be alternatives to the nitrogen reference point during the transitional period given the limitations of OVERSEER for modelling horticultural systems. 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	Amend policy to provide alternatives to the nitrogen reference point during the transitional period given the limitations of OVERSEER for modelling horticultural systems. Amend policy to 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 3: Tailored approach to reducing diffuse discharges from commercial vegetable production systems	Support in part	Supports a policy platform that provides for: <ul style="list-style-type: none"> • The essential aspects of the vegetable production industry in the Waikato. • 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. • Protects existing production as a priority over any new production that is likely to have a greater contribution of discharges. • Protects the concept of an authorised farm enterprise through a capped area controlled activity consent, that allows for rotation across new and existing land parcels. • Enables opportunities for new vegetable production through a new restricted discretionary rule if the proposed operation can 	Retain policy approach subject to consequential amendments to other policies and methods to give effect to the relief sought.

		<p>demonstrate a decrease in discharges compared to the activity it is replacing. Those discharges should be assessed across all four contaminants as covered by the plan change.</p> <ul style="list-style-type: none"> • Ensures the proposed farm planning framework is practical and achievable for growers. 	
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. 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 not agree however that operations capable of demonstrating clear and enduring decreases in existing diffuse discharges should be required to undertake an application for a non complying activity resource consent. They should be provided for as a restricted discretionary activity.</p>	Provide a restricted discretionary activity for operations capable of demonstrating clear and enduring decreases in existing diffuse discharges.
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	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 subcatchments 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.

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. 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.
3.11.5 RULES			
3.11.5.1 Permitted Activity Rule – Small and Low Intensity farming activities	Support	Support recognition and enablement of low intensity farming systems. This is particularly important for the fruit production sector. The regional plan must continue to recognise permanent fruit production as a low intensity farming activity that is entitled to expand without excessive limitations through the ten-year transitional period.	Retain as proposed.
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"> • The essential aspects of the vegetable production industry in the Waikato. • 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. • Protection of existing production as a priority over any new production that is likely to have a greater contribution of discharges. • 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. • Ensures the proposed farm planning framework is practical and achievable for growers. 	Retain as proposed.
New Restricted Discretionary Activity Rule – The management of contaminants from	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	Amend plan to provide a new restricted discretionary rule to enable contaminant management by a catchment collective.

farming activities by a catchment collective		single enterprise within a subcatchment or a water management unit are very likely to achieve environmental outcomes in a more coordinated and effective way.	
3.11.5.7 Non-Complying Activity Rule – Land Use Change	Oppose	Opposes the non-complying activity status for land use change to commercial vegetable production. The plan should enable opportunities for new vegetable production through a new restricted discretionary rule if the proposed operation can demonstrate a decrease in discharges compared to the activity it is replacing. Those discharges should be assessed across all four contaminants as covered by the plan change.	Add new restricted discretionary activity rule that enables the use of land for new 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,